

# Identify Regulatory Processes and Procedures

Over the past few years, credit union membership growth has been stagnant. You have to look to increasing membership penetration within your existing field of membership or expanding your field of membership. And one of the fastest growing market segments for all financial institutions is the Hispanic market.

To effectively serve the Hispanic market, you must have in place all the steps you need to serve both documented and undocumented immigrants.

Today, more than 400 credit unions, banks, and thrifts are accepting the Matricula Consular identification card and providing services to undocumented immigrants, according to the Mexican Foreign Ministry.

While most analysts put the number of undocumented immigrants in the U.S. at around 11 million, a recent study by Bear Sterns Asset Management concluded that data on housing permits, school enrollment, and foreign remittances suggest there could be as many as 20 million non-resident immigrants here.

Hispanics, one of the nation's largest sources of

population growth, add nearly 700,000 new consumers to the economy every year. Businesses are targeting the undocumented immigrants because 84% of them are 18- to 44-year-olds, in their prime spending years.



Financial institutions will be the big winners when it comes to serving undocumented Hispanics, says *Business Week*. Nearly one-third (32%) of all Hispanics lack an account with a financial institution.

To serve the Hispanic market, you need to know the laws and regulations regarding immigration and documentation. We're not going to get into the debate over the pros and cons of using the Matricula Consular card. After all, if you're targeting this market, you've already settled that debate internally. If you haven't settled this issue, use the following pages for discussion and decision-making.

The following pages contain regulatory issues to be aware of.

## What the regulatory issues are

If you're going to serve the Hispanic community, you had better know the general laws and processes regarding immigration, as well as the rules and regulations to serve documented and undocumented immigrants. There may be differences in every state. And with controversy surrounding much of the legislation, there may be changes yet to come. It's important to talk to local offices and agencies to ensure that your credit union is well informed.

## Immigration

In March 2003, President Bush transferred the services and functions of the U.S. Immigration and Naturalization Service (INS) to the Department of Homeland Security. The INS is now known as the Bureau of Citizenship and Immigration Services (BCIS). The BCIS has now become the agency that administers immigration and naturalization, as well as establishing immigration policies and priorities.

BCIS tasks include:

- Making judicial decisions about immigrant visa petitions;
- Determining the ruling of naturalization petitions;
- Making judicial decisions about asylum and refugee applications;
- Making judicial decisions at service centers; and
- All other judicial decisions performed by the INS.

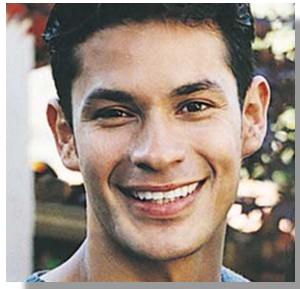
This change has created considerable controversy and debate, causing concern among immigration advocacy groups and receiving support from groups lobbying for stricter immigration laws.

Immigration advocacy groups, such as National Council of La Raza, are concerned that this change will have far-reaching negative consequences for the country's Latino population. They believe that placing immigration services within the Department of Homeland Security will suggest that all immigrants will be considered security threats.

Since its creation, the United States immigration function has been managed under the Departments of Treasury, Commerce, Labor, Justice, and now Homeland Security. Immigrant advocates say that each move symbolically changes the image of immigration from that of workers, family members, contributors, and people seeking asylum and refuge, to a threatening group of people that the nation's security agency needs to monitor and regulate.

## Citizenship

U.S. citizens are native-born, foreign-born, or naturalized individuals who pledge allegiance to the United States and are entitled to its benefits and protection.



U.S. citizens have the right to vote, have a U.S. passport, receive the U.S. government's protection when abroad, and the right to petition for green cards for their children and close relatives. U.S. citizens cannot be deported or lose their citizenship regardless of any crimes they have committed or if they have chosen to live in another country.

- **By birth.** Individuals are automatically U.S. citizens by birth if they are born in the United States, including Puerto Rico, Guam, and the U.S. Virgin Islands.

An individual born abroad is also considered a U.S. citizen by birth if both parents were citizens at the time of the individual's birth, if at least one parent lived in the United States at some point in their life, and the individual's record of birth abroad is registered at a U.S. consulate or embassy.

If an individual was born abroad and has only one parent who is a U.S. citizen, the individual is a citizen as well if the citizen parent lived in the U.S. for at least five years before the individual's birth and at least two of these five years occurred after the citizen parent's 14th birthday.

- **Through naturalization.** Individuals who are not U.S. citizens by birth can become citizens through a process called naturalization. People who are age 18 or older can apply for naturalization from the INS/BCIS. To qualify, an individual has to have lived for a continuous period of time in the United States. Individuals must be able to read, write, and speak English and have good moral character. Applicants must also have an attachment to the principles of the U.S. Constitution and have a favorable disposition toward the United States. Some of the requirements are modified or not required for some applicants, such as spouses of U.S. citizens.

The naturalization process can take anywhere from six months to two years and currently costs each applicant about \$390. If the INS/BCIS grants the applicant naturalization, the individual becomes a citizen after taking the Oath of Allegiance to the United States.

If the INS/BCIS denies the application, there is an

administrative review process and the applicant can request a hearing with an immigration officer if the individual thinks he or she has been wrongly denied naturalization.

• **Visas.** The U.S. issues many kinds of visas for a variety of purposes. The two main types of visas are *nonimmigrant visas*—temporary visas—and *immigrant visas*—permanent residence visas.

The government issues immigrant visas to people who qualify for permanent residence in the U.S. People qualify through a variety of methods, including:

1. Immigration through a family member;
2. Immigration through employment;
3. As a refugee or person seeking asylum;
4. Immigration through the Diversity Lottery;
5. Immigration through international adoption;
6. Violence Against Women (VAWA); and
7. Immigration through the Immigration and Nationality Act.

The government gives temporary visas for a variety of reasons. These visas come in many forms. They differ from one another in the kinds of privileges they provide and how long they last. Some types include:

1. Business or pleasure visitors;
2. Temporary workers;
3. Students attending U.S. schools;
4. Exchange visitors;
5. Foreign nationals entering the U.S. as the fiancé of a U.S. citizen;
6. NAFTA professionals;
7. K nonimmigrant visas (LIFE Act);
8. T nonimmigrant visas (VTVPA); and
9. V nonimmigrant visas (LIFE Act).

• **Green Cards.** Every year, the government makes 50,000 immigrant visas available through the Diversity Visa Lottery Program, or the Green Card Lottery. The government offers this program to people who come from countries with low immigration rates to the U.S. These visas are not available to people coming from countries that have sent more than 50,000 immigrants to the U.S. in the past five years.

Immigrants selected under this program receive permanent residence visas and the legal right to live, work, and study here. It also gives them the right to bring their spouse and any unmarried children under the age of 21.

The INS/BCIS accepts green card applications year-round. Each card is sorted by region (Africa, Asia, South America, etc.) and is individually numbered and screened. A computer at the Kentucky

Consular Center randomly selects and registers applications within each region. The State Department then selects approximately 90,000 applications to ensure that all 50,000 green cards will be issued. Only the first 50,000 qualified applicants actually receive the green card.



An individual's permanent residence begins on the date they were granted permanent resident status. An expiration date appears on the permanent resident card (formerly known as Alien Registration Card) and normally extends for a 10-year period. Cards issued from 1979 to 1988 have no expiration date. The government can issue new cards after the old one expires.

### Serving the undocumented

A documented individual is an immigrant who lives here legally. This individual should have any one of the variety documents—temporary visa, a permanent or temporary visa with work privileges, a permanent or temporary visa without work privileges, a permanent resident card (green card), Social Security number, individual tax identification number (ITIN), or some other document giving them the legal right to be in the United States.

An undocumented individual is an immigrant residing in the United States without valid residency documentation. The person may have entered through the Mexican or Canadian border illegally. Or the person may have entered the U.S. with a legal temporary visa and then illegally overstayed the length of the visa. This individual may have fake identification information or none at all. Undocumented immigrants could still have an ITIN.

The National Credit Union Administration (NCUA) permits credit unions to serve undocumented individuals if they fall within the credit union's field of membership, regardless of their citizenship. NCUA detailed its position in a legal opinion letter in December of 1988 (not numbered).

In December 1992, NCUA expounded upon the issue, stating the following in a legal opinion letter (#92-1119):

"Neither the Federal Credit Union Act ("FCU Act") nor the NCUA Rules and Regulations ("Regulations") prohibits a nonresident alien from joining a FCU

(provided that he is within the field of membership). This does not mean, however, that a FCU may not take an individual's citizenship, or lack of citizenship, into account when considering a membership application. We believe that a FCU's board of directors may impose membership requirements in addition to those set forth in the FCU Act, as long as there is a rational basis for such requirements."

### The IRS, INS/BCIS, and credit unions

Regardless of any member's political or personal opinion regarding immigration, credit unions and other financial institutions do not have to provide any information regarding its members or customers and their citizenship to the INS/BCIS under any circumstances unless issued a subpoena. The Internal Revenue Service (IRS) does not have to give any information to the INS/BCIS either, unless issued a subpoena. However, currently there is no law that prohibits the IRS or the Labor Department from sharing information with the INS/BCIS.

At this time, when a person opens a credit union account and completes Form W-8BEN, the person is claiming exception from domestic information reporting and backup withholding on credit union interest income. Once a credit union receives the W-8BEN, it does not need to file the 1099-INT or a Form 1042-S.

### Social Security and other numbers

Legally, no one needs a Social Security number to become a credit union member. While some credit union bylaws or procedures might need a Social Security number, this is usually used to report interest income to the IRS or to check credit for loans.

The IRS requires that credit unions offering savings account services provide a 1099 form for any account earning more than \$10 in interest in a given year. Credit unions need to provide the name, address, and either a Social Security number or ITIN. Undocumented individuals can get an ITIN, but cannot get a Social Security number.

