

# Instructions for Form W-8IMY Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for U.S. Tax Withholding and Reporting (Rev. February 2006)

## FATCA

In 2010, Congress passed the Hiring Incentives to Restore Employment Act of 2010, P.L. 111-147 (the HIRE Act), which added chapter 4 of Subtitle A (chapter 4) to the Code, consisting of sections 1471 through 1474 of the Code and commonly referred to as “FATCA” or “chapter 4.” Under chapter 4, participating foreign financial institutions (FFIs) and certain registered deemed-compliant FFIs are generally required to identify their U.S. account holders, regardless of whether a payment subject to withholding is made to the account. In January 2013, final regulations were published that provide due diligence, withholding, and reporting rules for both U.S. withholding agents and FFIs under chapter 4.

This form, along with Forms W-8BEN, W-8ECI, W-8EXP, and W-8IMY, has been updated to reflect the documentation requirements of chapter 4. In particular, this Form W-8IMY is now used by an intermediary or flow-through entity to certify as to its status under both chapter 3 and chapter 4. In general, intermediaries receiving withholdable payments will be required to disclose their chapter 3 and chapter 4 status or may be subject to withholding at a 30% rate on payments of U.S. source FDAP income.

## Qualified Securities Lender

Section 541 of the HIRE Act added section 871(l) to the Code, which provides that certain dividend equivalent payments are treated as U.S. source dividends and thus subject to tax at a 30% rate under section 1441 (absent a code based exemption or applicable income tax treaty provision). For this purpose, the term “dividend equivalent” includes “any substitute dividend made pursuant to a securities lending or sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States.”

Notice 2010-46 provides that a withholding agent is not required to withhold on a dividend equivalent payment made to a Qualified Securities Lender (QSL) that certifies to the withholding agent that it is acting as a QSL and, with respect to any substitute dividend payment it receives from the withholding agent, will withhold and remit or pay the proper amount of U.S. gross-basis tax. These required certifications may be made on this Form W-8IMY. For more information about QSLs or withholding on dividend equivalents generally, see Notice 2010-46 (IRB 2010-24), which can be found at [http://www.irs.gov/file\\_source/pub/irs-utl/notice\\_2010\\_46.pdf](http://www.irs.gov/file_source/pub/irs-utl/notice_2010_46.pdf).

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Note.** For definitions of terms used throughout these instructions, see *Definitions* on pages 2-3 — 5 and 3.

## Department of the Treasury Internal Revenue Service

Under **Revenue Ruling 2001-60**, foreign persons are subject to U.S. tax at a 30% rate on income they receive from U.S. sources that consists of interest (including certain original issue discount (OID)), dividends, rents, premiums, annuities, compensation for, or in expectation of, services performed, or other fixed or determinable annual or periodical (FDAP) gains, profits, or income. This tax is imposed on the gross amount paid and is generally collected by withholding under section 1441 or 1442 on that amount. A payment is considered to have been made whether it is made directly to the beneficial owner or to another person, such as an intermediary, agent, trustee, executor, or partnership, for the benefit of the beneficial owner.

Foreign persons are also subject to tax at graduated rates on income they earn that is considered effectively connected with a U.S. trade or business. If a foreign person invests in a partnership that conducts a U.S. trade or business, the foreign person is considered to be engaged in a U.S. trade or business. The partnership is required to withhold tax under section 1446 on the foreign person's distributive share of the partnership's effectively connected taxable income. The partnership may generally accept any form submitted for purposes of section 1441 or 1442, with few exceptions, to establish the foreign status of the partner. See Regulations sections 1.1446-1 through 1.1446-6 to determine whether the form submitted for purposes of section 1441 or 1442 will be accepted for purposes of section 1446.



**CAUTION** For purposes of section 1446, Form W-8IMY may only be submitted by an upper-tier foreign partnership or a foreign grantor trust, both of which must furnish additional documentation for their owners.

Under chapter 4, nonparticipating FFIs and certain nonfinancial foreign entities are subject to a 30% tax on certain payments under sections 1471 and 1742. This tax also applies to amounts paid to certain intermediaries. For example, if a U.S. withholding agent makes a payment of U.S. source portfolio interest to an account maintained by a nonparticipating FFI, the payment will be subject to a 30% withholding tax under chapter 4 even if the beneficial owner is a foreign individual willing to provide a valid Form W-8BEN.

**Additional information.** For additional information and instructions for the withholding agent, see the Instructions for the Requester of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY.

**Who must file.** Form W-8IMY must be provided by:

- A foreign person, or a foreign branch of a U.S. person, to establish that it is a qualified intermediary that is not acting for its own account, to represent that it has provided or will provide a withholding statement, as required, and, if applicable, to represent that it has assumed primary withholding responsibility under chapters 3 and 4 of the Code (excluding section 1446) and/or primary Form 1099 reporting and backup withholding responsibility.
- A foreign person to establish that it is a nonqualified intermediary that is not acting for its own account, and, if applicable, that it is using the form to transmit withholding certificates and/or other documentary evidence and has provided, or will provide, a withholding statement, as required. A U.S. person cannot be a nonqualified intermediary.

- A U.S. branch of certain foreign banks or foreign insurance companies to represent that the income it receives is not effectively connected with the conduct of a trade or business within the United States and either that it is using the form **(a)** as evidence of its agreement with the withholding agent to be treated as a U.S. person with respect to any payments associated with the Form W-8IMY or **(b)** to transmit the documentation of the persons for whom it receives a payment and has provided, or will provide, a withholding statement, as required.
- A foreign partnership or a foreign simple or grantor trust to establish that it is a withholding foreign partnership or withholding foreign trust under the regulations for sections 1441 and 1442 and that it has provided, or will provide, a withholding statement, as required.
- A foreign partnership or a foreign simple or grantor trust to establish that it is a nonwithholding foreign partnership or nonwithholding foreign simple or grantor trust for purposes of section 1441 and 1442 and to represent that the income is not effectively connected with a U.S. trade or business, that the form is being used to transmit withholding certificates and/or documentary evidence, and that it has provided, or will provide, a withholding statement, as required. Solely for purposes of providing this form, a reverse hybrid entity that is providing documentation on behalf of its interest holders to claim a reduced rate of withholding under a treaty is considered to be a nonqualified intermediary unless it has entered into a qualified intermediary agreement with the IRS.
- A foreign partnership or foreign grantor trust to establish that it is an upper-tier foreign partnership or foreign grantor trust for purposes of section 1446, and to represent that the form is being used to transmit withholding certificates and/or documentary evidence and that it has provided, or will provide, a withholding statement, as required.

This form may serve to establish foreign status for purposes of sections 1441, 1442, and 1446. However, any representations that items of income, gain, deduction, or loss are not effectively connected with a U.S. trade or business will be disregarded by a partnership receiving this form for purposes of section 1446 as the partnership will undertake its own analysis.

Do not use Form W-8IMY if:

- You are the beneficial owner of U.S. source income (other than income that is effectively connected with the conduct of a trade or business within the United States) and you need to establish that you are not a U.S. person, establish your chapter 4 status (if required), or claim a reduced rate of withholding under an income tax treaty (if applicable). Instead, submit Form W-8BEN, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Individuals) or Form W-8BEN-E, Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting (Entities).

~~You are the beneficial owner of U.S. source income (other than income that is effectively connected with the conduct of a trade or business within the United States) and are claiming a reduced rate of, or exemption from, withholding as a resident of a foreign country with which the United States has an income tax treaty. Instead, provide Form W-8BEN.~~

- You are filing for a hybrid entity claiming treaty benefits on its own behalf. Instead, provide Form W-8BEN-E.
- ~~or~~ You are filing for a reverse hybrid entity and are that is not claiming treaty benefits on behalf of its interest holders.

Instead, provide Form W-8BEN-E.

