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# Instructions for Form W-8IMY Department of the Treasury Internal Revenue Service

(Rev. September 2016)

## Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting

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

### General Instructions

**Future developments.** For the latest information about developments related to Form W-8IMY and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/formw8imy](http://www.irs.gov/formw8imy).

### What's New

**Nonreporting IGA FFIs.** The instructions for how a nonreporting IGA FFI should certify to its chapter 4 status on this form have been revised to coordinate qualification for such status under the IGA with the chapter 4 regulations. An FFI that meets the requirements of both a nonreporting IGA FFI under an IGA and a deemed-compliant FFI status under the regulations should certify as a nonreporting IGA FFI, unless such entity meets the requirements for owner-documented FFI status for payments associated with this form, in which case it should certify on line 5 to that status under the regulations and complete Part XI of the form.

**Qualified derivatives dealers (QDDs).** In September 2015, temporary and final regulations were published concerning nonresident alien individuals and foreign corporations that hold certain financial products providing for payments that are contingent upon or determined by reference to U.S. source dividend payments. These regulations create a special category of qualified intermediary, a qualified derivatives dealer or QDD. QDD status is relevant on or after January 1, 2017. This form has been updated to include the relevant certifications made by a QI acting as a QDD and must be used by QDDs for payments made on or after January 1, 2017. See *Definitions*, later, for more information regarding QDDs.

**Qualified intermediary (QI) not assuming primary withholding responsibility.** Line 14e on Form W-8IMY has been changed, in response to comments, to provide more specific certifications for a QI that does not assume primary withholding responsibility. As a result, a QI that does not assume primary Form 1099 reporting and backup withholding responsibility should check box 14e but should only check box 14e(i) if it has U.S. non-exempt recipient account holders. These instructions have been updated to reflect this change to the form.

### Purpose of Form

Under chapter 3, foreign persons are generally 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.

Under chapter 4, withholding agents must withhold at a 30% rate under sections 1471 and 1472 on withholdable payments made to nonparticipating FFIs (including when the nonparticipating FFI is a flow-through entity or is acting as an intermediary), certain other foreign entities, and certain account holders of FFIs. For example, if a U.S. withholding agent makes a payment of portfolio interest described in section 871(h) to an account maintained by a nonparticipating FFI, the payment will be subject to a 30% withholding tax under section 1471 even if the nonparticipating FFI is an intermediary or flow-through entity and the beneficial owner for whom the intermediary or flow-through is acting is a foreign individual who provides a valid Form W-8BEN.

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.



*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.*

**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

Except as otherwise provided, you should provide Form W-8IMY when receiving a reportable amount or withholdable payment (see *Definitions*, later) on behalf of another person or as a flow-through entity. When receiving a withholdable payment, your chapter 4 status is also required to be included on the form unless otherwise provided in accordance with these instructions. Form W-8IMY must be provided by the following persons.

- 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, or, if applicable, to represent that it has assumed primary withholding responsibility under chapters 3 and 4 of the Code

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(excluding section 1446) and/or primary Form 1099 reporting and backup withholding responsibility.

- A foreign person, or a foreign branch of a U.S. person, to establish that it is a qualified intermediary acting as a QDD or assuming primary withholding responsibility with respect to payments of substitute interest, as permitted by the QI agreement.
- A foreign person to establish that it is a nonqualified intermediary that is not acting for its own account, to certify its chapter 4 status (if required), to certify whether it reports U.S. accounts under chapter 4 (if required), and to indicate, 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 that is acting as an intermediary 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) to evidence it is treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A) with respect to any payments associated with the Form W-8IMY, or (b) to certify to its chapter 4 status and 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 financial institution incorporated or organized under the laws of a U.S. territory that is acting as an intermediary or is a flow-through entity to represent that it is a financial institution (other than an investment entity that is not also a depository institution, custodial institution, or specified insurance company) and either that it is using the form (a) to evidence it is treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A) with respect to any payments associated with the Form W-8IMY, or (b) to certify that it is transmitting 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 to certify its chapter 4 status (if 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 sections 1441 and 1442, to certify to its chapter 4 status (if required), 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.
- 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.
- A flow-through entity (including a foreign reverse hybrid entity) transmitting withholding certificates and/or other documentary evidence to claim treaty benefits on behalf of its owners, to certify its chapter 4 status (if required), and to certify that it has provided, or will provide, a withholding statement, as required.
- A nonparticipating FFI acting as an intermediary or that is a flow-through entity using this form to transmit a withholding statement and withholding certificates or other

documentation for exempt beneficial owners described in Regulations section 1.1471-6.

- A qualified securities lender (QSL) certifying to a withholding agent that it is acting as a QSL with respect to U.S. source substitute dividends received from the withholding agent pursuant to a securities lending transaction (as described in Notice 2010-46). See *Definitions*, later, for when QSL status is applicable.
- A foreign intermediary or flow-through entity not receiving withholdable payments or reportable amounts that is holding an account with a participating FFI or registered deemed-compliant FFI providing this form for purposes of documenting the chapter 4 status of the account holder. However, no withholding statement is required to be provided along with Form W-8IMY if it is being provided by the foreign intermediary or flow-through entity solely to document such an account when no withholdable payments or reportable amounts are made to the account. Also note that the entity may instead provide Form W-8BEN-E when it is not receiving withholdable payments or reportable amounts to document its chapter 4 status as an account holder of an FFI requesting this form.

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 described below.

- 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 on your own behalf under an income tax treaty (if applicable). Instead, submit Form W-8BEN, Certificate of 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 a hybrid entity claiming treaty benefits on your own behalf. Instead, provide Form W-8BEN-E to claim treaty benefits. However, if you are receiving a withholdable payment you may also be required to provide this Form W-8IMY to establish your chapter 4 status (unless you are a disregarded entity) and the chapter 4 status of each of your partners, beneficiaries, or owners. See the instructions for Form W-8BEN-E for more information about hybrid entities claiming treaty benefits.
- You are a reverse hybrid entity that is not claiming treaty benefits on behalf of your interest holders. Instead, provide Form W-8BEN-E on your own behalf.
- 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

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Nonresident Alien Individual, or Form W-4, Employee's Withholding Allowance Certificate.

- You are 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 (if a foreign person) should provide the appropriate Form W-8 based on the single owner's status.
- You are 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), and, if required, claiming an exemption from chapter 4 withholding. 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 instead if they are claiming treaty benefits or are providing the form only to claim exempt recipient status for Form 1099 and 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. If you are an account holder of an FFI, the FFI may also request this form from you to document the status of your account for chapter 4 purposes.

**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 (for a payment subject to withholding under chapter 3 or a withholdable payment under chapter 4), backup withhold, or withhold at the applicable 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 from whom you receive a payment.

**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 there is a change in circumstances that makes the information on the certificate no longer correct. The indefinite validity period does not extend, however, to any other withholding certificates, documentary evidence, or withholding statements associated with the certificate.

**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 (when relevant), you must notify the withholding agent within 30 days of the change in circumstances, and provide the documentation required in Regulations section 1.1471-3(c)(6)(ii)(E)(2). 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.



*With respect to an FFI claiming a chapter 4 status under an applicable IGA, a change in circumstances includes when the jurisdiction where the FFI is organized or resident (or the jurisdiction where a disregarded entity or branch of an FFI is organized, identified in Part II of the form) was included on the list of jurisdictions treated as having an intergovernmental agreement in effect and is removed from that list or when the FATCA status of the jurisdiction changes (e.g., from Model 2 to Model 1). The list of agreements is maintained at [www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx](http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx).*

## Definitions

**Account holder.** An account holder is generally the person listed or identified as the holder or owner of a financial account (other than an agent or nominee that is not an FFI). 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. However, an account that is held by a disregarded entity is treated as held by the person owning the entity.