People can receive an ITIN from the IRS by filling out a 1099 W-7 form in English or 1199 W-7 form in Spanish. They can receive the form by calling 800-TAX-FORM which also has messages in Spanish. It is also on the Internet at <http://irs.gov>.

On these forms, the IRS states that the ITIN application will not affect a person's immigration status. Many undocumented individuals will be worried or scared that filling out forms for a

government agency will mean that the INS/BCIS will also find out about them. It is important to explain to them that the IRS cannot report anything to the INS/BCIS unless they are issued a subpoena.



### Membership and saving services

Many undocumented members of the Latino community have family members who are legal immigrants or citizens. As a result, these relatives have valid Social Security numbers. By permitting family members to become credit union members, the legal resident can be the primary account holder and the undocumented individual can be the secondary account holder.

Another alternative is to offer undocumented individuals a nondividend-bearing account. This option avoids the IRS but also means that the members give up earning interest. Those who choose this service usually do so because it is a safe place to keep their money. It is important that credit unions document that members are voluntarily choosing this option. You must make it clear that you are not being discriminatory, segregating members, or refusing them membership.

The NCUA addressed this concern in a legal opinion letter (#99-0448). NCUA said that nondividend-savings accounts are an acceptable service as long as a federal credit union is not withholding dividends as a way to suspend the member's services. Instead, the credit union is offering this account to all members equally and it remains the member's choice.

Those credit unions offering nondividend-bearing accounts need to take into account the Truth-in-Savings Act (TIS). Under TIS, credit unions need to disclose the rate, compounding and balance information, including fees, transaction limitations, specific certificate account information, bonus information, and the nature of dividends. If you decide to offer nondividend-bearing accounts, be sure that you provide accurate TIS disclosures.

Should the credit union or undocumented members want dividend-bearing savings accounts, the undocumented individual will need to have an ITIN. If they do not (and many won't), then the person needs to fill out a W-8BEN form. This allows the credit union to comply with IRS reporting require-

ments. The undocumented individual will also have to show proper identification. It may be difficult for undocumented individuals to get a driver's license or other similar document; so many credit unions accept state identification cards, passports, Matricula Consulars or other documents.

### U.S. PATRIOT Act and your member identification policy

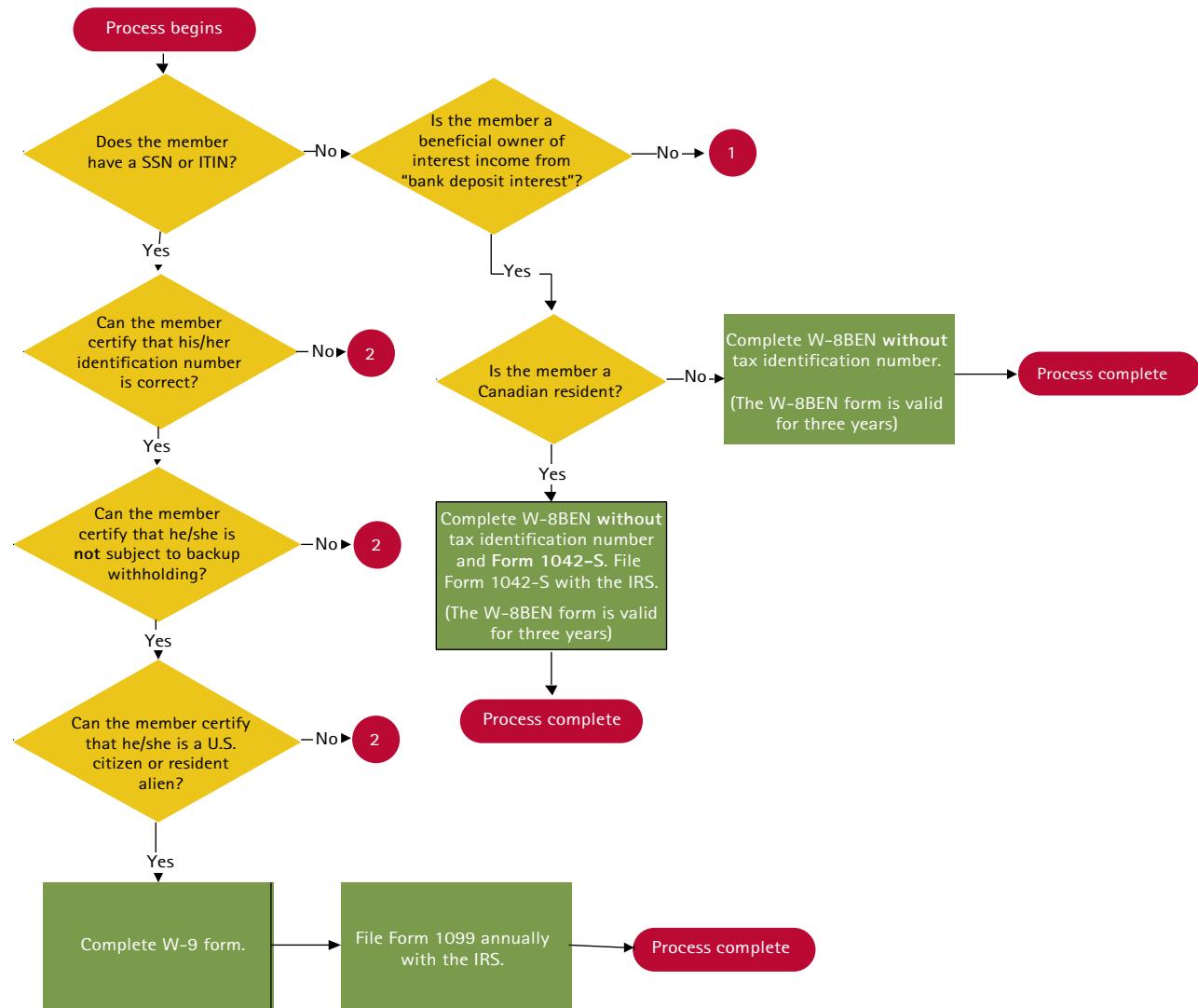
When Congress passed and the President signed into law the 300-page law known as the U.S. PATRIOT Act, it formalized efforts to include credit unions and other financial entities in government

efforts to detect or prevent transactions related to terrorist financing.

Of course, credit unions have been diligently working to verify the identity of their members long before the PATRIOT Act was signed into law. But the PATRIOT Act now requires financial institutions to have account opening procedures or a member identification program and attempt to verify the information members provide. For some credit unions, this new obligation formalizes what you were already doing.

In essence recent immigrants and undocumented individuals need to provide a primary and secondary

## Information Reporting for Eligible Members



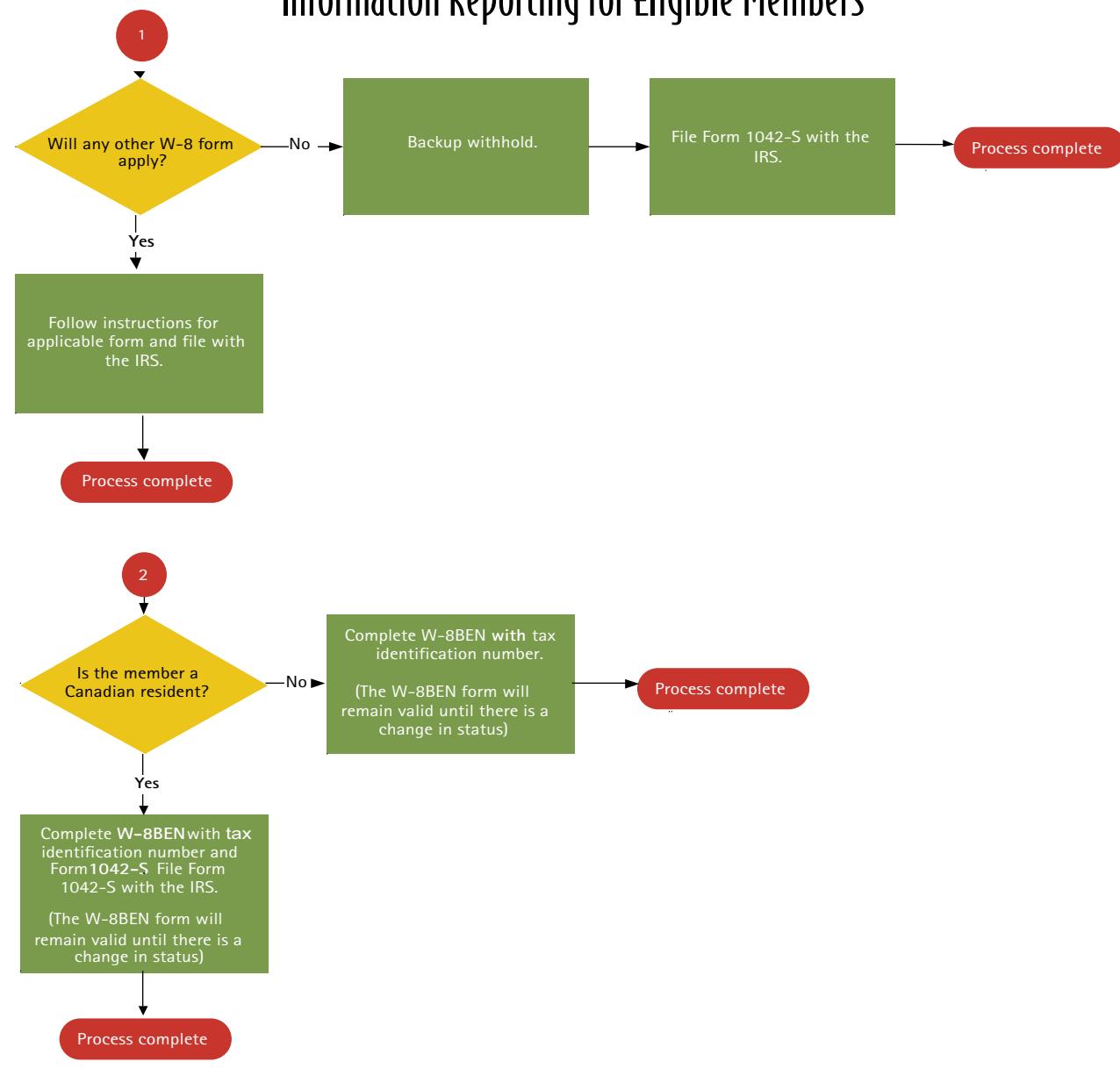
form of identification. In many cases that means obtaining four pieces of information—name, address, date of birth—and a government identifier such as a Social Security number, Individual Taxpayer Identification Number, or driver's license. (That is particularly problematic in the case of a potential foreign accountholder because many different forms of identification are unfamiliar to U.S. institutions.) A list of accepted identifications that many credit unions are using begins in Step 5.