- You are the beneficial owner of income that is effectively connected with the conduct of a trade or business within the United States. Instead, provide Form W-8ECI, Certificate of Foreign Person's Claim That Income Is Effectively Connected With the Conduct of a Trade or Business in the United States.
- You are a nonresident alien individual who claims exemption from withholding on compensation for independent or certain dependent personal services performed in the United States. Instead, provide Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, or Form W-4, Employee's Withholding Allowance Certificate.
- You are filing for a disregarded entity. (A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner.) Instead, the single owner should provide the appropriate Form W-8BEN, Form W-8BEN-E, or W-8ECI.
- You are filing for a foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming the applicability of section 115(2), 501(c), 892, 895, or 1443(b). Instead, provide Form W-8EXP, Certificate of Foreign Government or Other Foreign Organization for United States Tax Withholding and Reporting. However, these entities should use Form W-8BEN-E if they are claiming treaty benefits or are providing the form only to claim exempt recipient status for backup withholding purposes.

**Giving Form W-8IMY to the withholding agent.** Do not send Form W-8IMY to the IRS. Instead, give it to the person who is requesting it. Generally, this person will be the one from whom you receive the payment, who credits your account, or a partnership that allocates income to you.

**When to provide Form W-8IMY to the withholding agent.** Give Form W-8IMY to the person requesting it before income is paid to you, credited, or allocated to your account. If you do not provide this form, the withholding agent may have to withhold at the 30% rate (under chapters 3 and 4), backup withholding rate with respect to non effectively connected income, or the 35% rate for net effectively connected taxable income allocable to a foreign partner in a partnership under section 1446. Generally, a separate Form W-8IMY must be submitted to each withholding agent.

**Change in circumstances.** If a change in circumstances makes any information on the Form W-8IMY (or any documentation or a withholding statement associated with the Form W-8IMY) you have submitted incorrect for purposes of chapter 3 or chapter 4, you must notify the withholding agent or payer within 30 days of the changes in circumstances and you must file a new Form W-8IMY or provide new documentation or a new withholding statement.

You must update the information associated with Form W-8IMY as often as is necessary to enable the withholding agent to withhold at the appropriate rate on each payment and to report such income. See Regulations sections 1.1441-1(e)(4)(ii)(D) for the definition of a change in circumstances for purposes of chapter 3. See Regulations section 1.1471-3(c)(6)(ii)(E) for the definition of a change in circumstances for purposes of chapter 4.

**Expiration of Form W-8IMY.** Generally, a Form W-8IMY remains valid until the status of the person whose name is on the certificate is changed in a way relevant to the certificate or

circumstances change that make the information on the certificate no longer correct. The indefinite validity period does not extend, however, to any withholding certificates, documentary evidence, or withholding statements associated with the certificate.

## Definitions

**Account holder.** An account holder is generally the person listed or identified as the holder or owner of a financial account. For example, if a partnership is listed as the holder or owner of a financial account, then the partnership is the account holder, rather than the partners of the partnership (subject to some exceptions). However, an account that is held by a disregarded entity (other than a disregarded entity treated as an FFI for chapter 4 purposes) is treated as held by the person owning the entity.

**Amounts subject to withholding.** Generally, an amount subject to withholding under section 1441 or 1442 is an amount from sources within the United States that is FDAP income. FDAP income is all income included in gross income, including interest (and original issue discount), dividends, rents, royalties, and compensation. FDAP income does not include most gains from the sale of property (including market discount and option premiums). FDAP income also does not include items of U.S. source income that are excluded from gross income without regard to the U.S. or foreign status of the holder, such as interest under section 103(a).

Generally, an amount subject to withholding under section 1446 is an amount that is, or is treated as, effectively connected income of a U.S. trade or business of the partnership.

Withholding under chapter 4 may apply to payments of U.S. source FDAP income that are withholdable payments as defined in Regulations section 1.1473-1(a). Exemptions from withholding or taxation under chapter 3 are not applicable when determining whether withholding applies under chapter 4. For specific exceptions applicable to the definition of a withholdable payment, see Regulations section 1.1473-1(a)(4) (exempting, for example, certain nonfinancial payments).

**Beneficial owner.** For payments other than those for which a reduced rate of, or exemption from, withholding is claimed under an income tax treaty, the beneficial owner of income is generally the person who is required under U.S. tax principles to include the income payment in gross income on a tax return. A person is not a beneficial owner of income, however, to the extent that person is receiving the income as a nominee, agent, or custodian, or to the extent the person is a conduit whose participation in a transaction is disregarded. In the case of amounts paid that do not constitute income, beneficial ownership is determined as if the payment were income.

Foreign partnerships, foreign simple trusts, and foreign grantor trusts are not the beneficial owners of income paid to the partnership or trust. The beneficial owners of income paid to a foreign partnership are generally the partners in the partnership, provided that the partner is not itself a partnership, foreign simple or grantor trust, nominee, or other agent. The beneficial owners of income paid to a foreign simple trust (that is, a foreign trust that is described in section 651(a)) are generally the beneficiaries of the trust, if the beneficiary is not itself a foreign partnership, foreign simple or grantor trust, nominee, or other agent. The beneficial owners of a foreign grantor trust (that is, a foreign trust

to the extent that all or a portion of the income of the trust is treated as owned by the grantor or another person under sections 671 through 679) are the persons treated as the owners of the trust. The beneficial owner of income paid to a foreign complex trust (that is, a foreign trust that is not a foreign simple trust or foreign grantor trust) is the trust itself.

The beneficial owner of income paid to a foreign estate is the estate itself.

**Chapter 4 status.** The term chapter 4 status means a person's status as a U.S. person, specified U.S. person, foreign individual, participating FFI, deemed-compliant FFI, restricted distributor, exempt beneficial owner, nonparticipating FFI, territory financial institution, excepted NFFE, or passive NFFE. See Regulations section 1.1471-1(b) for further definition of these terms.

**Deemed-compliant FFI.** Under section 1471(b)(2), certain FFIs are deemed to comply with the regulations under chapter 4 without the need to enter into an FFI agreement with the IRS. However, certain deemed-compliant FFIs are required to register with the IRS and obtain a GIIN. These FFIs are referred to a **registered deemed-compliant FFIs**. See Regulations section 1.1471-5(f).

**Disregarded entity.** A business entity that has a single owner and is not a corporation under Regulations section 301.7701-2(b) is disregarded as an entity separate from its owner. A disregarded entity does not submit this Form W-8IMY to a withholding agent or FFI. Instead, the owner of such entity provides the appropriate documentation. See Regulations section 1.1446-1 and section 1.1471-3(a)(3)(v), respectively.

Certain entities that are disregarded for U.S. tax purposes may be recognized for purposes of claiming treaty benefits under an applicable tax treaty (see the definition of hybrid entity below). See Form W-8BEN-E and the accompanying instructions for more information about a hybrid entity claiming treaty benefits on its own behalf.

**Foreign financial institution (FFI).** A foreign financial institution (FFI) generally means a foreign entity that is a depository institution, custodial institution, investment entity, or an insurance company (or holding company of an insurance company) that issues cash value insurance or annuity contracts.

**Fiscally transparent entity.** An entity is treated as fiscally transparent with respect to an item of income to the extent that the interest holders in the entity must, on a current basis, take into account separately their shares of an item of income paid to the entity, whether or not distributed, and must determine the character of the items of income as if they were realized directly from the sources from which realized by the entity.

**Flow-through entity.** A flow-through entity is a foreign partnership (other than a withholding foreign partnership), a foreign simple or foreign grantor trust (other than a withholding foreign trust), or, for payments for which a reduced rate of withholding is claimed under an income tax treaty, any entity to the extent the entity is considered to be fiscally transparent (see earlier above) with respect to the

payment by an interest holder's jurisdiction.