**Amounts subject to withholding.** Generally, an amount subject to chapter 3 withholding is an amount from sources within the United States that is fixed or determinable annual or periodical (FDAP) income. FDAP income is all income included in gross income, including interest (as well as OID), dividends, rents, royalties, and compensation. Amounts subject to chapter 3 withholding do not include amounts that are not FDAP, such as most gains from the sale of property (including market discount and option premiums), as well as other specific items of income described in Regulations section 1.1441-2 (such as interest on bank deposits and short-term OID).

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

For purposes of section 1446, the amount subject to withholding is the foreign partner's share of the partnership's effectively connected taxable income.

**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 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

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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 income paid to 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.

**Note.** A payment to a U.S. partnership, U.S. trust, or U.S. estate is treated as a payment to a U.S. payee that is not subject to 30% withholding for purposes of chapter 3 and chapter 4. A U.S. partnership, trust, or estate should provide the withholding agent with a Form W-9. For purposes of section 1446, a U.S. grantor trust or disregarded entity shall not provide the withholding agent a Form W-9 in its own right. Rather, the grantor or other owner shall provide the withholding agent the appropriate form.

**Chapter 3.** Chapter 3 means chapter 3 of the Internal Revenue Code (Withholding of Tax on Nonresident Aliens and Foreign Corporations). Chapter 3 contains sections 1441 through 1464.

**Chapter 3 withholding rate pool.** A chapter 3 withholding rate pool is a payment of a single type of income, based on the categories of income reported on Form 1042-S (for example, interest or dividends), that is not subject to withholding under chapter 4 but is subject to a single rate of withholding for chapter 3 purposes and is paid to foreign persons or, in the case of a zero-percent pool, U.S. exempt recipients not included in a separate pool of exempt recipients. See the instructions for the withholding statement of a QI, later.

**Chapter 4.** Chapter 4 means chapter 4 of the Internal Revenue Code (Taxes to Enforce Reporting on Certain Foreign Accounts). Chapter 4 contains sections 1471 through 1474.

**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 the definitions of these terms.

**Chapter 4 withholding rate pool.** The term chapter 4 withholding rate pool means a pool identified on a withholding statement (see the description for a withholding statement of a QI and an NQI, later) provided by an intermediary or flow-through entity with respect to a withholdable payment that is allocated to payees that are nonparticipating FFIs. The term chapter 4 withholding rate pool also includes a pool identified on an FFI withholding statement provided by a participating FFI or registered deemed-compliant FFI with respect to a withholdable payment that is allocated to a class of recalcitrant account holders subject to withholding under chapter 4 as described in Regulations section 1.1471-4(d)(6)(i) (including a pool of account holders to which the escrow procedures for dormant

accounts apply). Finally, a chapter 4 withholding rate pool also includes a pool of U.S. persons included in a U.S. payee pool described in Regulations section 1.6049-4(c)(4) provided by a participating FFI (including a reporting Model 2 FFI), a registered deemed-compliant FFI (including a reporting Model 1 FFI), or a QI.

**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 as **registered deemed-compliant FFIs**. See Regulations section 1.1471-5(f)(1) and also an applicable IGA for entities treated as registered deemed-compliant FFIs.

**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 (for example, a Form W-8BEN-E if the owner is a foreign entity). See Regulations section 1.1446-1 and section 1.1471-3(a)(3)(v), respectively. However, if a disregarded entity receiving a withholdable payment is an FFI outside the single owner's country of organization or has its own GIIN, the owner will be required to complete Part II of Form W-8IMY to document the chapter 4 status of the disregarded entity receiving the payment except as otherwise provided in these instructions.

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

**Financial account.** A financial account includes:

- A depository account maintained by an FFI;
- A custodial account maintained by an FFI;
- Equity or debt interests (other than interests regularly traded on an established securities market) in investment entities and certain holding companies, treasury centers, or financial institutions as defined in Regulations section 1.1471-5(e);
- Certain cash value insurance contracts; and
- Annuity contracts.

For purposes of chapter 4, exceptions are provided for accounts such as certain tax-favored savings accounts, term life insurance contracts, accounts held by estates, escrow accounts, and certain annuity contracts. See Regulations section 1.1471-5(b)(2). Accounts may also be excluded from the definition of financial account under an applicable IGA.

**Financial institution.** A financial institution generally means an 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. See Regulations section 1.1471-5(e).

**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

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determine the character of the items of income as if they were realized directly from the sources from which realized by the entity. For example, partnerships, common trust funds, and simple trusts or grantor trusts are generally considered to be fiscally transparent with respect to items of income received by them.

**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 above) with respect to the payment by an interest holder's jurisdiction.

**Foreign financial institution (FFI).** A foreign financial institution (FFI) generally means a foreign entity that is a financial institution.

**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.

**Global intermediary identification number (GIIN).** The term GIIN means a global intermediary identification number. A GIIN is the identification number assigned to an entity that has registered with the IRS for chapter 4 purposes.

**Hybrid entity.** A hybrid entity is any person (other than an individual) that is treated as fiscally transparent (rather than as a beneficial owner) for purposes of declaring status under the Code but is not treated as fiscally transparent by a country with which the United States has an income tax treaty. Hybrid entity status is relevant for claiming treaty benefits for purposes of chapter 3. 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 of a withholdable payment). See the special instructions for hybrid entities, later, and Regulations section 1.1471-3(d) for the documentation requirements with respect to entities receiving withholdable payments.

**Intergovernmental Agreement (IGA).** An IGA means a Model 1 IGA or a Model 2 IGA. For a list of jurisdictions treated as having in effect a Model 1 or Model 2 IGA, go to [www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx](http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx).

A **Model 1 IGA** means an agreement between the United States 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 registered with the IRS to obtain

a GIIN and agreed to comply with the terms of an FFI agreement is treated as a participating FFI, but may be referred to as a **reporting Model 2 FFI**. The term reporting IGA FFI refers to both **reporting Model 1 FFIs**, and **reporting Model 2 FFIs**.

**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 (QI).** A QI is a person that is a party to a withholding agreement with the IRS (described in Regulations section 1.1441-1(e)(5)(iii)) and is:

- A foreign financial institution (other than a U.S. branch of an FFI) that is a participating FFI, registered deemed-compliant FFI (including an FFI treated as a registered deemed-compliant FFI under an applicable Model 2 IGA), or FFI treated as a deemed-compliant FFI under an applicable Model 1 IGA subject to due diligence and reporting requirements similar to those applicable to a registered deemed-compliant FFI under Regulations section 1.1471-5(f)(1), including the requirement to register with the IRS;
- An exempt beneficial owner that is a central bank of issue that meets the requirements of and agrees to be treated as a participating FFI (including a reporting Model 2 FFI) or a registered deemed-compliant FFI (including a reporting Model 1 FFI) with respect to any account that it maintains and that is held in connection with a commercial financial activity described in Regulations section 1.1471-6(h) and for which it receives a withholdable payment;
- An eligible entity (as defined in Regulations section 1.1441-1(e)(6)(ii), without regard to the requirement that the eligible entity be a qualified intermediary);
- 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 to the extent permitted to act as such by the IRS; or
- A foreign entity not described above that is acting as an intermediary for either withholdable payments or reportable amounts that the IRS accepts as a qualified intermediary.

**Qualified derivatives dealer (QDD).** A QDD is a qualified intermediary that is an eligible entity that agrees to meet the requirements of Regulations section 1.1441-1(e)(6)(i) and the QI agreement. An eligible entity is defined in Regulations section 1.1441-1(e)(6)(ii).