Of course, the intent of the PATRIOT Act is to

stop or identify potential terrorist activities. The 9/11 Commission has already reported that all of the operatives opened accounts in their own names and used passports and other standard identification documents. There was no evidence that they used fake Social Security numbers and their financial transactions were unremarkable in the sense that they were not big-ticket transactions.

That suggests it will be difficult for financial institutions to identify low dollar accounts. In fact, many believe the identification procedures the

## Information Reporting for Eligible Members



PATRIOT Act has implemented would not have prevented the 9/11 terrorists access to a financial institution.

Of course, that doesn't mean the PATRIOT Act has not had its successes. The PATRIOT Act has been used to send the names of more than 1,500 individuals suspected of terrorism financing or money laundering to more than 26,000 financial institutions resulting in more than 10,500 matches that were passed on to law enforcement officials.

For some observers, the issue is not whether the PATRIOT Act is useful, but whether it goes too far or expects too much from financial institutions. To stem the financing of terrorism, government may have to commit to providing up-to-date intelligence to the financial sector.

At a minimum the PATRIOT Act suggests the need of a separate member identification policy at your credit union. We offer a sample from KEMBA Financial CU, located in Step 5 on pages 8, 9, 10, and 11.

### **Matricula Consular**

The Matricula Consular is an identification card the Mexican government issues to all Mexican citizens living in the U.S. The card allows Mexican immigrants in the U.S. a way to present identification and qualify for bank and credit union services.

The Matricula Consular helps satisfy the requirements stated in the USA PATRIOT Act—an anti-terrorism, antimoney laundering law President Bush signed in 2001 and Congress extended recently. The

rules require that credit unions and other financial institutions implement reasonable procedures to verify the identity of anyone opening an account. It also requires that certain record-keeping procedures be used and requires that you determine whether the person appears on any list of known or suspected terrorists or terrorist organizations.

The Treasury Department gives financial institutions the flexibility to decide what documents they will accept as proof of identity before opening an account. That means you can use identifying information you currently obtain—including the member's name, address, birth date, and Social Security number for U.S. citizens and a similar identification number from a government-issued document for non-U.S. citizens. The Matricula Consular satisfies this requirement.

At the state level, some state representatives have introduced legislation to prevent Matricula Consular from being used as an ID at federal agencies. They want to discourage state and local governments from recognizing them. The state of New York does not accept the cards. However, this does not affect New York financial institutions' ability to use the cards because the private sector does not have to follow state procedures.

The Matricula Consular debate continues and rules regarding its use may differ from state to state. It's important for credit unions to keep up-to-date with any new developments. Monitor changes through your state and federal regulators.

# Mexican Consulate Offices in the U.S. [www.mexonline.com/consulate.htm](http://www.mexonline.com/consulate.htm)

## Arizona

Douglas  
1201 F Avenue,  
Douglas, AZ 85607  
Tel: 520-364-3142  
Fax: 520-364-1379

Nogales  
571 N. Grand Ave.,  
Nogales, AZ 85621  
Tel: 520-287-2521  
Fax: 520-287-3175

Phoenix  
1990 W. Camelback, Suite 110,  
Phoenix, AZ 85015  
Tel: 602-242-7398  
Fax: 602-242-2957

Tucson  
553 S. Stone Ave.,  
Tucson, AZ 85701  
Tel: 520-882-5595  
Fax: 520-882-8959  
E-mail: contucmx@mindspring.com

## California

Calexico  
331 W. Second St.,  
Calexico, CA 92231  
Tel: 760-357-3863  
Fax: 760-357-6284

Fresno  
2409 Merced St.,  
Fresno, CA 93721  
Tel: 559-233-3065  
Fax: 559-233-4219  
E-mail: consulado@  
consulmexfresno.net

Los Angeles  
2401 W. Sixth St.,  
Los Angeles, CA 90057  
Tel: 213-351-6800  
Fax: 213-389-9249

Oxnard  
201 E. Fourth St., Suite 206-A,  
Oxnard, CA 93030  
Tel: 805-483-4684  
Fax: 805-385-3527

Sacramento  
1010 8th St.,  
Sacramento, CA 95814  
Tel: 916-441-3287  
Fax: 916-441-3176  
E-mail: consulsac1@quiknet.com

San Bernadino  
293 North D St.,  
San Bernadino, CA 92401  
Tel: 909-889-9837  
Fax: 909-889-8285

San Diego  
1549 India St.,  
San Diego, CA 92101  
Tel: 619-231-8414  
Fax: 619-231-4802  
E-mail: info@consulmexsd.org

San Francisco  
532 Folsom St.,  
San Francisco, CA 94105  
Tel: 415-354-1700  
Fax: 415-495-3971

San Jose  
540 North First St.,  
San Jose, CA 95112  
Tel: 408-294-3414  
Fax: 408-294-4506

Santa Ana  
828 N. Broadway St.,  
Santa Ana, CA 92701-3424  
Tel: 714-835-3069  
Fax: 714-835-3472

## Colorado

Denver  
48 Steele St.,  
Denver, CO 80206  
Tel: 303-331-1110  
Fax: 303-331-1872

## District of Columbia

Washington (Embassy of Mexico)  
1911 Pennsylvania Ave., N.W.,  
Washington, D.C. 20006  
Tel: 202-736-1000  
Fax: 202-234-4498  
E-mail: consulwas@aol.com

## Florida

Miami  
5975 Sunset Dr.,  
South Miami, FL 33143  
Tel: 786-268-4900  
Fax: 786-268-4895  
E-mail: conmxmia@bellsouth.net

Orlando  
100 W. Washington St.,  
Orlando, FL 32801  
Tel: 407-422-0514  
Fax: 407-422-9633

## Georgia

Atlanta  
2600 Apple Valley Rd.,  
Atlanta, GA 30319  
Tel: 404-266-2233  
Fax: 404-266-2302

## Illinois

Chicago  
300 N. Michigan Ave., 2nd Fl.,  
Chicago, IL 60651  
Tel: 312-855-1380  
Fax: 312-855-9257

## Louisiana

New Orleans  
World Trade Center Building  
2 Canal St., Suite 840,  
New Orleans, LA 70115  
Tel: 504-522-3596  
Fax: 504-525-2332

## Massachusetts

Boston  
20 Park Plaza, Suite 506,  
Boston, MA 02116  
Tel: 617-426-4181  
Fax: 617-695-1957

## Michigan

Detroit  
645 Griswold Ave., Suite 1700,  
Detroit, MI 48226  
Tel: 313-964-4515  
Fax: 313-964-4522

# Mexican Consulate Offices in the U.S.

[www.mexonline.com/consulate.htm](http://www.mexonline.com/consulate.htm)

## **Missouri**

**Kansas City**  
1600 Baltimore, Suite 100,  
Kansas City, MO 64108  
Tel: 816-556-0800  
Fax: 816-556-0900

## **Nebraska**

**Omaha**  
3552 Dodge St.,  
Omaha, NE 68131  
Tel: 402-595-1841-44  
Fax: 402-595-1845

## **New Mexico**

**Albuquerque**  
1610 4th Street NW,  
Albuquerque, NM 87102  
Tel: 505-247-4177  
Fax: 505-842-9490

## **New York**

**New York**  
27 East 39th. St.,  
New York, NY 10016  
Tel: 212-217-6400  
Fax: 212-217-6493

## **North Carolina**

**Charlotte**  
P.O. Box 19627,  
Charlotte, NC 28219  
Tel: 704-394-2190

**Raleigh**  
336 E. Six Forks Rd.,  
Raleigh, NC 27609  
Tel: 919-754-0046  
Fax: 919-754-1729

## **Oregon**

**Portland**  
1234 S.W. Morrison,  
Portland, OR 97205  
Tel: 503-274-1450  
Fax: 503-274-1540

## **Pennsylvania**

**Philadelphia**  
111 S. Independence Mall E,  
Suite 310, Bourse Building,  
Philadelphia, PA 19106  
Tel: 215-922-3834  
Fax: 215-923-7281