**Foreign person.** A foreign person includes a nonresident alien individual, a foreign corporation, a foreign partnership, a foreign trust, a foreign estate, and any other person that is not a U.S. person. It also includes a foreign branch or office of a U.S. financial institution or U.S. clearing organization if the foreign branch is a qualified intermediary. Generally, a payment to a U.S. branch of a foreign person is a payment to a foreign person.

**Limited Branch.** The term limited branch means a branch of an FFI that, under the laws of the branch's jurisdiction as of February 15, 2012, cannot satisfy the reporting, withholding, or other requirements to be considered a participating FFI for purposes of chapter 4. See Regulations section 1.1471-4(e)(2)(iii).

**Hybrid entity.** A hybrid entity is any person (other than an individual) that is treated as fiscally transparent (see earlier rather than as a beneficial owner) in the United States but is not treated as fiscally transparent by a country with which the United States has an income tax treaty. Hybrid status is relevant for claiming treaty benefits. A hybrid entity may, however, be considered the payee for purposes of chapter 4 (see Regulations section 1.1471-3(a) defining who is a payee).

**Intergovernmental Agreement (IGA).** An IGA means a Model 1 IGA or a Model 2 IGA. A **Model 1 IGA** means an agreement between the U.S. or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs to such foreign government or agency thereof, followed by automatic exchange of the reported information with the IRS. An FFI in a Model 1 IGA jurisdiction that performs account reporting to the jurisdiction's government is referred to as a **Reporting Model 1 FFI**.

A Model 2 IGA means an agreement or arrangement between the U.S. or the Treasury Department and a foreign government or one or more agencies to implement FATCA through reporting by FFIs directly to the IRS in accordance with the requirements of an FFI agreement, supplemented by the exchange of information between such foreign government or agency thereof and the IRS. An FFI in a Model 2 IGA jurisdiction that has entered into an FFI agreement is a participating FFI, but may be referred to as a reporting Model 2 FFI.

**Intermediary.** An intermediary is any person that acts as a custodian, broker, nominee, or otherwise as an agent for another person, regardless of whether that other person is the beneficial owner of the amount paid, a flow-through entity, or another intermediary.

**Qualified intermediary.** A qualified intermediary is a person that is a party to a withholding agreement with the IRS and is:

- A foreign financial institution or a foreign clearing organization (other than a U.S. branch or U.S. office of the institution or organization),
- A foreign branch or office of a U.S. financial institution or a foreign branch or office of a U.S. clearing organization,
- A foreign corporation for purposes of presenting claims of benefits under an income tax treaty on behalf of its shareholders, or

- Any other person the IRS accepts as a qualified intermediary and who enters into a withholding agreement with the IRS.

See Rev. Proc. 2000-12 for procedures to apply to be a qualified intermediary. You can find Rev. Proc. 2000-12 on page 387 of Internal Revenue Bulletin (IRB) 2000-4 at [www.irs.gov/pub/irs-irbs/irb00-04.pdf](http://www.irs.gov/pub/irs-irbs/irb00-04.pdf). Also see Notice 2001-4 (IRB 2001-2); Rev. Proc. 2003-64, Appendix 3 (IRB 2003-32); and Rev. Proc. 2004-21 (IRB 2004-14).

**Nonqualified intermediary.** A nonqualified intermediary is any intermediary that is not a U.S. person and that is not a qualified intermediary.

**Limited branch.** A Limited Branch means a branch that, under the laws of the jurisdiction in which it is located, is unable to: (1) report, close, or transfer its U.S. accounts to a U.S. financial institution, to a branch of the FFI that will report the U.S. account, to a participating FFI, to a reporting Model 1 FFI, or to a reporting Model 2 FFI, or (2) withhold, block, or close an account held by a recalcitrant account holder or nonparticipating FFI or otherwise transfer the account to a U.S. financial institution, to a branch of the FFI that will report the account to the IRS, to a participating FFI, to a reporting Model 1 FFI, or to a reporting Model 2 FFI. A Limited Branch also includes a related branch under a Model 1 or 2 IGA that is treated as a nonparticipating FFI branch because it operates in a jurisdiction that prevents such branch from fulfilling the requirements to be a participating FFI or deemed-compliant FFI.

**Nonparticipating FFI.** A nonparticipating FFI means a foreign financial institution that is not a participating FFI, deemed-compliant FFI, or exempt beneficial owner.

**Nonwithholding foreign partnership, simple trust, or grantor trust.** A nonwithholding foreign partnership is any foreign partnership other than a withholding foreign partnership. A nonwithholding foreign simple trust is any foreign simple trust that is not a withholding foreign trust. A nonwithholding foreign grantor trust is any foreign grantor trust that is not a withholding foreign trust.

**Participating FFI.** A participating FFI is an FFI (including an FFI covered by a Model 2 FFI agreement) that has agreed to comply with the terms of an FFI agreement. The term participating FFI also includes a QI branch of a U.S. financial institution, unless such branch is a reporting Model 1 FFI.

**Reportable amount.** Solely for purposes of the statements required to be attached to Form W-8IMY, a reportable amount is an amount subject to withholding, U.S. source deposit interest (including original issue discount), and U.S. source interest or original issue discount on the redemption of short-term obligations. It does not include payments on deposits with banks and other financial institutions that remain on deposit for 2 weeks or less or amounts received from the sale or exchange (other than a redemption) of a short-term obligation that is effected outside the United States. It also does not include amounts of original issue discount arising from a sale and repurchase transaction completed within a period of 2 weeks or less, or amounts described in Regulations section 1.6049-5(b)(7), (10), or

(11) (relating to certain obligations issued in bearer form). See the instructions for Forms 1042-S and 1099 to determine whether these amounts are also subject to information reporting.

**Reverse hybrid entity.** A reverse hybrid entity is any person (other than an individual) that is not fiscally transparent under U.S. tax law principles but that is fiscally transparent under the laws of a jurisdiction with which the United States has an income tax treaty.

**Withholding agent.** A withholding agent is any person, U.S. or foreign, that has control, receipt, or custody of an amount subject to withholding or who can disburse or make payments of an amount subject to withholding. The withholding agent may be an individual, corporation, partnership, trust, association, or any other entity, including (but not limited to) any foreign intermediary, foreign partnership, and U.S. branches of certain foreign banks and insurance companies. Generally, the person who pays (or causes to be paid) the amount subject to withholding to the foreign person (or to its agent) must withhold.

**Withholding foreign partnership or withholding foreign trust.** A withholding foreign partnership or withholding foreign trust is a foreign partnership or a foreign simple or grantor trust that has entered into a withholding agreement with the IRS in which it agrees to assume primary withholding responsibility under sections 1441 and 1442 for all payments that are made to it for certain of its partners, beneficiaries, or owners and is acting in its capacity as a withholding foreign partnership or withholding foreign trust.

See Rev. Proc. 2003-64 for procedures to apply to be a withholding foreign partnership or trust. You can find Rev. Proc. 2003-64 on page 306 of Internal Revenue Bulletin (IRB) 2003-32 at [www.irs.gov/pub/irs-irbs/irb03-32.pdf](http://www.irs.gov/pub/irs-irbs/irb03-32.pdf). Also see Rev. Proc. 2004-21 (IRB 2004-14).

## Specific Instructions

### Part I – Identification of Entity

**Line 1.** Enter your name. By doing so, you are representing to the payer or withholding agent that you are not the beneficial owner of the amounts that will be paid to you. If you are a disregarded entity or branch, do not enter the business name of the disregarded entity or branch here. Instead, enter the legal name of the entity that owns the disregarded entity (looking through multiple disregarded entities if applicable) or maintains the branch.

**Line 2.** If you are a corporation, enter the country of incorporation. If you are another type of entity, enter the country under whose laws you are created, organized, or governed. If you are an individual, provide your country of residence for tax purposes.

**Line 3.** If you are a disregarded entity or branch receiving a payment (other than a hybrid entity making a treaty claim), enter your name here (if required). You are only required to complete line 3 if you are completing Part II. Even if you are not completing Part II, however, you may want to notify the withholding agent that that you are a disregarded receiving a payment.

enter “N/A” (for “not applicable”).