A QDD, among other requirements provided for in the QI agreement that will be effective on or after January 1, 2017, and Regulations section 1.1441-1(e)(6), must (1) document itself to a withholding agent with a Form W-8IMY indicating that it is acting as a QDD for the payments with respect to potential section 871(m) transactions and underlying securities it receives in a principal capacity and (2) indicate to the withholding agent that it will assume primary chapters 3 and 4 withholding responsibility and primary Form 1099 reporting and backup withholding responsibility for the payments it makes and receives as a QDD (as provided in the QI agreement).

**Qualified securities lender (QSL).** Notice 2010-46, 2010-24 I.R.B. 757, provided rules for QSLs acting with respect to payments of substitute dividends. A QSL should certify to its QSL status in Part III of this form, even if it is not

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a qualified intermediary. The QSL regime is being replaced by the QDD regime once the QDD regime is implemented.

**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 of a participating FFI that is described in Regulations section 1.1471-4(e)(2).

**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 a reporting Model 2 FFI covered by an 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.

**Payee.** A payee is generally a person to whom a payment is made, regardless of whether such person is the beneficial owner. For a payment made to a financial account, the payee is generally the holder of the financial account. However, under certain circumstances a person who receives a payment will not be considered the payee. For purposes of chapter 3, see Regulations section 1.1441-1(b)(2). For purposes of chapter 4, see Regulations section 1.1471-3(a)(3).

**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 under chapter 3, 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 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.

**Territory financial institution.** The term territory financial institution means a financial institution that is incorporated or organized under the laws of any U.S. territory. However, an investment entity that is not also a depository institution, custodial institution, or specified insurance company is not a territory financial institution. A territory financial institution acting as an intermediary or that is a flow-through entity may agree to be treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A).

**U.S. branch treated as a U.S. person.** The phrase U.S. branch treated as a U.S. person means a U.S. branch of a participating FFI, registered deemed-compliant FFI, or NFFE that is treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A).

**Withholdable payment.** The term withholdable payment means an amount subject to withholding for purposes of chapter 4 as described in *Amounts subject to withholding*, earlier. Also see Regulations section 1.1473-1(a) for the definition of withholdable payment.

**Withholding agent.** Any person, U.S. or foreign, that has control, receipt, custody, disposal, or payment of U.S. source FDAP income subject to chapter 3 or a withholdable payment under chapter 4 is a withholding agent. 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.

For purposes of section 1446, the withholding agent is the partnership conducting the trade or business in the United States. For a publicly traded partnership, the withholding agent may be the partnership, a nominee holding an interest on behalf of a foreign person, or both. See Regulations sections 1.1446-1 through 1.1446-6.

**Withholding foreign partnership (WP) or withholding foreign trust (WT).** A WP or WT 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 for purposes of chapter 4 and under sections 1441 and 1442 for all payments that are made to its partners, beneficiaries, or owners, except as otherwise provided in the withholding agreement.

**Withholding statement.** A withholding statement provides an allocation (by income type) to each payee (or withholding rate pool, if applicable, or other pool of payees to the extent permitted under the chapter 4 regulations) of each payment an intermediary or flow-through entity receives. The withholding statement forms an integral part of the withholding certificate, and the penalties of perjury statement provided on the withholding certificate shall apply to the withholding statement. The withholding statement may be provided in any manner the intermediary or the flow-through entity and the withholding agent mutually agree, including electronically if certain safeguards concerning electronic transmission are met. A withholding statement also provides information required for purposes of chapter 4 if the intermediary or flow-through entity is receiving a withholdable payment, in which case the entity must provide an FFI withholding statement, chapter 4 withholding statement, or exempt beneficial owner withholding statement (as applicable). See Regulations section 1.1471-3(c)(3)(iii)(B).

## 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 (unless you are acting as a QDD or QSL for certain payments associated with this form or you are a QI acting with respect to payments of substitute interest, as permitted by the QI agreement). If you are a disregarded entity, do not enter the business name of the disregarded entity here. Instead, enter

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the legal name of the entity that owns the disregarded entity (looking through multiple disregarded entities, if applicable).

**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 receiving a payment, enter your name (if required). You should complete line 3 **only** if you are a disregarded entity receiving a withholdable payment or hold an account with an FFI requesting this form and you:

- Have registered with the IRS and been assigned a GIIN associated with the legal name of the disregarded entity; and
- Are a reporting Model 1 FFI or reporting Model 2 FFI .



*If you are not required to provide the legal name of the disregarded entity, however, you may want to notify the withholding agent that you are a disregarded entity receiving a payment or maintaining an account by indicating the name of the disregarded entity on line 10. However, do not enter the name of the disregarded entity on this line except in the circumstances described.*

**Line 4.** Complete this line to establish your entity status for purposes of chapter 3. 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 foreign reverse hybrid entity that is providing documentation from its interest holders to claim a reduced rate of withholding under a treaty should check the appropriate box (including “Withholding foreign partnership” or “Withholding foreign trust” if the entity has entered into a withholding agreement). See Parts III through VIII, later, 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)(2)(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. You are only required to provide a chapter 4 status if you are acting as an intermediary with respect to a withholdable payment, you are a flow-through entity receiving a withholdable payment on behalf of your owners (including a reverse hybrid entity providing documentation on behalf of its owners to claim treaty benefits), you are providing a withholding statement associated with this form that allocates a portion of the payment to a chapter 4 withholding rate pool of U.S. payees with respect to your direct account holders (as described in Regulations section 1.6049-4(c)(4)), you are providing this form to an FFI requesting this form to document your chapter 4 status, or you are a QI acting as a QDD receiving payments as a principal or a QI acting with respect to payments of substitute interest. By checking a box on this line, you are representing that you qualify for this classification.



*For most of the chapter 4 classifications, you are required to complete additional certifications found in a separate part of this form (see Parts IX through XXVIII). Complete the appropriate part of this form certifying that you meet the conditions of the status indicated on line 5 (as defined under Regulations sections 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.*

### FFIs Covered by IGAs and Related Entities

A reporting FFI resident in, or established under the laws of, a jurisdiction covered by a Model 1 IGA should check “Reporting Model 1 FFI.” A reporting FFI resident in, or established under the laws of, a jurisdiction covered by a Model 2 IGA should check “Reporting Model 2 FFI.” If you are treated as a registered deemed-compliant FFI under an applicable IGA, you should check “Nonreporting IGA FFI” rather than “registered deemed-compliant FFI” and provide your GIIN. See the specific instructions for Part XIX. In

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general, if you are treated as a nonreporting IGA FFI under an applicable IGA, you should check "Nonreporting IGA FFI" even if you meet the qualifications for deemed-compliant status under the chapter 4 regulations. In such a case, you need not also check your applicable status under the regulations but should provide your GIIN on line 9. However, an owner documented FFI that is treated as a nonreporting IGA FFI under an applicable IGA must check "Owner-documented FFI" and complete Part XI. An FFI that is related to a reporting IGA FFI and that is treated as a nonparticipating FFI in its country of residence should check nonparticipating FFI in line 5. An FFI that is related to a reporting IGA FFI and that is a participating FFI, deemed-compliant FFI, or exempt beneficial owner under the U.S. Treasury regulations or an applicable IGA should check the appropriate box depending on its chapter 4 status rather than the box for nonparticipating FFI.

If you are an FFI in a jurisdiction treated as having an IGA in effect, you should not check "Participating FFI" and should check "Reporting Model 1 FFI" or "Reporting Model 2 FFI" as applicable.

See [www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx](http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx) for a list of jurisdictions treated as having an IGA in effect.