## **Texas**

**Austin**  
200 E. Sixth St., Suite 200,  
Austin, TX 78701  
Tel: 512-478-2866  
Fax: 512-478-8008

## **Brownsville**

724 E. Elizabeth St.,  
Brownsville, TX 78520  
Tel: 956-542-4431  
Fax: 956-542-7267

## **Corpus Christi**

800 N. Shoreline Blvd., Suite 410,  
North Tower,  
Corpus Christi, TX 78401  
Tel: 512-882-3375  
Fax: 512-882-9324

## **Dallas**

8855 N. Stemmons Freeway,  
Dallas, TX 75247  
Tel: 214-252-9250 ext. 123  
Fax: 214-630-3511

## **Del Rio**

300 E. Losoya,  
Del Rio, TX 78841  
Tel: 830-775-2352  
Fax: 830-774-6497

## **Eagle Pass**

140 Adams St.,  
Eagle Pass, TX 78852  
Tel: 830-773-9255  
Fax: 830-773-9397

## **El Paso**

910 E. San Antonio St.,  
El Paso, TX 79901  
Tel: 915-533-3644  
Fax: 915-532-7163

## **Houston**

4507 San Jacinto St.,  
Houston, TX 77004  
Tel: 713-271-6800  
Fax: 713-271-3201

## **Laredo**

1612 Farragut St.,  
Laredo, TX 78040  
Tel: 956-723-6369  
Fax: 956-723-1741

## **McAllen**

600 S. Broadway Ave.,  
McAllen, TX 78501  
Tel: 956-686-0243  
Fax: 956-686-4901

## **McAllen**

511 W. Ohio, Suite 121,  
Midland, TX 79701  
Tel: 915-687-2334  
Fax: 915-687-3952

## **San Antonio**

127 Navarro St.,  
San Antonio, TX 78205  
Tel: 210-271-9728  
Fax: 210-227-7518

## **Utah**

**Salt Lake City**  
230 West 400 South, 2nd Floor,  
Salt Lake City, Utah 84047  
Tel: 801-521-8502  
Fax: 801-521-0534

## **Washington**

**Seattle**  
2132 Third Ave.,  
Seattle, WA 98121  
Tel: 206-448-3526  
Fax: 206-448-4771

W-7

Form W-7  
(Rev. January 2006)  
Department of the Treasury  
Internal Revenue Service

## **Application for IRS Individual Taxpayer Identification Number**

► See instructions.

► For use by individuals who are not U.S. citizens or permanent residents.

OMB No. 1545-0074

**An IRS individual taxpayer identification number (ITIN) is for federal tax purposes only.**

**FOR IRS USE ONLY**

## **Before you begin:**

- **Do not submit** this form if you have, or are eligible to obtain, a U.S. social security number (SSN).
  - Getting an ITIN does not change your immigration status or your right to work in the United States and does not make you eligible for the earned income credit.

**Reason you are submitting Form W-7.** Read the instructions for the box you check. **Caution:** If you check box b, c, d, e, or g, you must file a tax return with Form W-7 unless you meet one of the exceptions (see instructions).

- a**  Nonresident alien required to obtain ITIN to claim tax treaty benefit  
**b**  Nonresident alien filing a U.S. tax return  
**c**  U.S. resident alien (**based on days present in the United States**) filing a U.S. tax return  
**d**  Dependent of U.S. citizen/resident alien } Enter name and SSN/ITIN of U.S. citizen/resident alien (see instructions) ► .....  
**e**  Spouse of U.S. citizen/resident alien } .....  
**f**  Nonresident alien student, professor, or researcher filing a U.S. tax return  
**g**  Dependent/spouse of a nonresident alien holding a U.S. visa  
**h**  Other (see instructions) ► .....  
Additional information for **a** and **f**: Enter treaty country ► ..... and treaty article number ► .....

**For Paperwork Reduction Act Notice, see page 4.**

Cat. No. 10229L

Form **W-7** (Rev. 1-2006)

## General Instructions

### Purpose of Form

Use Form W-7 to apply for an IRS individual taxpayer identification number (ITIN). An ITIN is a nine-digit number issued by the U.S. Internal Revenue Service (IRS) to individuals who are required for U.S. tax purposes to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain, a social security number (SSN).

**The ITIN is for federal tax purposes only.** It does not entitle you to social security benefits and does not change your immigration status or your right to work in the United States. Also, individuals filing tax returns using an ITIN are not eligible for the earned income credit (EIC).

**SSNs.** Do not complete Form W-7 if you have an SSN or you are eligible to obtain an SSN. You are eligible for an SSN if you are a U.S. citizen or if you have been admitted by the United States for permanent residence or U.S. employment.

If you have an application for an SSN pending, do not file Form W-7. Complete Form W-7 only if the Social Security Administration (SSA) notifies you that an SSN cannot be issued.

To obtain an SSN, see Form SS-5, Application for a Social Security Card. To get Form SS-5 or to find out if you are eligible to obtain an SSN, go to [www.socialsecurity.gov](http://www.socialsecurity.gov) or contact an SSA office.

### Who Must Apply

Any individual who is not eligible to obtain an SSN but who must furnish a taxpayer identification number must apply for an ITIN on Form W-7. Examples include the following.

- A nonresident alien individual eligible to obtain the benefit of reduced withholding under an income tax treaty. See Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities.
- A nonresident alien individual not eligible for an SSN who is required to file a U.S. tax return or who is filing a U.S. tax return only to claim a refund.
- A nonresident alien individual not eligible for an SSN who elects to file a joint U.S. tax return with a spouse who is a U.S. citizen or resident.
- A U.S. resident alien (based on the substantial presence test) who files a U.S. tax return but who is not eligible for an SSN. For information about the substantial presence test, see Pub. 519, U.S. Tax Guide for Aliens.
- An alien spouse claimed as an exemption on a U.S. tax return who is not eligible to obtain an SSN.
- An alien individual eligible to be claimed as a dependent on a U.S. tax return but who is not eligible to obtain an SSN. To determine if an alien individual is eligible to be claimed as a dependent on a U.S. tax return, see Pub. 501, Exemptions, Standard Deduction, and Filing Information, and Pub. 519.
- A nonresident alien student, professor, or researcher who is required to file a U.S. tax return but who is not eligible for an SSN.
- A dependent/spouse of a nonresident alien holding a U.S. visa who is not eligible for an SSN.

**ITIN not needed for Forms 4868, 1040-ES, or 1040-ES(NR).** If you are filing an application for an extension of time to file using Form 4868, or making an estimated tax payment using Form 1040-ES or Form 1040-ES(NR), do not file Form W-7 with these forms. Enter "ITIN TO BE REQUESTED" wherever your SSN or ITIN is requested. An ITIN will be issued only after you file a tax return and meet all other requirements.

### Additional Information

**Publications.** For details on resident and nonresident alien status, see Pub. 519.

For details on individuals who can be claimed as dependents and on obtaining an SSN for a dependent, see Pub. 501.

These publications are available free from the IRS. To order the publications, call 1-800-TAX-FORM (1-800-829-3676) if you are in the United States. If you have a foreign address, write to:

National Distribution Center  
P.O. Box 8903  
Bloomington, IL 61702-8903

You can also get these publications on the IRS website at [www.irs.gov](http://www.irs.gov).

**Telephone help.** If, after reading these instructions and our free publications, you are not sure how to complete your application or have additional questions, call 1-800-829-1040 if you are in the United States. If you are outside the United States, you can contact our overseas offices in London or Paris.

### How To Apply

Your application must include all of the following.

1. Your completed Form W-7.
2. Your original, completed tax return(s) for which the ITIN is needed. Attach Form W-7 to the front of your tax return. After your Form W-7 has been processed, the IRS will assign an ITIN to the return and process the return. The tax return will be processed as if it were filed at the address listed in the tax return instructions. Do not send a copy of the return to any other IRS office.

If you are not required to file a tax return or if you fail to file a completed tax return with your Form W-7, you will not be issued an ITIN, unless one of the exceptions explained on page 3 applies. If an exception applies, include instead the documents described under that exception.

3. The original documents, or certified or notarized copies of documents, that substantiate the information provided on the Form W-7. The supporting documentation must be consistent with the applicant's information provided on Form W-7. For example, the name, date of birth, and country of citizenship must be the same as on Form W-7, lines 1a, 4, and 6a.

**If you submit an original valid passport (or a notarized or certified copy of a valid passport), you do not need to submit any other documents from the list below.** Otherwise, you must submit at least two or more of the documents listed below. The documents must be current and verify your identity (that is, contain your name). At least one document must contain your photograph and one must support your claim of foreign status. Do not attach expired documents.

- a. National identification card (must show photo, name, current address, date of birth, and expiration date).
- b. U.S. driver's license.
- c. Civil birth certificate.
- d. Foreign driver's license.
- e. U.S. state identification card.
- f. Foreign voter's registration card.
- g. U.S. military identification card.
- h. Foreign military identification card.
- i. U.S. visa issued by the U.S. Department of State.
- j. U.S. Citizenship and Immigration Services (USCIS) photo identification.
- k. Medical records (dependents only).
- l. School records (dependents and/or students only).

You can submit copies of original documents if the copies are:

- Certified by the issuing agency or official custodian of the original record, or
- Notarized by a U.S. notary public legally authorized within his or her local jurisdiction to certify that the document is a true copy of the original. To do this, the notary must see the valid, unaltered original document and verify that the copy conforms to the original. U.S. notaries public are available at U.S. embassies and consulates worldwide. Foreign notaries are acceptable as outlined by the Hague Convention.

Original documents you submit will be returned to you. You do not need to provide a return envelope. If your original documents are not returned within 60 days, you can call the IRS (see *Telephone help* on this page). Copies of documents will not be returned.

Keep a copy of your application for your records.

## When To Apply

Complete and attach Form W-7 when you file the tax return for which the ITIN is needed. However, if you meet one of the exceptions on this page, complete and submit Form W-7 as soon as possible after you determine you are covered by that exception.

Allow 4 to 6 weeks for the IRS to notify you in writing of your ITIN. If you have not received your ITIN or correspondence at the end of the 6-week period, you can call the IRS to find out the status of your application (see *Telephone help* on page 2).

## Where To Apply

**By mail.** Mail Form W-7, your tax return (or other documents required by an exception on this page), and the documentation listed in item (3) under *How To Apply* on page 2 to:

Internal Revenue Service  
Philadelphia Service Center  
ITIN Unit  
P.O. Box 447  
Bensalem, PA 19020



*Do not use the mailing address in the instructions for your tax return.*

**In person.** You can apply for an ITIN by bringing your completed forms and documentation to any IRS Taxpayer Assistance Center in the United States and most IRS offices abroad. Before applying at an IRS office abroad, find out if that office accepts Form W-7 applications.