**Line 34.** Check the one box that applies. If you are a foreign partnership receiving the payment on behalf of your partners, check the “Withholding foreign partnership” box or the “Nonwithholding foreign partnership” box, whichever is appropriate. If you are a foreign simple trust or foreign grantor trust receiving the payment on behalf of your beneficiaries or owners, check the “Withholding foreign trust” box, the “Nonwithholding foreign simple trust” box, or the “Nonwithholding foreign grantor trust” box, whichever is appropriate. If you are a foreign partnership (or a foreign trust) receiving a payment on behalf of persons other than your partners (or beneficiaries or owners), check the “Qualified intermediary” box or the “Nonqualified intermediary” box, whichever is appropriate. A reverse hybrid entity that is providing documentation from its interest holders to claim a reduced rate of withholding under a treaty should check the “Nonqualified intermediary” box unless it has entered into a qualified intermediary agreement with the IRS. See Parts IV-III Through VI-VIII below if you are acting in more than one capacity. A partnership or grantor trust submitting Form W-8IMY solely because it is allocated income effectively connected with a U.S. trade or business as a partner in a partnership should check the box for nonwithholding foreign partnership or nonwithholding foreign grantor trust and, if it is submitting or will submit documentation for its partners or owners, it should complete Part VIII.



*Form W-8IMY may be submitted and accepted to satisfy documentation requirements for purposes of withholding on certain partnership allocations to foreign partners under section 1446. Section 1446 generally requires withholding when a partnership is conducting a trade or business in the United States and allocates income effectively connected with that trade or business (ECI) to foreign persons that are partners in the partnership. Section 1446 can also apply when certain income is treated as effectively connected income of the partnership and is so allocated.*

*An upper-tier partnership that is allocated ECI as a partner in a partnership may, in certain circumstances, have the lower-tier partnership perform its withholding obligation. Generally, this is accomplished by the upper-tier partnership submitting withholding certificates of its partners (for example, Form W-8BEN) along with a Form W-8IMY, which identifies itself as a partnership, and identifying the manner in which ECI of the upper-tier partnership will be allocated to the partners. For further information, see Regulations section 1.1446-5. A foreign grantor trust that is allocated ECI as a partner in a partnership should provide the withholding certificates of its grantor (for example, Form W-8BEN) along with its Form W-8IMY which identifies the trust as a foreign grantor trust. See Regulations section 1.1446-1(c)(ii)(E) for the rules requiring it to provide additional documentation to the partnership.*

Line 5. Check the one box that applies to your chapter 4 status (if necessary). You are required to provide a chapter 4 status if you acting as an agent or intermediary with respect to a withholdable payment. By checking a box on this line, you are representing that you qualify for this classification.



*For many classifications, you are required to complete an additional part of this form certifying that you meet the conditions of the status indicated on line 5 (as defined under Regulations section 1.1471-5 or 1.1471-6). Make sure you complete the required portion of this form before signing and providing it to the withholding agent.*

*Under certain circumstances, you may not need to certify as to your chapter 4 status or will be required to do so on an attachment to this form. In such cases, you must check the box "Code/Other" on this line 5 and enter one of the following codes:*

*A – You are acting as an agent or intermediary with respect to a grandfathered obligation as defined in Regulations section 1.1471-2(b) (as modified by Notice 2013-43). You can find Notice 2013-43 on page 113 of Internal Revenue Bulletin (IRB) 2013-31 at [http://www.irs.gov/irb/2013\\_31\\_IRB/ar07.html](http://www.irs.gov/irb/2013_31_IRB/ar07.html).*

*B – You are acting as an agent or intermediary with respect to a payment other than a withholdable payment and are not a flow-through entity that is an account holder of an FFI requesting this form. For example, enter this code if you are receiving distributions of effectively connected taxable income from a partnership subject to withholding under section 1446.*

*C – You are determining your chapter 4 status using definitions in an applicable IGA rather than in Regulations section 1.1471-5 or 1.1471-6 (other than as a nonreporting IGA FFI). In such case you should provide a certification with this form as to your status under the applicable IGA section rather than completing a certification in Parts IX through XXVI. See special instructions for "Entity Determining Chapter 4 Status Under an Applicable IGA" below.*



*A jurisdiction will be treated as having an IGA in effect if the jurisdiction is listed on a Treasury website, regardless of whether the IGA has been brought into force. The list of such jurisdictions is available at: <http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx>.*

*D – You are an individual acting as an intermediary or agent.*

**Line 46.** Your permanent residence address is the address in the country where you claim to be a resident. Do not show the address of a financial institution, a post office box, or an address used solely for mailing purposes (unless it is your registered address). If you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office or, if you are an individual, where you normally reside.

**Line 57.** Enter your mailing address only if it is different from the address you show on line 46.

**Line 68.** You must provide an employer identification number (EIN) if you are a U.S. branch of a foreign bank or insurance

company, an upper-tier partnership that is allocated ECI as a partner in a partnership, or a foreign grantor trust that is allocated ECI as a partner.

If you are acting as a qualified intermediary, withholding foreign partnership, or withholding foreign trust, check the **QI-EIN** appropriate box and enter the EIN that was issued to you in such capacity (your "QI-EIN," "WP-EIN," or "WT-EIN"). If you are not acting in that capacity, you must use your U.S. taxpayer identification number (TIN), if any, that is not your QI-EIN, WP-EIN, or WT-EIN.

A nonqualified intermediary, a nonwithholding foreign partnership, or a nonwithholding foreign simple or grantor trust is generally not required to provide a U.S. TIN. However, a nonwithholding foreign grantor trust with five or fewer grantors is required to provide an EIN.

**Line 79.** If you are a participating FFI (including a reporting Model 2 FF) or a registered deemed-compliant FFI (including an FFI in a Model 1 IGA jurisdiction), you must enter your GIIN (with regard to your country of residence) on this line 9. If your country of residence for tax purposes has issued you a tax-identifying number, enter it here.

**Line 810.** This line may be used by the filer of Form W-8IMY or by the withholding agent to whom it is provided to include any referencing information that is useful to the withholding agent in carrying out its obligations. For example, a withholding agent who is required to associate a particular Form W-8BEN or Form W-8BEN-E with this Form W-8IMY may want to use line 8-10 for a referencing number or code that will make the association clear.

## Part II — Disregarded Entity or Branch Receiving Payment



*Only complete Part II if you are a branch of an FFI identified in line 1 (including a branch that is a disregarded entity) and you operate in a jurisdiction other than the country of residence identified on line 2. For example, assume ABC Co., which is a participating FFI resident in Country A, operates through an branch in Country B (which is a Model 1 IGA jurisdiction) and the branch is treated as a reporting Model 1 FFI under the terms of the Country B Model 1 IGA. ABC Co. should enter its GIIN on line 9, and the Country B branch should complete this Part II by identifying itself as a reporting Model 1 IGA FFI and providing its GIIN on line 13.*

**Line 11.** Check the one box that applies. If you check reporting Model 1 FFI, reporting Model 2 FFI, participating FFI, or U.S. branch claiming a chapter 4 status other than that of nonparticipating FFI, you must complete line 13 (see below). If you are a limited branch or branch that cannot comply with the requirements of an applicable IGA, you must check nonparticipating FFI.

**Line 12.** Enter the address of the branch or disregarded entity.

**Line 13.** If you are a reporting Model 1 FFI, participating FFI, reporting Model 2 FFI, or participating FFI, you must enter your GIIN on line 13. Do not enter the GIIN (if any) provided on line 9 (if applicable) unless you are a U.S. branch that has

not been issued a GIIN. In such case, enter the GIIN applicable to any other branch of the FFI (including in its residence country).