**Line 6.** Enter the permanent address of the entity identified on line 1. Your permanent residence address is the address in the country where you claim to be a resident for purposes of that country's income tax. Do not show the address of a financial institution (other than yourself), a post office box, or an address used solely for mailing purposes unless such address is the only permanent address you use and it appears in your organizational documents (i.e., 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 7.** Enter your mailing address only if it is different from the address you show on line 6.

**Line 8.** You must provide an employer identification number (EIN) if you are a U.S. branch or territory financial institution that agrees to be treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A), 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 (including a QDD), withholding foreign partnership, or withholding foreign trust, check the 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 QSL providing this form with respect to a U.S. source substitute dividend must provide an EIN (including a QI-EIN if the QSL is a QI).

**Line 9.** If you are a participating FFI (including a reporting Model 2 FFI), registered deemed-compliant FFI (including a reporting Model 1 FFI), direct reporting NFFE (including a sponsored direct reporting NFFE), or trustee of a trustee documented trust, you are required to enter your GIIN (with regard to your country of residence) on line 9. However, if

your branch is receiving the payment and is required to be identified in Part II, you are not required to provide a GIIN on this line 9 unless such branch is a U.S. branch or limited branch.

In addition, if you are a sponsored entity that has a GIIN, you must provide that GIIN on line 9.

For payments made prior to January 1, 2017, a sponsored direct reporting NFFE or sponsored FFI that has not obtained a GIIN must provide the GIIN of its sponsoring entity.

If you are a QI acting as a QDD, you must provide your GIIN on line 9 if you have one.

**TIP** *If you are in the process of registering with the IRS as a participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, reporting Model 2 FFI, direct reporting NFFE, or sponsored direct reporting NFFE but have not received a GIIN, you may complete this line by writing "applied for." However, the person requesting this form from you must receive and verify your GIIN within 90 days.*

**Line 10.** This line may be used by the filer of Form W-8IMY or by the withholding agent or FFI to whom it is provided to include any referencing information that is useful to the withholding agent in carrying out its reporting and withholding 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 10 for a referencing number or code that will make the association clear.

## Part II — Disregarded Entity or Branch Receiving Payment

**CAUTION** *Complete Part II for a disregarded entity that has its own GIIN and is receiving a withholdable payment, or for a branch (including a branch that is a disregarded entity that does not have its own GIIN) of the FFI identified in line 1 operating in a jurisdiction other than the country of residence identified in line 2. For example, assume ABC Co., which is a participating FFI resident in Country A, operates through a 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 not 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. Furthermore, if the Country B branch receiving the payment is a disregarded entity, you may be required to provide its legal name on line 3. See the instructions for Part I, line 3.*

**TIP** *If the disregarded entity receiving a withholdable payment has its own GIIN, Part II should be completed regardless of whether it is in the same country as the single owner identified in Part I.*

**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. If you are a limited branch or branch of a reporting IGA FFI that cannot comply with the requirements of an applicable IGA or the regulations under chapter 4, you must check limited branch.

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



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**Line 13.** If you are a reporting Model 1 FFI, a reporting Model 2 FFI, or a participating FFI, you must enter on line 13 the GIIN of your branch that receives the payment. If you are a disregarded entity that completed Part I, line 3 of this form and are receiving payments associated with this form, enter your GIIN. Do not enter your GIIN (if any) on line 9. If you are a U.S. branch, enter a GIIN applicable to any other branch of the FFI (including in its residence country) of which the branch is a part. If you are a QI that is an NFFE and a withholding agent requests your chapter 4 status, you may provide a statement certifying to your chapter 4 status as an NFFE.



*If you are in the process of registering with the IRS as a participating FFI, a reporting Model 1 FFI, or a reporting Model 2 FFI but have not received a GIIN, you may complete this line by writing "applied for." However, the person requesting this form from you must receive and verify your GIIN within 90 days.*

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

You should only complete one part from Parts III through VIII. If you are acting in multiple capacities, provide separate Forms W-8IMY for each capacity. For example, if you are acting as a qualified intermediary for one account, but a nonqualified intermediary for another account, provide one 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 14a if you are a qualified intermediary (QI) (whether or not you assume primary withholding responsibility) for the payments for which you are providing this form. A QI that is an FFI must be a participating FFI, registered deemed-compliant FFI, exempt beneficial owner that is a central bank of issue that meets the requirements of and agrees to be treated as a participating FFI (including a reporting Model 2 FFI) or a registered deemed-compliant FFI (including a reporting Model 1 FFI) with respect to any account that it maintains and that is held in connection with a commercial financial activity described in Regulations section 1.1471-6(h) and for which it receives a withholdable payment, or FFI treated as a deemed-compliant FFI under an applicable IGA that is subject to due diligence and reporting requirements similar to those applicable to a registered deemed-compliant FFI. By checking the box, you are certifying to the applicable statements contained on line 14a. See the QI agreement for the definition of "account" for purposes of Part III.

Check box 14b only if you are not providing a withholding statement with this form because you are acting as a QI (but not acting as a QDD) and have assumed primary withholding responsibility under both chapter 3 (nonresident alien withholding) and chapter 4 with respect to the account(s) and you are either assuming primary Form 1099 reporting and backup withholding responsibility or are permitted to satisfy and do satisfy your chapter 61 requirements as a participating FFI or registered deemed-compliant FFI as described in Regulations section 1.6049-4(c)(4).

Check box 14c if you have assumed only 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 14d if you have assumed only primary Form 1099 reporting and backup withholding responsibility with respect to the accounts identified on this line or in a withholding statement associated with this form (including satisfying as a participating FFI or registered deemed-compliant FFI your Form 1099 reporting to the extent permitted under Regulations sections 1.6049-4(c)(4)(i) and (c)(4)(ii)).

Check box 14e only if you have not assumed primary Form 1099 reporting and backup withholding responsibility. Also check the applicable certification(s) in (i), (ii), and (iii). Check box 14e(i) if you are transmitting Forms W-9 (or otherwise providing information for the withholding agent to report on Form 1099, including when backup withholding applies or withholding under chapter 4 with respect to recalcitrant account holders) with respect to each U.S. non-exempt recipient account identified on this line or in a withholding statement associated with this form. If you do not have any U.S. non-exempt recipient account holders, you should not check box 14e(i). If you subsequently acquire a U.S. non-exempt recipient account holder that receives payments associated with this form, you may be required to update your form as well as your withholding statement and transmit a Form W-9 (or other required information) in order for your form to remain valid. If you are allocating any portion of the payment on a withholding statement to a chapter 4 withholding rate pool of U.S. payees in lieu of providing Forms W-9, you must additionally certify by checking boxes 14e(ii) and 14e(iii) that (as applicable):

- For each account holder included in a chapter 4 withholding rate pool of U.S. payees who holds an account that you maintain, you are permitted to provide this pool under Regulations section 1.6049-4(c)(4)(iii) (including for payments of income other than interest for which reporting would be required under chapter 61 but for a coordination rule similar to that provided in Regulations section 1.6049-4(c)(4)(iii)); and/or
- For a withholding rate pool of U.S. payees that includes account holders of another intermediary or flow-through entity, you have obtained or will obtain documentation to establish that the intermediary or flow-through entity is a participating FFI, registered deemed-compliant FFI, or a qualified intermediary. See Regulations sections 1.1471-3(d)(4) and 1.1471-3(e) for more information on the requirements for documenting such chapter 4 statuses.



*A payment that is subject to chapter 3 withholding or that should be subject to chapter 4 withholding may not be included in a U.S. payee pool that is described in Regulations section 1.6049-4(c)(4)(ii).*

Check box 14f to certify that you are a QI that is acting as a QSL with respect to all payments associated with this form that are U.S. source substitute dividends made by a party to a securities lending transaction (as described in Notice 2010-46).