**Through acceptance agent.** You can also apply through an acceptance agent authorized by the IRS. An acceptance agent can help you complete and file Form W-7. To obtain a list of agents, visit the IRS website at [www.irs.gov](http://www.irs.gov).

## Specific Instructions

If you are completing this form for someone else, answer the questions as they apply to that person.

### Reason For Applying

You must check the box to indicate the reason you are completing Form W-7. If more than one box applies to you, check the box that best explains your reason for submitting Form W-7.



*If you check box b, c, d, e, or g, you must file a completed tax return by attaching it to Form W-7. You must do this even if the ITIN is for a spouse or dependent. If you are applying for more than one ITIN for the same return (such as for a spouse or dependent), attach all Forms W-7 to the same return.*

**a. Nonresident alien required to obtain ITIN to claim tax treaty benefit.** Certain nonresident aliens must obtain an ITIN to claim a tax treaty benefit even if they do not have to file a U.S. tax return. If you check this box to claim the benefits of a U.S. income tax treaty with a foreign country, also check box h. On the dotted line next to box h, enter "Exception 1" or "Exception 2," whichever applies (see this page). Also enter the name of the treaty country and treaty article number in the appropriate entry spaces below box h. Also attach the documents required under whichever exception applies. For more details on tax treaties, see Pub. 901, U.S. Tax Treaties.

**b. Nonresident alien filing a U.S. tax return.** This category includes:

- A nonresident alien who must file a U.S. tax return to report income effectively or not effectively connected with the conduct of a trade or business in the United States, and
- A nonresident alien who is filing a U.S. tax return only to obtain a refund.

**c. U.S. resident alien (based on days present in the United States) filing a U.S. tax return.** A foreign individual living in the United States who does not have permission to work from the USCIS, and is thus ineligible for an SSN, may still be required to file a U.S. tax return. These individuals must check this box.

**d. Dependent of U.S. citizen/resident alien.** This is an individual who can be claimed as a dependent on a U.S. tax return and is not eligible to obtain an SSN.

**e. Spouse of U.S. citizen/resident alien.** This category includes:

- A nonresident alien husband or wife who is not filing a U.S. tax return (including a joint return) and who is not eligible to obtain an SSN but who, as a spouse, can be claimed as an exemption, and
- A nonresident alien electing to file a U.S. tax return jointly with a spouse who is a U.S. citizen or resident.

**f. Nonresident alien student, professor, or researcher filing a U.S. tax return.** This is an individual who has not abandoned his or her residence in a foreign country and who is a bona fide student, professor, or researcher coming temporarily to the United States solely to attend classes at a recognized institution of education, to teach, or to perform research. If you check this box, you must complete lines 6c and 6g, provide your passport with a valid U.S. visa, and a letter from an official of the school or institution stating that you have not been offered, and have not secured other employment. If applicable, enter the name of the treaty country and the treaty article number in the appropriate entry spaces below box h.

**g. Dependent/spouse of a nonresident alien holding a U.S. visa.**

This is an individual who can be claimed as a dependent or a spouse on a U.S. tax return and who is unable, or not eligible, to obtain an SSN and has entered the United States with a nonresident holding a U.S. visa. For example, the primary visa holder has a B-1 visa; the dependent or spouse has a B-2 visa.

**h. Other.** If the reason for your ITIN request is not described in a through g, check this box. Describe in detail your reason for requesting an ITIN and attach supporting documents. If any of the following exceptions apply to you, you will not need to attach a tax return to your Form W-7. Check box h and enter the number of the exception that applies (for example, "Exception 3") on the dotted line next to box h.

**Exception 1. Passive income—treaty benefits (box a) or third party withholding (box h).** To obtain an ITIN under this exception, you must include documentation with the Form W-7 showing you own an asset that generates income subject to information reporting or withholding requirements. Examples include:

- Evidence that you opened an interest bearing account with a financial institution and you have an ownership interest in that account, and
- For a partnership interest—the partnership agreement together with the partnership's EIN or other evidence that the partnership is conducting business in the United States.

**Exception 2. Other income (wages, salary, compensation)—treaty benefits (box a).**



*Applicants with a U.S. visa that is valid for employment should first apply for an SSN with the Social Security Administration (SSA). You are not eligible for an ITIN if you are eligible to obtain an SSN.*

If you are an individual receiving pay for personal services, your Form W-7 will be processed if you provide proof that your application for an SSN (Form SS-5) was rejected by the SSA and include a Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual.

If you are a nonresident alien visitor with gaming winnings, your Form W-7 will be processed if submitted through the appropriate gaming official serving as an acceptance agent.

**Exception 3. Third party reporting—mortgage interest (box h).** To obtain an ITIN under this exception, you must include documentation with the Form W-7 showing evidence of a home mortgage loan on real property located in the United States.

**Exception 4. Disposition by foreign person of U.S. real property interest (box h).** If a transferor or transferee does not have a taxpayer identification number, and an amount withheld is due, attach completed Forms 8288, U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests, and 8288-A, Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests, to the completed Form W-7.

If you are applying for a withholding certificate to reduce or eliminate withholding on dispositions of U.S. real property, you must attach a copy of the contract for sale and a completed application for a withholding certificate to the completed Form W-7. The application for a withholding certificate must comply with the provisions of Regulations sections 1.1445-3 and 1.1445-6 and Rev. Proc. 2000-35, 2000-35 I.R.B. 211. You can find Rev. Proc. 2000-35 on page 211 of Internal Revenue Bulletin 2000-35 at [www.irs.gov/pub/irs-irbs/irb00-35.pdf](http://www.irs.gov/pub/irs-irbs/irb00-35.pdf). You may be able to use Form 8288-B, Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests, for this purpose. See Form 8288-B for details.

### Line Instructions

Enter N/A (not applicable) on all lines that do not apply to you. Do not leave any lines blank.

**Line 1a.** Enter your legal name on line 1a as it appears on your documents. This entry should reflect your name as it will appear on a U.S. tax return.



*Your ITIN will be established using this name. If you do not use this name on the U.S. tax return, the processing of the U.S. tax return may be delayed.*

**Line 1b.** Enter your name as it appears on your birth certificate if it is different from your entry on line 1a.

**Line 2.** Enter your complete mailing address on line 2. This is the address the IRS will use to return your original documents and send written notification of your ITIN.

**Note.** If the U.S. Postal Service will not deliver mail to your physical location, enter the U.S. Postal Service's post office box number for your mailing address. Contact your local U.S. Post Office for more information. Do not use a post office box owned and operated by a private firm or company.

**Line 3.** Enter your complete foreign address in the country where you permanently or normally reside if it is different from the address on line 2. If you no longer have a permanent residence, due to your relocation to the United States, enter only the foreign country where you last resided on line 3. If you are claiming a benefit under an income tax treaty with the United States, line 3 must show the treaty country.



*Do not use a post office box or an "in care of" (c/o) address. If you do, your application will be rejected.*

**Line 4.** To be eligible for an ITIN, your birth country must be recognized as a foreign country by the U.S. Department of State.

**Line 6a.** Enter the country or countries (in the case of dual citizenship) in which you are a citizen. Enter the complete country name; do not abbreviate.

**Line 6b.** If your country of residence for tax purposes has issued you a tax identification number, enter that number on line 6b. For example, if you are a resident of Canada, enter your Canadian Social Insurance Number.

**Line 6c.** Enter only U.S. nonimmigrant visa information. Include the USCIS classification, number of the U.S. visa, and the expiration date in month/day/year format. For example, if you have a B-1/B-2 visa with the number 123456 that has an expiration date of December 31, 2006, enter "B-1/B-2," "123456," and "12/31/2006" in the entry space.

**Note.** If the visa has been issued under a "duration of stay" label by USCIS, enter "D/S" as the expiration date.

**Line 6d.** Check the box indicating the type of document(s) you are submitting for identification. You must submit documents as explained in item (3) under *How To Apply* on page 2. Enter the name of the state or country or other issuer, the identification number (if any) appearing on the document(s), the expiration date, and the date on which you entered the United States. Dates must be entered in the month/day/year format. Also, you may be required to provide a certified translation of foreign language documents.

**Note.** Any visa information shown on a passport must be entered on line 6c.

**Line 6e.** If you ever received a temporary taxpayer identification number (TIN) or an employer identification number (EIN), check the "Yes" box and complete line 6f. If you never had a temporary TIN or an EIN, or you do not know your temporary TIN, check the "No/Do not know" box.

A temporary TIN is a nine-digit number issued by the IRS to persons who file a return or make a payment without providing a TIN. You would have been issued this number if you filed a U.S. tax return and did not have a social security number. This temporary TIN will appear on any correspondence the IRS sent you concerning that return.

An EIN is a nine-digit number (for example, 12-3456789) assigned by the IRS to businesses, such as sole proprietorships.

**Line 6f.** If you have both a temporary TIN and an EIN, attach a separate sheet listing both. If you were issued more than one temporary TIN, attach a separate sheet listing all the temporary TINs you received.

**Line 6g.** If you checked reason f, you must enter the name of the educational institution and the city and state in which it is located. You must also enter your length of stay in the United States.

If you are temporarily in the United States for business purposes, you must enter the name of the company with whom you are conducting your business and the city and state in which it is located. You must also enter your length of stay in the United States.

**Signature.** You must sign Form W-7. However, if the applicant is a minor under 14 years of age, a delegate (parent or court-appointed guardian) should sign for him or her. Type or print the delegate's name in the space provided and check the appropriate box that indicates his or her relationship to the applicant. If the delegate is signing as a court-appointed guardian, attach a copy of the court-appointment papers showing the legal guardianship.