## **Certification of Chapter 3 Status: Parts III Through VIII**

You should only complete one part. If you are acting in multiple capacities, you must provide separate Forms W-8IMY for each capacity. For example, if you are acting as qualified intermediary for one account, but a nonqualified intermediary for another account, you must provide on Form W-8IMY in your capacity as a qualified intermediary, and a separate Form W-8IMY in your capacity as a nonqualified intermediary.

### **Part III — Qualified Intermediary**

Check box 149a if you are a qualified intermediary (QI) (whether or not you assume primary withholding responsibility) for the income for which you are providing this form. By checking the box, you are certifying to all of the statements contained on line 149a.

Check box 9b-14b only if you have assumed primary withholding responsibility under both chapter 3 of the Code (nonresident alien withholding) and chapter 4 with respect to the account(s) identified on this line or in a withholding statement associated with this form.

Check box 14c only if you have not assumed primary withholding responsibility under both chapter 3 (nonresident alien withholding) and chapter 4 with respect to the account(s) identified on this line or in a withholding statement associated with this form.

Check box 9e-14d only if you have assumed primary Form 1099 reporting and backup withholding responsibility as authorized in a withholding agreement with the IRS with respect to the accounts identified on this line or in a withholding statement associated with this form. You must also certify that you are fulfilling all reporting obligations applicable to your chapter 4 status.

Check box 14e only if you have not assumed primary Form 1099 reporting and backup withholding responsibility and are transmitting Forms W-9 with respect to each U.S. non-exempt recipient account identified on this line or in a withholding statement associated with this form. However, you still must certify that you are fulfilling all reporting obligations applicable to your chapter 4 status.

Check box 14f to certify that you are acting as a QSL with respect to the account(s) identified on this line or in a withholding statement associated with this form.

Although a QI obtains withholding certificates or appropriate documentation from beneficial owners, payees, and, if applicable, shareholders, as specified in your withholding agreement with the IRS, a QI does not need to attach the certificates or documentation to this form. However, to the extent you have not assumed primary Form 1099 reporting or backup withholding responsibility, you must disclose the names of those U.S. persons for whom you receive reportable amounts and that are not exempt recipients (as defined in Regulations section 1.6049-4(c)(1)(ii) or under section 6041, 6042, 6045, or 6050N). You should make this disclosure by attaching to Form W-8IMY the Forms W-9 (or

substitute forms) of persons that are not exempt recipients. If you do not have a Form W-9 for a non-exempt U.S. payee, you must attach to Form W-8IMY any information you do have regarding that person's name, address, and TIN.

**Withholding statement of a QI.** As a QI, you must provide a withholding statement to each withholding agent from which you receive reportable amounts. The withholding statement becomes an integral part of the Form W-8IMY and, therefore, the certification statement that you sign in Part XXVII of the form applies to the withholding statement as well as to the form.



See your QI Agreement for rules applicable to your withholding statement. Any withholding statement you provide to a withholding agent in your capacity as a QI (or WT or WP, if applicable) is subject to the terms of your respective withholding agreement. The information below should be disregarded to the extent it conflicts with the terms of your withholding agreement with the IRS.

For payments subject to chapter 3, the withholding statement must:

- Designate those accounts for which you act as a QI,
- Designate those accounts for which you are assumed primary withholding responsibility under chapter 3 of the Code and/or primary Form 1099 reporting and backup withholding responsibility, and
- Provide information regarding withholding rate pools.

A withholding rate pool is a payment of a single type of income, based on the categories of income reported on Form 1042-S or Form 1099 (for example, interest or dividends), that is subject to a single rate of withholding. The withholding rate pool may be established by any reasonable method agreed upon by you and the withholding agent. For example, you may agree to establish a separate account for a single withholding rate pool or you may agree to divide a payment made to a single account into portions allocable to each withholding rate pool. You must provide the withholding rate pool information that is required for the withholding agent to meet its withholding and reporting obligations. A withholding agent may request any information reasonably necessary to withhold and report payments correctly.

If you do not assume primary Form 1099 reporting and backup withholding responsibility, you must establish a separate withholding rate pool for each U.S. non-exempt recipient account holder disclosed to the withholding agent unless the alternative procedure is used (see below). The withholding rate pools are based on valid documentation that you obtain under your withholding agreement with the IRS or, if a payment cannot be reliably associated with valid documentation, under the applicable presumption rules. Even if you do not assume primary Form 1099 and backup withholding responsibility, however, you must still fulfill any reporting required under chapter 4 (if applicable).

For purposes of chapter 4, the withholding statement must:

- Contain either:
  - o The name, address, TIN (if any), entity type, chapter 4 status of each payee.

amount allocated to each payee, and valid withholding certificates or other documentation sufficient to establish the chapter 4 status of each payee. However, a chapter 4 withholding statement may provide pooled allocation information with respect to payees treated as nonparticipating FFIs; or

- o Pooled information that indicates the portion of the payment attributable to U.S. persons, recalcitrant account holders, nonparticipating FFIs, and any other class of payees not subject to withholding under chapter 4.

- Identify each intermediary or flow-through entity that receives a payment on behalf of the payee and provide that entity's GIIN (if it has been issued a GIIN).
- Contain any other information the withholding agent reasonably requests in order to fulfill its obligations under chapter 4.

For payments subject to both chapters 3 and 4:

- The withholding statement should first allocate a portion of the payment (if any) to recalcitrant account holders, nonparticipating FFIs, and any other class of payees subject to withholding under chapter 4 for which pooled information is being provided.
- In general, the withholding statement should allocate the remaining portion of the payment to withholding rate pools in accordance with the chapter 3 withholding statement provisions described above. Thus, for the classes of payees not subject to withholding under chapter 4, the withholding statement must:
  - o Designate the accounts for which you are acting as a QI.
  - o Designate those accounts for which you are assuming primary withholding responsibility under chapters 3 and 4 of the Code and/or primary Form 1099 reporting and backup withholding responsibility, and
  - o Provide information regarding withholding rate pools in accordance with the rules for chapter 3 described above.
- The withholding statement must also identify each intermediary or flow-through entity receiving the payment on behalf of a payee, along with the intermediary or entity's chapter 4 status and GIIN (if the entity has been issued a GIIN).

**Alternative procedure for U.S. non-exempt recipients.** If permitted by the QI withholding agreement with the IRS and if approved by the withholding agent, you may establish:

- A single withholding rate pool (not subject to backup withholding) for all U.S. non-exempt recipient account holders for whom you have provided Forms W-9 prior

to the withholding agent making any payments. Alternatively, you may include such U.S. non-exempt recipients in a zero rate withholding pool that includes U.S. exempt recipients and foreign persons exempt from non-resident alien withholding provided all the conditions of the alternative procedure are met, and

- A separate withholding rate pool (subject to backup withholding) for all U.S. non-exempt recipient account holders for whom you have not provided Forms W-9 prior to the withholding agent making any payments.

If you elect the alternative procedure, you must provide the information required by your QI withholding agreement to the withholding agent not later than January 15 of the year following the year in which the payments are paid. Failure to provide this information may result in penalties under sections 6721 and 6722 and termination of your withholding agreement with the IRS.

**Updating the statement.** The statement by which you identify the relevant withholding rate pools must be updated as often as is necessary to allow the withholding agent to withhold at the appropriate rate on each payment and to correctly report the income to the IRS. The updated information becomes an integral part of Form W-8IMY.

## Part **IVH** — Nonqualified Intermediary

If you are providing Form W-8IMY as a nonqualified intermediary (NQI), you must check box **10a15a**. By checking this box, you are certifying to all of the statements on line **10a15a**.

Check box **1510b** if you are using this form to transmit withholding certificates or other documentation along with a withholding statement (subject to the certifications on this form) that satisfies the requirements of chapters 3 and 4.

Check box 15c to certify that you are transmitting Forms W-9 with respect to each U.S. non-exempt recipient account identified on this line or in a withholding statement associated with this form. You still must also certify that you are fulfilling all reporting obligations applicable to your chapter 4 status.