Check line 14g to certify that you are a QI that is acting as a QDD and assuming primary withholding responsibility under chapter 3 and chapter 4 and primary Form 1099 reporting and backup withholding responsibility. This certification means that you assume such responsibility and have provided a withholding statement identifying all accounts for which you are acting as a QDD (unless you are acting as a QDD for all accounts) for the payments with

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respect to potential section 871(m) transactions and underlying securities you receive as a principal.

Check line 14h to certify that you are a QI that is assuming primary withholding responsibility under chapter 3 and chapter 4 and primary Form 1099 reporting and backup withholding responsibility with respect to all payments associated with this form that are U.S. source interest and substitute interest payments, as permitted by (and described in) the QI agreement. You may act as a QI with respect to such substitute interest payments under the QI agreement regardless of whether you are acting in a principal or intermediary capacity with respect to payments of interest and substitute interest you receive that are associated with this form.

Although a QI obtains withholding certificates or appropriate documentation from beneficial owners, payees, and, if applicable, shareholders, as specified in its 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 and are not permitted to allocate the payment to a chapter 4 withholding rate pool of U.S. payees under Regulations section 1.6049-4(c)(4)(iii), 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 U.S. non-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 for a withholding agent to report the payment.

**Withholding statement of a QI.** As a QI, you must provide a withholding statement to each withholding agent from which you receive reportable amounts or withholdable payments if you have not assumed primary reporting and withholding responsibility under chapter 3 and chapter 4 with respect to the payment and, if you are receiving a reportable amount on behalf of a U.S. nonexempt recipient, you have not assumed primary Form 1099 reporting and backup withholding responsibility for the payment. In addition, a QI that is acting as a QDD and also receives payments in a non-QDD capacity whether or not it assumes primary withholding responsibility for such payments must provide a withholding statement that designates its QDD accounts (and provides other information as necessary). The withholding statement becomes an integral part of the Form W-8IMY and, therefore, the certification statement that you sign in Part XXIX of the form applies to the withholding statement as well as to the form.

**Note.** If you are a QI that is acting as either a QDD or a QSL (but not both), you do not have to provide a withholding statement if you receive payments only in your QDD or QSL capacity.



See your QI agreement for a more comprehensive description of the rules applicable to your withholding statement, including the requirements of the statement under both chapter 3 and chapter 4 for reportable amounts that are also withholdable payments.

A QI withholding statement must:

- Designate those accounts for which you act as a QI,

- Designate those accounts for which you are assuming primary withholding and reporting responsibility under chapter 3 and chapter 4 of the Code,
- If applicable, designate those accounts or payments for which you are acting as a QDD,
- If applicable, designate those accounts or payments for which you are acting as a QSL with respect to any U.S. source substitute dividends, and
- Provide information to allocate the payment, as applicable, to chapter 3 withholding rate pools, chapter 4 withholding rate pools, or other pools of payees permitted under the chapter 4 regulations. See Regulations section 1.1471-3(c)(3)(iii)(B)(2).

**For chapter 4 purposes.** A QI receiving a withholdable payment must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement (if the QI is not an FFI) when the QI does not assume primary withholding responsibility under chapter 3 and chapter 4 and Form 1099 reporting and backup withholding responsibility for the payment.

A QI that is an FFI may provide an FFI withholding statement to allocate the payment to chapter 4 withholding rate pools (as applicable) or other pool of payees permitted on an FFI withholding statement under the chapter 4 regulations. See Regulations section 1.1471-3(c)(3)(iii)(B)(2). A QI may also provide on the withholding statement a single pool of nonparticipating FFIs, a single pool of recalcitrant account holders of the QI or another intermediary that is a participating FFI or registered deemed-compliant FFI, and, if the QI does not assume primary Form 1099 and backup withholding responsibility, a chapter 4 withholding rate pool of U.S. payees. See also *Form 1099 reporting*, later. A chapter 4 withholding rate pool of U.S. payees may include:

- If the QI is a reporting Model 1 FFI, an account holder that is not withheld on under chapter 3, chapter 4, or section 3406 that the QI reports as a U.S. account pursuant to the Model 1 IGA because the account has U.S. indicia and the QI has not obtained appropriate documentation to treat the account as held by other than a specified U.S. person;
- If the QI is a reporting Model 2 FFI, an account holder that is not withheld on under chapter 3, chapter 4, or section 3406 that the QI reports as an account holder of a non-consenting U.S. account as described in the Model 2 IGA;
- For a non-U.S. payor (as described in Regulations section 1.6049-5(c)(5)) that is a participating FFI (including a reporting Model 2 FFI), registered deemed-compliant FFI, or reporting Model 1 FFI, an account holder not withheld on under chapter 4 or section 3406 who the QI reports under chapter 4 or an applicable IGA (including the account holder's TIN).

An FFI withholding statement must also identify each intermediary or flow-through entity that is receiving a payment on behalf of a payee and include such entity's chapter 4 status and GIIN (if applicable), excluding any intermediary or flow-through entity that is an account holder or interest holder in another QI, WP, or WT. An FFI withholding statement of a QI may combine withholding rate pool information provided by such an entity to the QI with withholding rate pools comprised of accounts that the QI maintains.

A QI that is not an FFI and that does not assume primary withholding responsibility under chapter 3 and chapter 4 must provide, for a withholdable payment, a chapter 4 withholding statement that contains the name, address, TIN (if any), entity type (if applicable), and chapter 4 status of

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each payee, the amount allocated to each payee, a valid withholding certificate or other documentation sufficient to establish the payee's chapter 4 status. However, a chapter 4 withholding statement may include pooled information for payees that are nonparticipating FFIs that hold accounts that the QI maintains or hold accounts with an intermediary or flow-through entity receiving the payment from the QI. A QI may also provide another pool of payees as permitted under the chapter 4 regulations for a chapter 4 withholding statement. See Regulations section 1.1471-3(c)(3)(iii)(B).

**For chapter 3 purposes.** In the case of a reportable amount that is a withholdable payment, any portion of the payment for which you are acting as a QI that is not allocated to a chapter 4 withholding rate pool or a U.S. non-exempt recipient (including for backup withholding purposes) must be allocated to a chapter 3 withholding rate pool or pool of U.S. exempt recipients. A chapter 3 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 and is exempt from chapter 4 withholding. The chapter 3 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 chapter 3 withholding rate pool or you may agree to divide a payment made to a single account into portions allocable to each chapter 3 withholding rate pool. You must provide the chapter 3 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.

**Form 1099 reporting.** If you do not assume primary Form 1099 reporting and backup withholding responsibility, you must provide payee specific information for each U.S. non-exempt recipient account holder (other than those U.S. payees included in a chapter 4 withholding rate pool of U.S. payees (described in Regulations section 1.6049-4(c)(4)(iii) and earlier in these instructions) or when the alternative procedure is used (see later)). The 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.

**Example 1.** A QI that is a participating FFI receives a \$100 payment of U.S. source dividends on an account for which it acts as a QI held with the withholding agent for the following recipients:

- \$20 to NPFFI, a nonparticipating FFI that is an account holder of the QI;
- \$10 each on behalf of two recalcitrant account holders of the QI (\$20 total), each with U.S. indicia (as described in Regulations section 1.1441-7(b)(5)) associated with the account;
- \$5 each on behalf of A and B, U.S. individual account holders of the QI that the QI reports as U.S. accounts pursuant to its chapter 4 reporting obligations as a participating FFI (\$10 total);
- \$10 on behalf of C, a U.S. exempt recipient that is not a specified U.S. person and is an indirect account holder of the QI (who beneficially owns the payment through an account with another participating FFI);
- \$20 on behalf of D, a U.S. non-exempt recipient that is a specified U.S. person who is an indirect account holder of the QI (that beneficially owns the payment through an account

with a certified deemed-compliant FFI described in Regulations section 1.1471-5(f)(2)); and

- \$10 each on behalf of two nonresident alien individuals who are account holders of the QI, one of whom is entitled to a 15% rate of withholding under an applicable income tax treaty.

