



Foreign Tax Identification Number and expiring Forms W-8

Closing the distance

Important reminder for US offices and branches of financial institutions that Forms W-8 (except for a Form W-8IMY), without a valid FTIN will generally be considered invalid after December 31, 2019

Foreign Tax Identification Number ("FTIN")

As calendar year 2019 is quickly coming to an end, we wanted to remind US offices and branches of financial institutions, like US banks and US investment entities, that Forms W-8 (except for a Form W-8IMY), without a valid FTIN will generally be considered invalid after December 31, 2019. This applies irrespective of the form's expiration date. For example, a Form W-8BEN-E signed in 2017 provided without an FTIN will be considered invalid on January 1, 2020 even though it does not expire until December 31, 2020. Consequently, US source income (reportable on Form 1042-S) paid on or after January 1, 2020 will be considered made to an undocumented person subject to US income tax withholding at a rate of 24% (backup withholding) or 30% (NRA withholding). The above is generally applicable to Forms W-8 signed before January 1, 2018. Forms signed on or after January 1, 2018 were required to contain an FTIN or meet one of the exceptions discussed below.

There are a few exceptions to the FTIN requirement:

- Only applies to "direct" accountholders. For example, a non-US person investing or holding an account through a foreign partnership is not required to provide an FTIN. Although, it may be required to claim income tax treaty benefits.
- A government, central bank of issue, international organization, and resident of a US territory is not required to provide an FTIN.
- A reasonable explanation for lack of FTIN may be acceptable in certain cases. For this purpose, an explanation is a statement why the recipient is not legally required to obtain a TIN in their jurisdiction of tax residence. The explanation may be written on the appropriate line on the W-8 form, in the margins of the form, or on a separate attached statement associated with the form. If the recipient is writing the explanation on the appropriate line on the form, it may be shortened to "not legally required." "Not Applicable" is not acceptable.
- Account Holders which are permanent residents of the Cayman Islands, Australia, Bermuda and the Bahamas do not need FTINs. In order to evaluate other situations where an FTIN is not required, you may access the OECD website: <https://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>

A similar rule applies to Forms W-8BEN or W-8ECI provided by individuals without a date of birth.

For more information please [click here](#) or contact:

[Denise Hintzke](#)

Managing Director, Global
FATCA/CRS Tax Leader
Deloitte Tax LLP
+1 212 436 4792

[Anne Mericle](#)

Senior Manager, Global
Information Reporting PMO
Deloitte Tax LLP
+1 212 436 3908

[Susan Schultz](#)

Managing Director, FATCA
Global Delivery Center (GDC)
Operations Leader
Deloitte Tax LLP
+1 612 397 4604

[Susan Segar](#)

Managing Director, Global
Information Reporting
Deloitte Tax LLP
+1 703 885 6328

Americas

[Phillip Brunson](#)

Partner, Global Leader – Information
Reporting
Deloitte Tax LLP
+1 212 618 4041

[David Charlton](#)

Principal, Global Information Reporting
Deloitte Tax LLP
+1 617 437 2118

[James Dockeray](#)

FATCA Leader
Caribbean and Bermuda
Deloitte Ltd.
+1 441 299 1399

[Patty Florness](#)

Partner, Global Information Reporting
Deloitte Tax LLP
+1 212 436 7413

[Andrea Garcia Castelao](#)

Principal, Global Information Reporting-
CRS
Deloitte Tax LLP
+1 212 436 3785

[Rona Hummel](#)

Managing Director, Global Information
Reporting
Deloitte Tax LLP
+1 212 653 7859

[Peter Larsen](#)

Managing Director, Global Information
Reporting
Deloitte Tax LLP
+1 415 783 4575

[Anthony Martirano](#)

Managing Director, Global Information
Reporting
Deloitte Tax LLP
+1 973 602 6986

[Richard Marcovitz](#)

FATCA/CRS Leader
Canada
Deloitte LLP
+1 416 775 4760

[Robert Schlock](#)

Managing Director, Global Information
Reporting
Deloitte Tax LLP
+1 212 436 3541

[Michael Shepard](#)

Principal
Deloitte Transactions and Business
Analytics LLP
+1 215 299 5260

[Kristen Starling](#)

Managing Director, Global Information
Reporting
Deloitte Tax LLP
+1 212 436 4281

[Sagun Vijayananda](#)

Partner, Global Information Reporting
Deloitte Tax LLP
+1 212 436 7329

Asia-Pacific

[Troy Andrews](#)

FATCA/CRS Partner
New Zealand
Deloitte
+64 93030729

[Alison Noble](#)

FATCA/CRS Leader
Australia
Deloitte Services Pty Ltd
+61 3 9671 6716

[Tom Toryanik](#)

FATCA/CRS Leader
Singapore
Deloitte & Touche LLP
+65 6530 8024

[Michael Velten](#)

FATCA/CRS Leader, Asia-Pacific
Singapore
Deloitte & Touche LLP
+65 6531 5039

Europe, Middle East & Africa

[Brandi Caruso](#)

Tax Transparency Leader
Switzerland/Liechtenstein
Deloitte AG
+41 58 279 6397

[Eric Centi](#)

FATCA/CRS Tax Partner
Luxembourg
Deloitte Tax & Consulting
+352 45145 2162

[Owen Gibbs](#)

UK FATCA/CRS/DAC Director
United Kingdom
Deloitte LLP
+44 20 7007 4819

[Michael Grebe](#)

Director
Switzerland/Liechtenstein
Deloitte AG
+41 58 279 6248

[Alex Law](#)

FATCA Leader, Middle East
United Arab Emirates
Deloitte LLP
+971 4 506 4700

[Jason McGarvey](#)

UK FATCA/CRS/DAC Partner
United Kingdom
Deloitte LLP
+44 20 7303 0412

[Karim Ousta](#)

FATCA Tax Leader, Middle East
United Arab Emirates
Deloitte LLP
+971 4 5064700

[Karim Schubiger](#)

Director
Switzerland
Deloitte AG
+41 58 279 9202

[Chris Tragheim](#)

EMEA Operational Tax Leader
United Kingdom
Deloitte LLP
+ 44 20 7303 2848

This alert contains general information only and Deloitte is not, by means of this alert, rendering accounting, business, financial, investment, legal, tax, or other professional advice or services. This alert is not a substitute for such professional advice or services, nor should it be used as a basis for any decision or action that may affect your business. Before making any decision or taking any action that may affect your business, you should consult a qualified professional advisor. Deloitte shall not be responsible for any loss sustained by any person who relies on this alert.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as "Deloitte Global") does not provide services to clients. In the United States, Deloitte refers to one or more of the US member firms of DTTL, their related entities that operate using the "Deloitte" name in the United States and their respective affiliates. Certain services may not be available to attest clients under the rules and regulations of public accounting. Please see www.deloitte.com/about to learn more about our global network of member firms.