Check box 15d to certify that you are acting as a QSL with respect to the accounts identified on his line or in a withholding statement associated with this form.

All registered deemed-compliant local FFIs and restricted funds must check box 15e to certify that you are (and will continue) fulfilling your chapter 4 reporting requirements with respect to any specified U.S. person for which pooled information is being provided to the withholding agent in lieu of Form W-9.

If you are acting on behalf of another NQI or on behalf of a foreign partnership or foreign trust that is not a withholding foreign partnership or a withholding foreign trust, you must attach to your Form W-8IMY the Form W-8IMY of the other NQI or the foreign partnership or the foreign trust together with the withholding certificates and other documentation attached to that Form W-8IMY.

**Withholding statement of an NQI.** In addition to valid documentation of its customers, an NQI must provide a withholding statement to obtain reduced rates of withholding



for its customers and to avoid certain reporting responsibilities. The withholding statement must be provided prior to a payment and becomes an integral part of the Form W-8IMY and, therefore, the certification statement that you sign in Part XXVII of the form applies to the withholding statement as well as to the form.

For payments subject to solely chapter 3, the withholding statement must:

- Contain the name, address, U.S. TIN (if any), and the type of documentation (documentary evidence, Form W-9, or type of Form W-8) for every person for whom documentation has been received and must state whether that person is a U.S. exempt recipient, a U.S. non-exempt recipient, or a foreign person. The statement must indicate whether a foreign person is a beneficial owner or an intermediary, flow-through entity, or U.S. branch and the type of recipient, based on the recipient codes reported on Form 1042-S.
- Allocate each payment by income type to every payee for whom documentation has been provided. The type of income is based on the income codes reported on Form 1042-S (or, if applicable, the income categories for Form 1099). If a payee receives income through another NQI, flow-through entity, or U.S. branch, your withholding certificate must also state the name, address, and U.S. TIN, if known, of the other NQI or U.S. branch from which the payee directly receives the payment or the flow-through entity in which the payee has a direct ownership interest. If another NQI, flow-through entity, or U.S. branch fails to allocate a payment, you must provide, for that payment, the name of the NQI, flow-through entity, or U.S. branch that failed to allocate the payment.
- If a payee is identified as a foreign person, you must specify the rate of withholding to which the payee is subject, the payee's country of residence and, if a reduced rate of withholding is claimed, the basis for that reduced rate (for example, treaty benefit, portfolio interest, exempt under section 501(c)(3), 892, or 895). The statement must also include the U.S. TIN (if required) and, if the beneficial owner is not an individual and is claiming treaty benefits, state whether the limitation on benefits and section 894 statements have been provided by the beneficial owner. You must inform the withholding agent as to which payments those statements relate.
- Contain any other information the withholding agent requests in order to fulfill its withholding and reporting obligations under Chapter 3 of the Code and/or Form 1099 reporting and backup withholding responsibility.
- 

For payments subject to solely chapter 4:

- The withholding statement must contain the name, address, TIN (if any), entity type, chapter 4 status of each payee, amount allocated to each payee, and valid withholding certificates or other documentation sufficient to establish the chapter 4 status of each payee. However, a chapter 4 withholding statement may provide pooled

allocation information with respect to payees treated as nonparticipating FFIs.

- Identify each intermediary that receives a payment on behalf of the payee.
- Contain any other information the withholding agent reasonably requests in order to fulfill its obligations under chapter 4.

For payments subject to both chapters 3 and 4:

- The withholding statement should first allocate a portion of the payment (if any) to recalcitrant account holders, nonparticipating FFIs, and any other class of payees subject to withholding under chapter 4 for which pooled information is being provided.
- For all remaining payees, the withholding statement must contain the name, address, U.S. TIN (if any), and the type of documentation (documentary evidence, Form W-9, or type of Form W-8) for every person for whom documentation has been received and must state whether that person is a U.S. exempt recipient, a U.S. non-exempt recipient, or a foreign person. The statement must indicate whether a foreign person is a beneficial owner or an intermediary, flow-through entity, or U.S. branch, the chapter 4 status of the foreign person, and the type of recipient, based on the recipient codes reported on Form 1042-S.
- Allocate each payment by income type to every payee for whom documentation has been provided. The type of income is based on the income codes reported on Form 1042-S (or, if applicable, the income categories for Form 1099). If a payee receives income through another NQI, flow-through entity, or U.S. branch, your withholding certificate must also state the name, address, U.S. TIN, if known, and GIIN (if applicable) of the other NQI or U.S. branch from which the payee directly receives the payment or the flow-through entity in which the payee has a direct ownership interest. If another NQI, flow-through entity, or U.S. branch fails to allocate a payment, you must provide, for that payment, the name of the NQI, flow-through entity, or U.S. branch that failed to allocate the payment.
- If a payee is identified as a foreign person, you must specify the rate of withholding to which the payee is subject, the payee's country of residence and, if a reduced rate of withholding is claimed, the basis for that reduced rate (for example, treaty benefit, portfolio interest, exempt under section 501(c)(3), 892, or 895). The statement must also include the U.S. TIN (if required) and, if the beneficial owner is not an individual and is claiming treaty benefits, state whether the limitation on benefits and section 894 statements have been provided by the beneficial owner. You must inform the withholding agent as to which payments those statements relate.
- Provide any other information the withholding agent requests in order to fulfill its withholding and reporting obligations under chapters 3 and 4 and/or

Form 1099 reporting and backup withholding responsibilities.

**Alternative procedure for NQIs.** Under this procedure, you may provide information allocating a payment of a reportable amount to each payee (including U.S. exempt recipients) after a payment is made. To use the alternative procedure you must inform the withholding agent on your withholding statement that you are using the procedure and the withholding agent must agree to the procedure.



*This alternative procedure cannot be used for payments that are allocable to U.S. non-exempt recipients.*

Under this procedure, you must provide a withholding agent with all the information required on the withholding statement (see *Withholding statement of an NQI* on this page) and all payee documentation, except the specific allocation information for each payee, prior to the payment of a reportable amount. In addition, you must provide the withholding agent with withholding rate pool information. The withholding statement must assign each payee to a withholding rate pool prior to the payment of a reportable amount. A withholding rate pool is a payment of a single type of income, based on the income codes reported on Form 1042-S (for example, interest or dividends), that is subject to a single rate of withholding. The withholding rate pool may be established by any reasonable method agreed upon by you and the withholding agent. For example, you may agree to establish a separate account for a single withholding rate pool, or you may agree to divide a payment made to a single account into portions allocable to each withholding rate pool. You must determine withholding rate pools based on valid documentation or, to the extent a payment cannot be reliably associated with valid documentation, the applicable presumption rules.

You must provide the withholding agent with sufficient information to allocate the income in each withholding rate pool to each payee (including U.S. exempt recipients) within the pool no later than January 31 of the year following the year of payment. If you fail to provide allocation information, if required, by January 31 for any withholding rate pool, you may not use this procedure for any payment made after that date for all withholding rate pools. You may remedy your failure to provide allocation information by providing the information to the withholding agent no later than February 14. See Regulations section 1.1441-1.

## Part V — Territory Financial Institution

### Line 16a

Check box 16a to certify that you are a financial institution (other than an investment entity) incorporated or organized under the laws of a possession of the United States.

You must also check either box 16b or 16c. Check box 16b to certify that you have agreed with the withholding agent to be treated as a U.S. person with respect to payments associated with this Form W-8IMY. In this case, you will receive the payment free of chapter 3 and chapter 4 withholding, but you will be responsible for chapter 3 withholding and reporting.

backup withholding, and chapter 4 withholding and reporting for any payments you make or credit to the account of persons for whom you are receiving a payment.

Check box 16c to certify that you do not have an agreement with the withholding agent to be treated as a U.S. person. You must certify that you are transmitting withholding certificates or other documentation for persons whom you are receiving a payment on behalf of. You must also certify that you have provided or will provide a withholding statement (as required). The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page X.