The dividend payment is both a withholdable payment under chapter 4 and a reportable amount under chapter 3. The QI assumes primary withholding and reporting responsibility under chapter 3 and chapter 4 as well as primary Form 1099 reporting and backup withholding responsibility. As a result, the QI is not required to provide a withholding statement allocating the payment to specific payees or withholding rate pools. The QI will provide Form W-8IMY and check boxes 14a and 14b.

**Example 2.** The facts are the same as *Example 1*, except QI is a non-U.S. payor under Regulations section 1.6049-5(c)(5) and does not assume primary Form 1099 and backup withholding responsibility but reports the accounts of A and B as U.S. accounts under Regulations section 1.1471-4(d).

QI must provide a withholding statement allocating \$20 of the payment to D, \$10 to C, and \$10 to a chapter 4 withholding rate pool of U.S. payees. QI need not allocate any portion of the payment specifically to A or B because QI is a non-U.S. payor that is permitted to include A and B in a chapter 4 withholding rate pool of U.S. payees under Regulations section 1.6049-4(c)(4)(i). QI must also provide a W-9 (or alternatively, name and TIN) for D. A W-9 is not required for C. The QI will provide Form W-8IMY and check boxes 14a, 14c, 14e, 14e(i), and 14e(ii).

**Example 3.** The facts are the same as *Example 1*, except QI is a U.S. payor and does not assume primary Form 1099 and backup withholding responsibility.

Because QI is a U.S. payor, it is not permitted, under Regulations section 1.6049-4(c)(4)(i) and (iii), to include A and B in a chapter 4 withholding rate pool of U.S. payees. QI must provide a withholding statement allocating \$5 of the payment to A, \$5 of the payment to B, \$10 of the payment to C, and \$20 of the payment to D along with Forms W-9 (or name and TIN) for A, B, and D. QI will provide Form W-8IMY and check boxes 14a, 14c, 14e, and 14e(i).

**Example 4.** The facts are the same as *Example 1*, except QI is a non-U.S. payor that does not assume primary withholding and reporting responsibility under chapter 3 and chapter 4. QI also does not assume primary Form 1099 and backup withholding responsibility.

If the QI does not assume primary withholding and reporting responsibility under chapter 3 and chapter 4 as well as primary Form 1099 reporting and separate backup withholding responsibilities, the QI will provide an FFI withholding statement with the following pools:

- Nonparticipating FFI Pool — \$20 (which is subject to chapter 4 withholding);
- Recalcitrant Account Holder Pool — \$20 (which is subject to chapter 4 withholding and which is aggregated in a single pool of recalcitrant account holders rather than each class described in Regulations section 1.1471-4(d)(6));
- Chapter 4 Withholding Rate Pool of U.S. Payees — \$10 (for the portion of the payment allocable to A and B);
- Chapter 3 30% Rate Pool — \$10;
- Chapter 3 15% Rate Pool — \$10; and
- 0% Rate Pool — \$10 (for the portion of the payment allocable to C).

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QI will also be required to allocate \$20 to a separate withholding rate pool for D because D is a U.S. non-exempt recipient who cannot be included in a chapter 4 withholding rate pool of U.S. payees (because D's account is maintained by a certified deemed-compliant FFI). See Regulations section 1.6049-4(c)(4)(iii), but see the alternative procedure for U.S. non-exempt recipients, later.

**Alternative procedure for U.S. non-exempt recipients.**

If approved by the withholding agent, you can establish:

- A single pool (not subject to backup withholding) for all U.S. non-exempt recipient account holders for whom you have provided Forms W-9 or are includible in a chapter 4 withholding rate pool of U.S. payees 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 pool for all U.S. non-exempt recipient account holders subject to backup withholding 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 allocation information required by your QI withholding agreement to the withholding agent no 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.



*The amount allocable to these two pools under the alternative procedure excludes amounts allocated to the chapter 4 withholding rate pool of U.S. payees.*

**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 IV — Nonqualified Intermediary

If you are providing Form W-8IMY as a nonqualified intermediary (NQI), you must check box 15a. By checking this box, you are certifying to all of the statements on line 15a.



*If you are required to provide a chapter 4 status on line 5 (see specific instructions for line 5) and are acting as an intermediary for a withholdable payment, you must provide your chapter 4 status on line 5 or as otherwise permitted in these instructions to avoid withholding at the chapter 4 rate of 30% being applied to any withholdable payment you receive from the withholding agent regardless of whether you check box 15b (except for documentation provided with respect to exempt beneficial owners). See the specific instructions for Part IX.*

Check box 15b 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 (including if you are providing pooled information for purposes of chapter 61 under the alternative procedure for U.S. non-exempt recipients, discussed later, or chapter 4 withholding rate pools (as applicable) for a withholdable payment).

Check box 15c to certify that you are permitted under Regulations section 1.6049-4(c)(4) to provide a chapter 4 withholding rate pool of U.S. payees to which a payment is allocated on a withholding statement associated with the Form W-8IMY.

Check box 15d to certify that you are acting as a QSL with respect to the accounts identified on this line or in a withholding statement associated with this form with respect to a payment that is a U.S. source substitute dividend.

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, foreign partnership, or foreign trust together with the withholding certificates and other documentation attached to that Form W-8IMY that are required, as applicable, for both chapter 3 and chapter 4 purposes.

**Withholding statement of an NQI.** An NQI must provide a withholding statement and appropriate documentation to obtain reduced rates of withholding for its customers under chapter 3 and chapter 61 and to avoid certain reporting responsibilities. However, see the paragraph later describing an NQI's withholding statement for chapter 4 purposes for when an NQI may provide a chapter 4 withholding rate pool of U.S. payees without such documentation. 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 XXIX of the form applies to the withholding statement as well as to the form.

**For chapter 4 purposes.** An NQI receiving a withholdable payment must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement (if the NQI is not a participating FFI or registered deemed-compliant FFI).

An FFI withholding statement may allocate the payment to chapter 4 reporting rate pools (as appropriate), including a chapter 4 withholding rate pool for nonparticipating FFIs, recalcitrant account holders (in each class of account holders described in Regulations section 1.1471-4(d)(6)(i)), or other pool of payees permitted on an FFI withholding statement under the chapter 3 or 4 regulations (see Regulations sections 1.1471-3(c)(3)(iii)(B) and 1.1441-1(e)(3)(iv)(C)), and, for an NQI that is a participating FFI (including a reporting Model 2 FFI) or a registered deemed-compliant FFI (including a reporting Model 1 FFI), U.S. payees (see the description of the chapter 4 withholding rate pool of U.S. payees described in *Withholding statement of a QI*, earlier). However, an NQI may allocate a portion of a reportable amount (regardless of whether the payment is a withholdable payment) to a chapter 4 withholding rate pool of U.S. payees when the NQI satisfies the requirements to provide such a pool (including the requirement to certify to its status as a participating FFI (including a reporting Model 2 FFI) or registered deemed-compliant FFI (including a reporting Model 1 FFI)). The withholding statement must also identify each intermediary or flow-through entity that is receiving a payment (excluding any intermediary or flow-through entity that is an account holder or interest holder in another QI, WP, or WT), each such entity's chapter 4 status and GIIN (if applicable), and the chapter 4 withholding rate pools associated with each such entity receiving the payment.