If the applicant is 14 years of age or over, the applicant can appoint an authorized agent to sign. The authorized agent must print his or her name in the space provided for the name of the delegate and attach Form 2848, Power of Attorney and Declaration of Representative.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Internal Revenue Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.

Forma **W-7(SP)**

(Rev. dic. del 2002)  
Department of the Treasury  
Internal Revenue Service

**Solicitud de Número de Identificación Personal  
del Contribuyente del Servicio de Impuestos Internos**

- Vea las instrucciones. Por favor, escriba a máquina o con letras de molde.  
► Para uso de personas físicas que no son ciudadanos o nacionales de los Estados Unidos.

OMB No. 1545-1483

Se utiliza este número únicamente para propósitos del impuesto federal sobre el ingreso.

Sírvase tener en cuenta lo siguiente antes de empezar:

- No presente esta forma si usted tiene o es elegible para tener un número de seguro social (SSN) de los Estados Unidos.
- Un número de identificación personal del contribuyente del Servicio de Impuestos Internos (ITIN) no afectará en nada su calidad migratoria ni su derecho de trabajar legalmente en los Estados Unidos.
- Un ITIN no le da derecho a reclamar el crédito por ingreso del trabajo (EIC).

PARA USO EXCLUSIVO DEL IRS			

Razón por la que usted presenta la Forma W-7(SP). Marque sólo un recuadro (vea las instrucciones).

- a  Extranjero(a) no residente obligado(a) a obtener un ITIN para poder reclamar beneficios de un tratado tributario.
- b  Extranjero(a) no residente que debe presentar declaración de impuestos estadounidense y no es elegible para obtener un número de seguro social (SSN).
- c  Extranjero(a) residente de los EE.UU. basado en la cuantía de días en que está presente en este país ) y que presenta declaración de impuestos del país y que no es elegible para obtener un SSN.
- d  Dependiente económico de un ciudadano/extranjero residente de los EE.UU. } Anote el nombre y SSN/ITIN del ciudadano/extranjero(a) residente de los EE.UU. (vea las
- e  Cónyuge de un ciudadano/residente de los EE.UU. } instrucciones) .....
- f  Estudiante, profesor(a) o investigador(a) no residente que presenta declaración de impuestos de los EE.UU. y no es elegible para un SSN (vea la línea 6g).
- g  Dependiente/cónyuge de un extranjero de visado no residente. Anote el nombre y la clase de visado del tenedor principal (vea las instrucciones) ► .....
- h  Otra clasificación del INS (especifique). ► .....

<b>Nombre</b> (vea las instrucciones) Nombre al nacer si era diferente ►	1a Nombre	Segundo nombre	Apellido		
	1b Nombre	Segundo nombre	Apellido		
<b>Domicilio del solicitante en el extranjero</b> (vea las instrucciones)	2 Calle y número, apartamento o número interior, número de carretera. No anote un número de apartado postal.				
	Ciudad o población, estado o provincia y país. Incluya código postal, donde sea apropiado.				
<b>Domicilio Postal</b> (sólo si es diferente al anterior)	3 Calle y número, apartamento o número interior, número de carretera. Si tiene un apartado postal, vea la página 5.				
	Ciudad o población, estado o provincia y país. Incluya código postal, donde sea apropiado.				
<b>Nacimiento</b>	4 Fecha de nacimiento (mes, día, año) / /	País de nacimiento	Ciudad y estado o provincia (optativos)	5 <input type="checkbox"/> Masc. <input type="checkbox"/> Fem.	
<b>Información Diversa</b>	6a Ciudadanía (País(es))	6b Número de identificación fiscal en el extranjero	6c Clase de visado de los EE.UU. (si alguna), número y fecha de vencimiento		
	6d Documentación de identificación credencial (vea las instrucciones): <input type="checkbox"/> Pasaporte: <input type="checkbox"/> Licencia para conducir/Iden. estatal <input type="checkbox"/> Documentación del INS      Otra..... Emitido por ..... Número:      Vence: / /      Fecha de llegada a los EE.UU. / /				
	6e ¿Ha recibido anteriormente un número temporal de identificación personal como contribuyente de los EE.UU. (TIN) o un número de identificación patronal (EIN)? <input type="checkbox"/> No/Desconozco. En este caso omita la línea 6f. <input type="checkbox"/> Sí. Conteste la línea 6f. Si necesita más espacio, utilice una hoja adicional y adjúntela a esta forma (vea las instrucciones).				
	6f TIN <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		EIN <input type="checkbox"/> <input type="checkbox"/> - <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
	Escriba el nombre conforme al que se emitió el TIN.		Escriba el nombre conforme al que se emitió el EIN.		
	6g Nombre de colegio/universidad o entidad (vea las instrucciones) ..... Ciudad y estado      Duración de permanencia				
	Bajo pena de perjurio, yo (solicitante/delegado/agente tramitador) declaro que he examinado esta solicitud, incluyendo las declaraciones y documentación que me acompañan y que, según mi mejor saber y conocimiento, la información asentada es verdadera, correcta y completa. Autorizo al IRS a proporcionarle a mi agente tramitador las declaraciones, o la información contenida en ellas, que sea necesaria para resolver asuntos concernientes con el otorgamiento de mi número de identificación personal del contribuyente del IRS (ITIN), incluyendo cualquier otro número de identificación utilizado anteriormente.				
<b>Firme aquí</b>	Firma del solicitante (si es del delegado, vea las instrucciones)		Fecha (mes, día, año) / /	Teléfono ( )	
	Nombre del delegado, si corresponde (escriba a máquina o con letras de molde)		Relación o Parentesco del delegado con el solicitante <input type="checkbox"/> Padre <input type="checkbox"/> Poder <input type="checkbox"/> Tutor legal		
<b>Para uso EXCLUSIVO del agente tramitador</b>	Firma		Fecha (mes, día, año) / /	Tel. ( ) FAX ( )	
	Nombre y título (escriba a máquina o con letras de molde)		Nombre de la empresa o sociedad EIN		

Vea en la página 6 el Aviso sobre la Ley de Reducción de Trámites.

Cat. No. 23117S

Forma W-7(SP) (Rev. 12-2002)

## Instrucciones Generales

**Importante:** Si usted ha sido legalmente admitido(a) a los EE.UU. para ser residente permanente o para trabajar, tiene derecho a solicitar un número de seguro social (SSN). Por favor, no llene esta forma.

### Propósito de esta forma

Utilice la Forma W-7(SP) para solicitar un número de identificación personal del contribuyente, conocido por sus siglas en inglés como ITIN. El ITIN es un número de nueve dígitos que el Servicio de Impuestos Internos (IRS) de los EE.UU. otorga a las personas físicas que están obligadas por ley a tener un número que los identifique como contribuyentes y que, no teniéndolo, tampoco son elegibles para obtener un SSN.

Los ITIN son para usos tributarios federales exclusivamente. Estos números no le permitirán tener derecho a recibir beneficios del seguro social, ni tendrán efecto alguno sobre la calidad migratoria de un(a) extranjero(а) o sobre el derecho del mismo de estar empleado(a) legalmente en los Estados Unidos. Cualquier persona que pueda trabajar legalmente en los EE.UU. deberá obtener un SSN.

**Importante:** Las personas que presentan declaraciones de impuestos usando un ITIN no pueden reclamar el crédito por ingreso del trabajo (EIC).

### Quién debe solicitar la forma

Cualquier persona física que no es elegible para obtener un SSN pero que tiene un número de identificación del contribuyente que debe proporcionar al IRS, deberá solicitar un ITIN llenando la Forma W-7(SP). Pueden ser, por ejemplo:

- Personas físicas extranjeras no residentes que tienen derecho a una tasa de retención reducida de acuerdo con los beneficios de un tratado tributario. Vea la Publicación 515, Withholding of Tax on Nonresident Aliens and Foreign Entities, en inglés.
- Personas físicas extranjeras no residentes que no son elegibles para obtener un SSN, pero que deben presentar una declaración de impuestos de los EE.UU. o que presentan una declaración de impuestos de este país únicamente para obtener una devolución de impuestos pagados.
- Personas físicas extranjeras no residentes que no son elegibles para obtener un SSN, pero que optan por presentar una declaración de impuestos de los EE.UU. conjuntamente con su cónyuge, el cual es ciudadano(a) o residente del país.
- Extranjeros residentes (por su presencia considerable) de los EE.UU. que presentan declaraciones de impuestos de

los EE.UU., pero que no son elegibles para obtener un SSN.

- Personas físicas extranjeras que son reclamadas como dependientes económicos en declaraciones de impuestos estadounidenses y que no son elegibles para obtener un SSN.
- Personas físicas extranjeras reclamadas como cónyuges para efectos de exenciones en declaraciones de impuestos de los EE.UU. pero que no pueden o no son elegibles para obtener un SSN. Para determinar si una persona física extranjera puede ser reclamada como dependiente en la declaración de impuestos federales de los EE.UU., vea las Publicaciones 501, Exemptions, Standard Deduction, and Filing Information, y 519, U.S. Tax Guide for Aliens, ambas en inglés.

- Estudiante, profesor(a) o investigador(a) no residente quien está obligado(a) a presentar una declaración de impuestos estadounidense pero no es elegible para obtener un SSN.

- Dependiente/cónyuge de un(a) extranjero(a) que lleva un visado de no residente pero no es elegible para obtener un SSN.

- Otra clasificación del INS. Vea la Partida h de las Instrucciones Específicas en la página 4.

No complete la Forma W-7(SP) si usted tiene un SSN o si es elegible para obtener un SSN. Entonces, no complete esta forma si usted es ciudadano(a) o nacional de los EE.UU. o si ha sido admitido(a) legalmente para vivir permanentemente o para trabajar en los EE.UU.