## **Part IVI — Certain United States Branches**

### Line 17

Check ~~the~~ box 17a to certify that you are either:

- A U.S. branch of a foreign bank subject to regulatory supervision by the Federal Reserve Board or
- A U.S. branch of a foreign insurance company required to file an annual statement on a form approved by the National Association of Insurance Commissioners with the insurance department of a state, a territory, or the District of Columbia.

By checking the box you are also certifying that the income you are receiving is not effectively connected with the conduct of your trade or business in the United States. You must provide your EIN on line 6 of Part I.

You must also check either box 17b or 17c. Check box 17b to certify that you are a U.S. branch of a participating FFI or registered deemed-compliant FFI that has agreed with the withholding agent to be treated as a U.S. person with respect to payments associated with this Form W-8IMY. In this case, you will receive the payment free of chapter 3 and chapter 4 withholding but you will yourself be responsible for Chapter 3 withholding and backup withholding for any payments you make or credit to the account of persons for whom you are receiving the payment.

Check box 17c to certify that you are a U.S. branch of a participating FFI or registered deemed-compliant FFI that does not have an agreement with the withholding agent to be treated as a U.S. person. You must certify that you are transmitting withholding certificates or other documentation for persons whom you are receiving a payment on behalf of. You must also certify that you have provided or will provide a withholding statement (as required). The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page X-

### Line 12 or 13

~~If you are one of the types of U.S. branches specified in the instructions for line 11 above, then you may choose to be treated in one of two ways-~~

- ~~1. Check box 12 if you have an agreement with the withholding agent to which you are providing this form to be treated as a U.S. person. In this case, you will be treated as a U.S. person. Therefore, you will receive the payment free of Chapter 3 withholding but you will yourself be responsible for Chapter 3 withholding and backup withholding for any~~

~~payments you make or credit to the account of persons for whom you are receiving the payment.~~

- ~~2. Check box 13 if you do not have an agreement with the withholding agent to be treated as a U.S. person.~~

~~**Withholding statement of a U.S. branch not treated as a U.S. person.** If you checked box 13, you must provide the withholding agent with a written withholding statement. The withholding statement becomes an integral part of the Form W-8IMY. The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page 5.~~

## **Part VII — Withholding Foreign Partnership or Withholding Foreign Trust**

Check box ~~14-18~~ if you are a withholding foreign partnership or a withholding foreign trust for the accounts for which you are providing this form and you are receiving the income from those accounts on behalf of your partners, beneficiaries, or owners. If you are not receiving the income on behalf of your partners, beneficiaries, or owners, do not complete ~~this~~ Part VII. Instead, complete Part III or Part IVH, whichever is appropriate. If you are a withholding foreign partnership or trust that is acting as a nonwithholding foreign partnership or trust for certain partners, beneficiaries, or owners, you must complete Part VII with respect to those partners, beneficiaries, or owners.

If you are acting as a withholding foreign partnership or withholding foreign trust, you must assume primary withholding responsibility for all payments that are made to you for your partners, beneficiaries, or owners for which you are required to act as a withholding foreign partnership or trust. Therefore, you are not required to provide information to the withholding agent regarding each partner's, beneficiary's, or owner's distributive share of the payment. If you are also receiving payments from the same withholding agent for persons other than your partners, beneficiaries, or owners, you must provide a separate Form W-8IMY for those payments.

## **Part VIII — Nonwithholding Foreign Partnership, Simple Trust, or Grantor Trust**

Check box ~~15-19~~ if you are a foreign partnership or a foreign simple or grantor trust that is not a withholding foreign partnership or a withholding foreign trust. Additionally, check box ~~15-19~~ if you are a withholding foreign partnership or trust acting as a nonwithholding foreign partnership or trust for certain partners, beneficiaries, or owners. By checking this box, you are certifying to both of the statements on line ~~1519~~.

**Note.** If you are receiving income that is effectively connected with the conduct of a trade or business in the United States, provide Form W-8ECI (instead of Form W-8IMY). If you are not receiving the income on behalf of your partners, beneficiaries, or owners, do not complete Part VIII. Instead, complete Part III or Part IV, whichever is appropriate.

If you are acting on behalf of an NQI or another foreign partnership or foreign trust that is not a withholding foreign partnership or a withholding foreign trust, you must associate with your Form W-8IMY the Form W-8IMY of the other foreign partnership or foreign trust

together with the withholding certificates and other documentation attached to that other form.

**Withholding statement of nonwithholding foreign partnership or nonwithholding foreign trust.** You must provide the withholding agent with a written withholding statement to obtain reduced rates of withholding and relief from certain reporting obligations. The withholding statement becomes an integral part of the Form W-8IMY. The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page 5.

~~**Certain smaller and related partnerships and trusts.** Under certain conditions, a QI, WT, or WP may apply special provisions of the relevant withholding agreement to certain smaller and related partnerships and trusts. For more information, you are a foreign partnership or foreign simple or grantor trust to which a QI is applying the rules of Section 4A.01 of the QI agreement, or to which a WP or WT is applying the rules of Section 10.01 of the WP or WT agreement (relating to certain smaller partnerships and trusts), you must provide the QI, WP, or WT with a Form W-8IMY; a Form W-8 from each of your partners, beneficiaries, or owners; and a withholding statement. The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page 5, except that it does not need any allocation information.~~

~~If you are a foreign partnership or foreign simple or grantor trust to which a QI is applying the rules of Section 4A.02 of the QI agreement, or to which a WP or WT is applying the rules of Section 10.02 of the WP or WT agreement (relating to certain related partnerships and trusts), you must provide the QI, WP, or WT with a Form W-8IMY and a withholding statement. The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page 5 except that it may include pooled basis information regarding direct partners, beneficiaries, or owners that are not intermediaries, flow-through entities, or U.S. non-exempt recipients.~~

~~See Rev. Proc. 2003-64 for rules regarding certain smaller and related partnerships or trusts. You can find Rev. Proc. 2003-64 on page 306 of Internal Revenue Bulletin (IRB) 2003-32 at [www.irs.gov/pub/irs-irbs/irb03-32.pdf](http://www.irs.gov/pub/irs-irbs/irb03-32.pdf). Also see Rev. Proc. 2004-21 (IRB 2004-14).~~

## **Certification of Chapter 4 Status: Parts IX Through XXVI**

You should complete only one part certifying to your chapter 4 status (if required). Identify which part (if any) you should complete by reference to the box you checked on line 5. If you are determining your status by applying definitions from an applicable IGA that make the certifications on this form inaccurate, see the special instructions for "Entity Determining Chapter 4 Status Under an Applicable IGA" below.



*You are not required to complete a chapter 4 status certification unless you are acting as an intermediary with respect to a withholdable payment or area flow-through entity providing this form to document your status as an accountholder maintaining an account with an FFI.*

## **Part IX – Nonparticipating FFI**



*You are not required to complete this part unless you are a nonparticipating FFI providing documentation on behalf of an exempt beneficial owner.*

Check box 20 to certify that you are transmitting withholding certificates or other documentation for exempt beneficial owners on whose behalf you are receiving the payment. You must also certify that you have provided or will provide a withholding statement (as required) allocating a portion of the payment to the exempt beneficial owners. The withholding statement must include the name, address, TIN (if any), entity type, and chapter 4 status of each exempt beneficial owner on behalf of which the nonparticipating FFI is receiving the payment, the amount of the payment allocable to each exempt beneficial owner, a valid withholding certificate or other documentation sufficient to establish the chapter 4 status of each exempt beneficial owner, and any other information the withholding agent reasonably requests in order to fulfill its obligations under chapter 4. The withholding statement must allocate the remainder of the payment that is not allocated to an exempt beneficial owner to the nonparticipating FFI receiving the payment.