A chapter 4 withholding statement must contain the name, address, TIN (if any), entity type, chapter 4 status of each payee, the amount allocated to each payee, and a valid withholding certificate or other documentation sufficient to

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establish each payee's chapter 4 status. However, a chapter 4 withholding statement may instead include pooled information for payees that are nonparticipating FFIs or another pool of payees as permitted under the chapter 4 regulations for a chapter 4 withholding statement. The withholding statement must also identify each intermediary or flow-through entity that is receiving a payment (excluding any intermediary or flow-through entity that is an account holder or interest holder in another QI, WP, or WT), each such entity's chapter 4 status and GIIN (if applicable), and the chapter 4 withholding rate pools associated with each such entity receiving the payment.



**CAUTION** A payment that is subject to chapter 3 withholding or that should be subject to chapter 4 withholding should not be included in a U.S. payee pool that is described in Regulations section 1.6049-4(c)(4)(ii).

**For chapter 3 and chapter 61 purposes.** For chapter 3 and chapter 61 purposes, a withholding statement for a reportable amount must include the information described later. For such payments that are also withholdable payments, the withholding statement should allocate only the portion of the payment that was not allocated to a chapter 4 withholding rate pool (as described earlier) or a pool described in Regulations section 1.1441-1(e)(3)(iv)(C) or to a payee identified on the withholding statement to whom withholding was applied under chapter 4, as follows:

- Include the name, address, U.S. TIN (if any), chapter 4 status (for a foreign person receiving a withholdable payment), 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, U.S. branch, or territory financial institution and the type of recipient, based on the recipient codes shown 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 acting as an intermediary, your withholding certificate must also state the name, address, U.S. TIN (if known), and, for a withholdable payment, the chapter 4 status (if required) 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 under chapter 3 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, or exemption under section 501(c)(3), 892, or 895). The statement must also include the U.S. or foreign 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; and

- Include any other information the withholding agent requests in order to fulfill its withholding and reporting obligations under chapters 3 and 4 of the Code and/or Form 1099 reporting and backup withholding responsibility.

**Alternative procedure for NQIs.** 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.

Under this procedure, you must provide a withholding agent with all the information required on the withholding statement (see *Withholding statement of an NQI*, earlier) 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 that is not subject to withholding under chapter 4 to a chapter 3 withholding rate pool prior to the payment of a reportable amount. 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.

In the case of a reportable amount that is also a withholdable payment, an NQI may include amounts allocable to a chapter 4 withholding rate pool (other than a chapter 4 withholding rate pool of U.S. payees) and payees subject to chapter 4 withholding for whom the NQI will provide payee specific information in a 30-percent rate pool together with payees subject to chapter 3 withholding at the 30-percent rate and may not otherwise apply these provisions for payments made to U.S. non-exempt recipients (regardless of whether the payment is a withholdable payment). For the amount of the payment allocable to a chapter 4 withholding rate pool of U.S. payees, an NQI may include such an amount in the withholding rate pool that is exempt from withholding (an NQI can include such payees in an exempt pool regardless of whether the payment is a withholdable payment). The NQI must identify prior to the payment each chapter 4 withholding rate pool to be allocated a portion of the payment and must also allocate by January 31 the portion of the payment to each such pool in addition to allocating the payment to each other payee as described in the preceding paragraph. See Regulations section 1.1441-1(e)(3)(iv)(D) for further information on alternative procedures for an NQI.

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## Part V — Territory Financial Institution

### Line 16

Check box 16a to certify that you are a financial institution (other than an investment entity that is not also a depository institution, custodial institution, or specified insurance company) 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 to be treated as a U.S. person for purposes of both chapter 3 and chapter 4 with respect to payments associated with this Form W-8IMY. In this case, you will be responsible for chapter 3 withholding and reporting, backup withholding under section 3406, and chapter 4 withholding and reporting for any payments you make to persons for whom you are receiving a reportable amount or withholdable payment. If you check this box 16b, you must provide an EIN on line 8.

Check box 16c to certify that you are a territory financial institution that has not agreed to be treated as a U.S. person. You must certify that you are transmitting withholding certificates or other documentation for persons for whom you are receiving a payment (as required for chapter 3, chapter 61, and section 3406 purposes, and, in the case of a withholdable payment, documentation required for chapter 4 withholding and reporting purposes). See Regulations section 1.1471-3(a)(3)(iv). 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*, earlier, including the applicable chapter 4 information if you are receiving a withholdable payment.



*A territory entity that is a flow-through entity but is not a territory FI may not complete this Part V and agree to be treated as a U.S. person. Instead, complete Part IV or Part VIII, as appropriate.*

## Part VI — Certain U.S. Branches

### Line 17

Check box 17a to certify that you are a U.S. branch described in Regulations section 1.1441-1(b)(2)(iv) receiving income that is not effectively connected with the conduct of a trade or business in the United States.

You must also check either box 17b or 17c. Check box 17b to certify that you are a U.S. branch of a foreign bank or insurance company described in this certification that is a participating FFI, registered deemed-compliant FFI, or NFFE 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 such case, you will be responsible for chapter 3 withholding and reporting, backup withholding under section 3406, chapter 4 withholding and reporting for any payments you make to persons for whom you are receiving a withholdable payment, and will be treated as a U.S. payor for chapter 61 purposes. See Regulations section 1.6049-5(c)(5)(i)(F). You must provide your EIN on line 8 and, if you are a branch of an FFI receiving a withholdable payment, a GIIN on line 9 of another branch of the FFI of which you are a part.

Check box 17c to certify that you are a U.S. branch 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 for whom you are receiving the payment. You must also certify that you have provided or will provide a withholding statement (as required) and, if you are receiving a withholdable payment, provide your chapter 4 status in Part I, line 5 (if required). The withholding statement must provide the same information outlined under *Withholding statement of an NQI*, earlier, including the applicable chapter 4 information required for the withholding statement if you are receiving a withholdable payment. See the information for an FFI withholding statement or a chapter 4 withholding statement in *Withholding statement of an NQI*, earlier.

## Part VII — Withholding Foreign Partnership (WP) or Withholding Foreign Trust (WT)

Check box 18 if you are a WP or a WT for the accounts for which you are providing this form and you are receiving the income 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 IV, whichever is appropriate.

If you are acting as a WP or WT, you must assume primary withholding and reporting responsibility under chapter 3 and chapter 4 for all payments that are made to you for your partners, beneficiaries, or owners. 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 and the information for the withholding agent to report under section 1472 (if otherwise required). 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. If you are receiving a withholdable payment, you must provide your chapter 4 status in line 5 and provide your GIIN (if applicable).

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

Check box 19a if you are a foreign partnership or a foreign simple or grantor trust that is not a WP or WT. Check box 19b if you are a foreign partnership or foreign grantor trust providing this form for purposes of section 1446. If you are a foreign partnership or grantor trust receiving payments of reportable amounts and providing this form for purposes of section 1446, you may check both boxes. By checking either box, you are certifying to the applicable statements on the form.

**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 a hybrid entity claiming treaty benefits, provide Form W-8BEN-E. However, if you are receiving a withholdable payment you may also be required to provide this Form W-8IMY and disclose your chapter 4 status and the chapter 4 status of each of your owners. See the instructions for Form W-8BEN-E for more information about hybrid entities claiming treaty benefits.

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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.

If you are receiving a withholdable payment, you must provide a chapter 4 status in line 5 other than that of a nonparticipating FFI and provide your GIIN (if applicable) and the information required for the withholding agent to report under section 1472.