Si tiene una solicitud para un SSN pendiente, por favor, no presente la Forma W-7(SP). Llene esta forma únicamente si la Administración del Seguro Social (SSA) le notifica que usted no es elegible para un SSN.

Para solicitar un SSN, vea la Forma SS-5, Application for a Social Security Card (Solicitud de Tarjeta del Seguro Social), disponible únicamente en inglés. Para obtener una Forma SS-5 o para saber si usted es elegible para obtener un SSN, comuníquese con una oficina de la SSA.

### Información adicional

Publicaciones. Para obtener información sobre su estado de extranjero residente o no residente y las pruebas de residencia, vea la Publicación 519, en inglés.

Para obtener información sobre personas físicas que pueden ser reclamadas como dependientes en una declaración de impuestos y sobre cómo obtener un SSN para un dependiente, vea la sección, Exenciones personales y por dependientes, en la Publicación 579SP, Cómo Preparar la Declaración de Impuesto Federal, en español.

Para más información sobre cómo se puede reclamar el crédito por ingreso del trabajo, vea la Publicación 596SP, Crédito por Ingreso del Trabajo, disponible en español.

Estas publicaciones son gratuitas y están disponibles a solicitud del IRS. Para solicitar dichas publicaciones, llame al 1-800-TAX-FORM (1-800-829-3676) si usted está en los Estados Unidos. Si tiene una dirección en el extranjero, usted puede escribir al:

Eastern Area Distribution Center  
P.O. Box 85074  
Richmond, VA 23261-5074

Usted puede solicitar también esas publicaciones al sitio del IRS en [www.irs.gov](http://www.irs.gov).

Usted, además, puede utilizar el servicio protocolario de transferencia de archivos en [ftp.irs.gov](http://ftp.irs.gov).

Ayuda por teléfono. Si, al leer estas instrucciones y nuestras publicaciones gratuitas, usted aún tiene dudas sobre cómo llenar esta solicitud o si tiene cualquier duda adicional, puede llamar al:

- Dentro de los Estados Unidos: 1-800-829-1040. El horario normal de operación es de lunes a viernes, desde las 7:00 de la mañana hasta las 10:00 de la noche, horas locales. La asistencia facilitada a los contribuyentes llamando desde Alaska y Hawái será basada en las horas de operación de la zona telefónica del Pacífico.

- Fuera de los Estados Unidos: 1-215-516-ITIN (1-215-516-4846). Este número no es gratuito. Usted también puede comunicarse con cualquiera de nuestras oficinas en el extranjero, a ver: Berlín, Londres, Ciudad de México, París, Roma, Singapur, Sydney o Tokio.

### Cómo se solicita

Usted puede presentar su solicitud por correo o en persona. Vea, Adónde se envía la forma, en la página 4. Consérve una copia de la misma para su archivo. Asegúrese de enviar o traer consigo:

- Su Forma W-7(SP) cumplimentada; y
- Originales o copias certificadas o autorizadas por notario de la documentación que respalda todo lo informado en la Forma W-7(SP).

La documentación que usted presente deberá verificar su identidad, o sea, contener su nombre completo y una foto, y deberá comprobar su estado de extranjero(a). Para ello, usted quizás debiera mostrar una variedad de documentos. Ejemplos de documentación admisible pueden ser, entre otros, su:

- Licencia para conducir
- Pasaporte
- Documentación emitida por el Servicio de Inmigración de los EE.UU. (INS)

- Acta de nacimiento o certificados de matrimonio o bautismo
- Carnet de identidad expedido por una autoridad del gobierno estatal o nacional
- Carnet de identidad militar o de dependiente económico de un militar expedido por su gobierno nacional
- Carnet de registro de balotaje en el extranjero
- Registros de instituciones académicas

Usted puede facilitar fotocopias de su documentación original. Sin embargo, las mismas tienen que ser:

- Certificadas como tal por la agencia emisora o por el custodio del documento original; o
- Certificadas como tal por un notario de los EE.UU. autorizado a certificar legalmente dentro de su jurisdicción local que el documento es una copia fiel del original. Para cumplir con este requisito, el notario debe ver el original del documento, en su forma válida e inalterada, y debe verificar que la copia se conforma con el original. Se pueden hallar los notarios estadounidenses en el extranjero, dentro de las embajadas o consulados de los EE.UU. No se aceptan autorizaciones hechas por personas extranjeras.

#### Cuándo se debe solicitar

Llene la Forma W-7(SP) tan pronto como usted se encuentre en alguna de las condiciones descritas en la sección Quién debe solicitar la forma, en la página 3. La solicitud oportuna le permitirá al IRS emitirle su ITIN con bastante anticipación.

Por favor, deje que pasen de 4 a 6 semanas para que le notifique el IRS por escrito de su ITIN. Si usted no ha recibido su ITIN al final del período de 6 semanas, puede entonces llamar al IRS para saber el estado de su solicitud (vea, Ayuda por teléfono, en la página 3).

#### Adónde se envía la forma

En persona. Usted puede solicitar un ITIN en cualquiera de los centros de servicio al contribuyente del IRS de los EE.UU. y también en muchos de los consulados en el exterior. Comuníquese con el IRS o con el consulado de los EE.UU. de su domicilio para saber si dicha oficina acepta las solicitudes.

Usted también puede solicitar un ITIN a través de un agente tramitador autorizado por el IRS. Para obtener una lista de agentes, visite el sitio en la red del IRS en [www.irs.gov](http://www.irs.gov).

Por correo. Llene la Forma W-7(SP), firmela, fíchela y envíela junto con la documentación original correspondiente, o copias certificadas de la misma, al:

Internal Revenue Service  
Philadelphia Service Center  
ITIN Unit  
P.O. Box 447  
Bensalem, PA 19020

Se le devolverán los originales de toda su documentación. Usted no tiene que proporcionar un sobre para contestar. Si no recibe sus documentos dentro del plazo de 30 días, puede llamar al IRS (vea, Ayuda por teléfono, en la página 3). No se le devolverán las copias de su documentación.

#### Instrucciones Específicas

Utilice las instrucciones siguientes para llenar la Forma W-7(SP). Anote N/A (No Aplica) en aquellas líneas que no aplican en su caso. Si usted está llenando esta forma a nombre de un tercero, por favor, responda a las preguntas tal como se aplican a esa persona.

Razón por solicitar. Usted deberá marcar uno de los recuadros para indicar la razón por la que llena esta Forma W-7(SP). Por favor, marque solamente un recuadro.

a. Extranjero(a) no residente que solicita un ITIN para poder reclamar beneficios de un tratado tributario. Ciertos extranjeros no residentes deberán obtener un ITIN para poder reclamar beneficios de un tratado tributario aunque no tengan que presentar una declaración de impuestos de los EE.UU.

b. Extranjero(a) no residente que presenta declaración estadounidense y no es elegible para obtener un SSN. En esta categoría se incluyen:

- Un(a) extranjero(a) no residente que debe presentar una declaración de impuestos de los EE.UU. para informar ingresos relacionados principalmente o no relacionados principalmente con la operación de un negocio u ocupación dentro de los EE.UU.

- Un(a) extranjero(a) no residente que presenta una declaración de los EE.UU. únicamente para recibir una devolución de su impuesto.

c. Extranjero(a) residente de los EE.UU. (basado en la cantidad de días en que está presente en este país) que presenta una declaración de impuestos del país y no es elegible para obtener un SSN. Un individuo extranjero que vive en los EE.UU. y que no ha obtenido permiso para trabajar en este país del INS, y por consiguiente, no puede solicitar un SSN, puede tener la obligación de presentar una declaración de impuestos de los EE.UU. Tal individuo deberá entonces marcar este recuadro.

d. Dependiente de un(a) ciudadano(a)/residente de los EE.UU. Esta es una persona física cuya exención de dependencia puede ser reclamada en una declaración de impuestos de los EE.UU. y que no puede o no es elegible para obtener un SSN. Vea, Nombre y SSN/ITIN de un ciudadano/extranjero residente de los EE.UU., más adelante.

e. Cónyuge de un ciudadano(a)/residente de los EE.UU. En esta categoría se incluyen:

- Un cónyuge extranjero no residente que no presenta una declaración de impuestos de los EE.UU. (incluyendo una declaración conjunta), ni tampoco es elegible para obtener un SSN, cuya exención de cónyuge puede ser reclamada en la declaración de impuestos de los EE.UU. de su cónyuge.

- Un(a) extranjero(a) no residente que elige presentar una declaración de impuestos conjuntamente con su cónyuge, el cual es ciudadano(a) o residente de los EE.UU. Vea, Nombre y SSN/ITIN de un ciudadano/extranjero residente de los EE.UU., más adelante.

f. Estudiante, profesor(a) o investigador(a) no residente que presenta declaración de impuestos de los EE.UU. y no es elegible para un SSN. Este es un individuo que no ha abandonado su residencia en el extranjero y que es un(a) estudiante, profesor(a) o investigador(a) y viene a los EE.UU. sólo para asistir a clases dadas en una institución educativa, enseñar o realizar pesquisas o investigaciones.

g. Dependiente/cónyuge de un(a) extranjero(a) de visado no residente. Este es un individuo que puede ser reclamado como dependiente o cónyuge en una declaración de impuestos de los Estados Unidos y que no puede, o no es elegible para, obtener un SSN y ha entrado en los EE.UU. con un(a) extranjero(a) que tiene un visado de no residente. Por ejemplo, el (la) que tiene el visado principal tiene la clasificación de B-1; el (la) dependiente/cónyuge tiene la clasificación de B-2.

h. Otra clasificación del INS. Marque este recuadro sólo si su situación no cae dentro del ámbito de ninguna de las categorías explicadas arriba. Si usted marca este recuadro, deberá incluir una descripción en gran detalle de su razón por la que solicita un ITIN. Adjunte otra hoja por separado si le hace falta.