## **Part X – Sponsored FFI that has not obtained a GIIN**

On line 21a, enter the name of your sponsoring entity that has agreed to fulfill the due diligence, reporting, and withholding obligations of the entity identified in line 1 as if the entity in line 1 were a participating FFI. You must provide the sponsoring entity's GIIN on line 9.

You must also check either box 21b or 21c to certify that you are either an investment entity or controlled foreign corporation and meet the other applicable requirements for this status.

## **Part XI – Owner-documented FFI**

All owner-documented FFIs must check box 22a to certify that you satisfy the requirements for this classification and are providing this form to a U.S. financial institution, participating FFI, or reporting Model 1 FFI that has agreed to act as a designated withholding agent with respect to the entity identified on line 1 (see Regulations section 1.1471-5(f)(3)).

You must also check either box 22b or 22c. Check box 22b to certify that you have provided or will provide the documentation set forth in the certifications, including the owner reporting statement described in this line 22b.

Check box 22c to certify that you have provided or will provide an auditor's letter (in lieu of the information required by line 23(b)) that satisfies the requirements described in this line.

## **Part XII – Certified deemed-compliant nonregistering local bank**

All nonregistering local banks must check box 23 to certify that you satisfy all of the requirements for this certified deemed-compliant classification.

## **Part XIII – Certified deemed-compliant FFI with only low-value accounts**

All FFIs with only low value accounts must check box 24 to certify that you satisfy all of the requirements for this certified deemed-compliant classification.

## **Part XIV – Certified deemed-compliant sponsored, closely held investment vehicle**

On line 25a, enter the name of your sponsoring entity that has agreed to fulfill the due diligence, reporting, and withholding obligations of the entity identified in line 1 as if the entity in line 1 were a participating FFI. You must also enter the GIIN of your sponsoring entity on line 9.

All sponsored, closely held investment vehicles must check box 25b to certify that you satisfy the requirements for this certified deemed-compliant classification.

## **Part XV – Certified deemed-compliant limited life debt investment company**

All limited life debt investment entities must check box 26 to certify that you satisfy the requirements for this certified deemed-compliant classification. This certification is only effective until January 1, 2017.

## **Part XVI – Restricted distributor**

All restricted distributors must check box 27a to certify that you satisfy the requirements for this classification.

You must also check either box 27b or 27c, as appropriate, to certify that your distribution agreement meets the requirements of this classification.

## **Part XVII – Foreign government, Government of a U.S. possession, or foreign central bank of issue.**

A foreign government, government of a U.S. possession, or foreign central bank of issue (each as defined in Regulations section 1.1471-6) must check box 28 to

certify that you are the beneficial owner for purposes of chapter 4. You should only be completing this form W-8IMY if you are acting as an intermediary with respect to the payment for purposes of chapter 3, but are treated as the beneficial owner of the payment under Regulations section 1.1471-6. For example, a foreign central bank of issue holding securities as collateral may be obligated to remit to the owner payments received on account of the collateral. For purposes of chapter 4, the foreign central bank is treated as the beneficial owner of the payment under Regulations section 1.1471-6(d)(4) and may certify that it is the beneficial owner of the income.



*If you are not acting as an intermediary with respect to the payment for chapter 3 purposes, do not complete Form W-IMY. If you are the beneficial owner of the payment and are claiming an exemption under sections 115(2), 892, or 895 as well as exempt beneficial owner status under Regulations section 1.1471-6 you should provide Form W-8EXP. If you are receiving payments which do not qualify for a statutory exemption from tax but for which you are claiming benefits under an applicable income tax treaty, provide Form W-8BEN-E.*

## **Part XVIII – Nonreporting IGA FFI**

Check box 29 to indicate that you are treated as a nonreporting FFI under an applicable IGA. You must identify the applicable IGA by entering the name of the jurisdiction that has the applicable IGA in effect with the United States. You must also provide the withholding agent with the class of entity described in Annex II of the IGA applicable to your status.

## **Part XIV – Exempt retirement funds**

All exempt retirement plans must check the appropriate box to certify that you satisfy the requirements for this classification.

## **Part XX – Excepted nonfinancial group entity**

All excepted nonfinancial group entities must check box 31 to certify that you satisfy the requirements for this classification.

## **Part XXI – Excepted nonfinancial start-up company**

All excepted nonfinancial start-up companies must check box 32 to certify that you satisfy the requirements for this classification. You must also provide the date you were formed or your board passed a resolution (or equivalent measure) approving a new line of business (which cannot be that of a financial institution or passive NFFE).

## **Part XXII – Excepted nonfinancial entity**

## **in liquidation or bankruptcy**

All excepted nonfinancial group entities in liquidation or bankruptcy must check box 33 to certify that you satisfy the requirements for this classification. You must also provide the date that you filed a plan of liquidation, plan or reorganization, or bankruptcy petition.

## **Part XXIII – NFFE that is publicly traded or NFFE affiliate of a publicly traded corporation**

All publicly traded NFFEs must check box 34a to certify that you are not a financial institution and provide the name of a securities exchange on which the stock of the NFFE is publicly traded.

A NFFE affiliate of a publicly traded entity must check box 34b, provide the name of the publicly traded entity of which the entity identified on line 1 is an affiliate, and identify the securities market on which the stock of the publicly traded affiliate is traded.

## **Part XXIII – Excepted territory NFFE**

All excepted territory NFFEs must check box 35 to certify that you satisfy the requirements for this classification. See Regulations section 1.1472-1(c)(1)(iii) for the definition of an excepted territory NFFE.

## **Part XXV – Active NFE**

All active NFFEs must check box 36 to certify that you satisfy the requirements for this classification.

## **Part XXVI – Passive NFFE**

All passive NFFEs must check box 37 to certify that you are not a financial institution (other than an investment entity organized in a possession of the United States). You must also certify that you have provided or will provide a withholding statement (as required). The withholding statement must provide the same information outlined under *Withholding statement of an NQI* on page X. Note that if you also completed Part IV (nonqualified intermediary) you need only submit one withholding statement that satisfies the requirements outlined for a payment subject to chapters 3 and 4.

## **Part XXVII – Certification**

Form W-8IMY must be signed and dated by a person authorized to sign a declaration under penalties of perjury on behalf of the person whose name is on the form. By signing Form W-8BEN-E, the authorized representative, officer, or agent also agrees to provide a new form within 30 days following a change in circumstances (unless no future payments will be made to the intermediary or flow-through entity by the withholding agent and the requestor does not need an updated form for chapter 4 purposes).

## **Special Instructions -- Entity Determining**

## Chapter 4 Status Under Definitions in an Applicable IGA

If you are resident in a jurisdiction which has an applicable IGA in effect, then the certifications you are required to provide to the withholding agent to claim your chapter 4 status may vary from the certifications on this form. In that case, you should generally complete Parts I and III in accordance with the specific instructions except you should check the appropriate box on line 5 describing your chapter 4 status and also check the "Code/Other" box and enter code "C." Do not complete the Part (if any) required along with your chapter 4 status indicated on line 5. Instead, you must provide an attachment certifying as to your status as required according to the definitions and provisions of the applicable IGA. You must still complete Part XXVII, including signing the relevant penalties of perjury statement.



This does not refer to a nonreporting IGA FFI identified in Annex II of an applicable IGA. A nonreporting IGA FFI should complete this form in accordance with the specific instructions, including describing its status in Part XI.

**Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. If you are acting in any capacity described in these instructions, 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 section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, ~~5 hr., 58 min~~**11 hr., 43 min.**; **Learning about the law or the form**, ~~4 hr., 38 min~~**5 hr., 55 min.**; **Preparing the form**, ~~6 hr., 8 min~~**7 hr., 34 min.**

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can email us at *\*taxforms@irs.gov*. Please put "Forms Comment" on the subject line. Or you can write to Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6406, Washington, DC 20224. Do not send Form W-8IMY to this office. Instead, give it to your withholding agent.