Nombre y SSN/ITIN de un ciudadano/extranjero residente de los EE.UU. Si usted solicita un ITIN de acuerdo a la categoría d o e de arriba, deberá facilitar el nombre completo y el SSN de la persona de los EE.UU. Anote estos datos en el espacio provisto. Si la persona de los EE.UU. puede optar por enviar esa información en una carta por correo aparte, asegúrese de anotar "Información será facilitada en una carta separada" en este espacio. Si dicho espacio se queda en blanco, se le rechazará a usted su solicitud.

La carta facilitada por la persona de los EE.UU. deberá indicar la Forma W-7(SP) a la que se refiere y deberá incluir:

- El nombre completo y el SSN de tal persona; y

- El nombre, dirección, fecha de nacimiento y país de nacimiento del dependiente o cónyuge tal como aparecen en la Forma W-7(SP) de tal persona.

Envíe la carta a la dirección indicada en, Adónde se envía la forma, en la página 4.

Aviso: Si la persona de los EE.UU. opta por emplear este método, la Forma W-7(SP) no será procesada hasta que se haya recibido la información requerida.

Línea 1a. Anote su nombre legal en la línea 1a. Este deberá aparecer exactamente como el mismo aparecerá en su declaración de impuestos de los EE.UU. ¡Ojo! Se establecerá su ITIN con este nombre. Si usted no utiliza este nombre en su declaración de impuestos estadounidense, ello podrá demorar la tramitación de la declaración hasta que se resuelvan las discrepancias.

Línea 1b. Anote aquí su nombre tal como aparece en la acta de nacimiento si es distinto al que aparece en la línea 1a.

Línea 2. Anote la dirección de su domicilio completo en el país donde reside normalmente, para efectos del impuesto. Si está solicitando la aplicación de los beneficios conforme a un tratado tributario con los Estados Unidos, la dirección que anote deberá ser la de su domicilio en el país con el que se tiene tal tratado. Incluya el código postal si es apropiado.

No escriba un número de apartado postal, ni ningún domicilio en el que recibe correspondencia "a cargo" (c/o), en lugar de su domicilio en la calle donde reside. Si lo hace, su solicitud será rechazada.

Aviso: Si usted ya no tiene una residencia permanente, debido al que se mudó a los Estados Unidos, anote aquí la residencia donde vivió por último en el extranjero.

Línea 3. Anote su domicilio postal completo sólo cuando sea distinto al que anotó en la línea 2. Esta es la dirección a la cual el IRS le devolverá su documentación original y le enviará la notificación por escrito de su ITIN.

Aviso: Si el Servicio Postal de los EE.UU. no entregará correo a su vivienda actual, anote aquí el número del apartado en la oficina de correos del Servicio Postal de los EE.UU. para su domicilio postal. Comuníquese con la oficina local del Servicio Postal de los EE.UU. para mayor información. Por favor, no utilice un apartado en una oficina de correos que esté en manos de y operado por una empresa o negocio particular.

Línea 4. Anote la fecha de su nacimiento en el formato siguiente: mes/día/año. También anote su país de origen. Si los sabe, por favor, incluya la ciudad y el estado o provincia donde usted nació. Usted debe identificar el país de su nacimiento. Para ser elegible a recibir un ITIN, su país de origen tiene que ser un

país extranjero reconocido como tal por el Departamento del Estado de los EE.UU. Línea 5. Marque el recuadro que indique su sexo.

Línea 6a. Anote aquí el país o países (en casos de doble nacionalidad) del cual usted es ciudadano(a). Por favor, escriba el nombre completo del país; no utilice abreviaturas.

Línea 6b. Si su país de residencia le ha otorgado algún número de identificación, para efectos del impuesto, escriba ese número en la línea 6b. Por ejemplo, si usted es residente del Canadá, anotará su Número de Seguro Social canadiense.

Línea 6c. Anote únicamente información relacionada con su visado de extranjero(a) no inmigrante de los EE.UU. Por ejemplo, si usted tiene un visado con la clasificación de B-1/B-2 con el número 123456 que vence el 31 de diciembre del 2004, anotará "B-1/B-2", "123456" y "12/31/2004" en los espacios apropiados.

Aviso: Si se ha expedido el visado de acuerdo con el título de "duración de permanencia" del INS, anote "D/S" como la fecha de vencimiento.

Línea 6d. Marque el recuadro que indique la clase de documentación que usted presenta para propósitos de identificación. Si tiene un pasaporte, utilícelo para verificar su identidad y condición de extranjero. Si no tiene un pasaporte, usted puede usar su licencia para conducir u otro carnet de identidad oficial que ha sido expedido por una agencia del gobierno estadounidense o de un gobierno extranjero. Si utiliza documentación emitida por el INS, sírvase indicar la clase de documentación.

Si usted no tiene ninguna de la documentación descrita arriba, marque el recuadro "Otra" e identifique específicamente la(s) clase(s) de documentación que desea utilizar, i.e., anote "Identificación militar" si se trata de un carnet de identidad militar o de dependiente de un militar.

Usted quizás tendrá que facilitar más de un solo documento actual para comprobar su identidad y condición de extranjero. Uno de los documentos que presente tiene que contener una fotografía reciente de usted. Anote el nombre del estado, país u otro expedidor del documento; el número de identificación (si alguno) que aparece en el documento; la fecha de su vencimiento; y la fecha en la que usted entró en los EE.UU. Hay que escribir las fechas de la manera siguiente: mes/día/año para el tipo de documentación que está facilitando. Además, usted pudiera estar obligado(a) a facilitar una traducción fiel de los documentos provistos en un idioma ajeno.

Línea 6e. Si usted alguna vez recibió un "número temporal de identificación del contribuyente (TIN)" o número de identi-

ficación patronal (EIN), marque el recuadro Sí y anote el número correspondiente en la línea 6f. Si nunca tuvo un número temporal TIN o EIN o si no sabe su número temporal TIN o EIN, marque el recuadro No/Desconozco.

Un "TIN temporal" fue un número de nueve dígitos, emitido por el IRS a ciertas personas físicas antes de 1996. A usted se le pudo haber emitido este número si presentó una declaración de impuestos de los EE.UU. y no contaba con un SSN. Ese TIN temporal aparece en cualquier correspondencia que el IRS le haya mandado, relacionada con esa declaración. A usted se le pudo haber emitido varios TIN temporales. En este caso, adjunte a la Forma W-7(SP) una hoja por separado que enumera los TIN que se le han emitido.

Un EIN es un número de nueve dígitos, (p.e., 12-3456789), asignado por el IRS a varios negocios y empresas, tales como una empresa unipersonal.

Línea 6f. Anote en el espacio provisto el número temporal TIN y/o EIN y el nombre conforme al que se emitió dicho número.

Línea 6g. Si usted marcó la razón f, deberá facilitar el nombre de la institución educativa y también la ciudad y estado donde se ubica. Usted tiene que anotar además la duración de su permanencia en este país.

Si usted se encuentra temporalmente en los EE.UU. para propósitos comerciales, deberá facilitar el nombre del negocio con el cual usted conduce tratos comerciales y también la ciudad y estado donde se ubica. Usted tiene que anotar además la duración de su permanencia en este país.

Firma. Por regla general, el (la) solicitante deberá firmar la Forma W-7(SP). Sin embargo, si el (la) solicitante tiene 14 años o menos, una persona delegada (uno de sus padres o su tutor legal) deberá firmarla por él o ella. Escriba a máquina o con letras de molde el nombre del delegado en el espacio provisto y marque el recuadro apropiado para indicar su parentesco con el (la) solicitante. Si el delegado firma como tutor legal (autorizado por el tribunal), sírvase adjuntar una copia de la documentación del tribunal que lo permite ser tutor legal.

Si el (la) solicitante tiene más de 14 años de edad y es incapaz de, o legalmente incapacitado para, firmar, el mismo puede nombrar a un apoderado autorizado a firmar por él o ella. Dicho apoderado deberá escribir con letras de molde su nombre en el espacio provisto para anotar el nombre del delegado y deberá además incluir una Forma 2848, Power of Attorney and Declaration of Representative (Poder y declaración del representante), en inglés.

Aviso sobre la Ley de Reducción de Trámites. Solicitamos la información requerida en esta planilla para cumplir con las leyes que regulan la recaudación de los impuestos internos de los Estados Unidos. Usted está obligado(a) a facilitarnos esta información. La necesitamos para poder computar y cobrar la cantidad correcta de contribuciones.

Usted no está obligado(a) a facilitar la información solicitada en una forma que está sujeta a la Ley de Reducción de Trámites, a menos que la misma muestre un número de control válido de la OMB (Office of Management and Budget). Los libros o registros relativos a esta forma o sus instrucciones deberán ser conservados mientras su contenido pueda ser

utilizado en la administración de cualquier ley federal de impuestos internos. Por regla general, las declaraciones de impuestos y cualquier información pertinente son confidenciales, como lo requiere la sección 6103 del Código Federal de Impuestos Internos.

El tiempo que se necesita para llenar y presentar esta forma variará, dependiendo de las circunstancias individuales. El promedio de tiempo que se calcula para llenar esta forma es el siguiente: Aprender sobre la ley o la forma, 13 min.; Completar la forma, 33 min.; Copiar, preparar y enviar la forma al IRS, 20 min.

Si desea hacer cualquier comentario sobre la exactitud de estos tiempos estimados o hacer cualquier sugerencia que ayude a que esta forma sea más sencilla, por favor, envíenos los mismos. Puede escribirnos al Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. No envíe, por favor, esta forma a tal dirección. En vez de eso, vea en la página 4 la sección titulada Adónde se envía la forma.



Impreso en papel reciclado