**Withholding statement of nonwithholding foreign partnership or nonwithholding foreign trust.** You must provide the withholding agent with a withholding statement to obtain reduced rates of withholding and relief from certain reporting obligations. The withholding statement must provide the same information outlined under *Withholding statement of an NQI*, earlier. The withholding statement becomes an integral part of the Form W-8IMY. Thus, if you are an FFI and allocate any portion of the payment to a chapter 4 withholding rate pool of U.S. payees with respect to accounts that you maintain, you must meet the requirements of Regulations section 1.6049-4(c)(4)(iii) and certify to your status in Part I, line 5 as a participating FFI, registered deemed-compliant FFI, reporting Model 1 FFI, or reporting Model 2 FFI. By providing a withholding statement making such an allocation with this form, you certify that you meet the requirements outlined for an NQI withholding statement described earlier.

**Certain special rules for partnerships and trusts.** Under certain conditions, a QI, WP, or WT may apply special provisions of the relevant withholding agreement to certain partnerships and trusts that are not acting as a WP or WT. See the QI agreement, WP agreement, or WT agreement (as applicable) specifying these special procedures.

**Foreign partnerships and trusts providing Form W-8IMY for purposes of section 1446.** In general, a partnership is required to withhold under section 1446 on effectively connected taxable income (ECTI) allocable to a foreign partner. A foreign upper-tier partnership (UTP) that is a partner in a lower-tier partnership (LTP) should provide the LTP with a Form W-8IMY and documentation sufficient for the LTP to determine the status of the indirect partner to whom the ECTI is allocable (looking through additional foreign UTPs, if applicable) and to determine such partner's share of the lower-tier partnership's ECTI.

A foreign grantor trust that is a partner in a partnership should provide Form W-8IMY to the partnership along with documentation and information concerning the grantor or other owner sufficient for the partnership to reliably associate the portion of the trust's allocable share of ECTI with the grantor or other owner.

Check line 19b to certify that you are a foreign partnership or grantor trust providing this Form W-8IMY to a lower-tier partnership for purposes of section 1446.

**TIP** If you are providing this Form W-8IMY solely for purposes of section 1446, you generally are not required to provide a chapter 4 status because items of effectively connected income are not withholdable payments. However, if you do not provide a chapter 4 status and subsequently receive a withholdable payment, you will also be required to provide a Form W-8IMY to provide your chapter 4 status or the lower-tier partnership may have to withhold on the payment. You may provide your chapter 4 status on this form even if you are not required to do so.

## Certification of Chapter 4 Status: Parts IX Through XXVIII

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.

### Part IX — Nonparticipating FFI With Exempt Beneficial Owners

**TIP** 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 for chapter 4 purposes on whose behalf you are receiving a payment that is a withholdable payment. See Regulations section 1.1471-6. 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 as required under Regulations section 1.1471-3(d)(8)(ii). 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 under the requirements of chapter 4, and any other information the withholding agent reasonably requests in order to fulfill its obligations under chapter 4. Additionally, the withholding statement must provide all information required for purposes of chapter 3 with respect to each exempt beneficial owner if the payment is subject to withholding under chapter 3. 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

On line 21a, enter the name of the sponsoring entity that has agreed to fulfill your chapter 4 due diligence, reporting, and withholding obligations on your behalf. Enter the GIIN of the sponsoring entity identified in line 21a.

**Note.** A sponsored FFI is not required to have obtained its own GIIN before the date specified in published guidance (i.e., January 1, 2017). However, a sponsored entity that has already obtained a GIIN must provide it on line 9.

You must check the applicable box in line 21b or 21c to certify that you are either an investment entity or controlled foreign corporation (within the meaning of section 957(a))

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and satisfy the other relevant requirements for this classification.

## Part XI — Owner-Documented FFI



*An owner-documented FFI should only complete Form W-8IMY if it is a flow-through entity receiving income allocable to its partners, owners, or beneficiaries. An owner-documented FFI is not permitted to act as an intermediary with respect to a withholdable payment.*

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, a participating FFI, or a 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 22(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 the sponsoring entity that has agreed to fulfill your chapter 4 due diligence, reporting, and withholding obligations on your behalf. 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 certified deemed-compliant classification as a sponsored entity.

## Part XV — Certified Deemed-Compliant Limited Life Debt Investment Entity

All limited life debt investment entities must check box 26 to certify that you satisfy the requirements for this certified deemed-compliant classification.

## Part XVI — Certified Deemed-Compliant Investment Advisors and Investment Managers

An investment advisor or investment manager must check the box to certify that it meets all of the requirements for this certified deemed-compliant status.

## Part XVII — Restricted Distributor

All restricted distributors must check box 28a to certify that you satisfy the requirements for this classification.

You must also check either box 28b or 28c, as appropriate, to certify that your distribution agreement meets the requirements of this classification.

## Part XVIII — Foreign Central Bank of Issue

A foreign central bank of issue must check box 29 to certify that you are acting as an intermediary and are an entity defined in Regulations section 1.1471-6 that is treated as the beneficial owner of the payment for chapter 4 purposes (applying the rule in Regulations section 1.1471-6(d)(4)). You cannot be treated as an intermediary for purposes of this Part XVIII if you are receiving the payment in connection with a commercial activity described in Regulations section 1.1471-6(h)(1) or are not receiving payments subject to chapter 3 withholding.

## Part XIX — Nonreporting IGA FFI

Check box 30 to indicate that you are treated as a nonreporting IGA FFI under an applicable IGA, including an entity treated as a registered deemed-compliant 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 and indicate whether it is a Model 1 or a Model 2 IGA. You must also provide the withholding agent with the specific category of entity described in Annex II of the IGA applicable to your status. In providing the specific category of FFI described in Annex II, you should use the language from Annex II that best and most specifically describes your status in the IGA. For example, indicate "investment entity wholly owned by exempt beneficial owners" rather than "exempt beneficial owner." If you are a nonreporting IGA FFI claiming a deemed-compliant status under the regulations, you must instead indicate on this line which section of the regulations you qualify under.

If you are a nonreporting FFI under an applicable IGA because you qualify as an owner-documented FFI under the regulations, do not check "Nonreporting IGA FFI." Instead you must check "Owner-documented FFI" and complete Part XI rather than this Part XIX.

If you are an FFI treated as a registered deemed-compliant FFI under an applicable Model 2 IGA, you must provide your GIIN in the space provided. The GIIN does not need to be provided on line 9. See [www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx](http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx) for a list of jurisdictions treated as having an IGA in effect for purposes of making this certification.

**Note.** If you are a nonreporting IGA FFI and you have registered and received a GIIN and have not provided it in line 9 because your trustee's or sponsor's GIIN is in line 9, you should provide it here.



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## Part XX — Exempt Retirement Plans

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



*If you are not a flow-through entity or acting as an intermediary with respect to the payment for chapter 3 purposes, do not complete Form W-8IMY. 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 XXI — Excepted Nonfinancial Group Entity

All excepted nonfinancial group entities must check box 32 to certify that you satisfy the requirements for this classification.

## Part XXII — Excepted Nonfinancial Start-Up Company

All excepted nonfinancial start-up companies must check box 33 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 XXIII — Excepted Nonfinancial Entity in Liquidation or Bankruptcy

All excepted nonfinancial group entities in liquidation or bankruptcy must check box 34 to certify that you satisfy the requirements for this classification. You must also provide the date that you filed a plan of liquidation, plan of reorganization, or bankruptcy petition.

## Part XXIV — Publicly Traded NFFE or NFFE Affiliate of a Publicly Traded Corporation

All publicly traded NFFEs must check box 35a 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.

An NFFE that is a member of the same expanded affiliated group (as described in Regulations section 1.1471-5(i)) as a publicly traded U.S. or foreign entity must check this box, provide the name of the publicly traded entity, and identify the securities market on which the stock of the publicly traded entity is traded. See Regulations section 1.1472-1(c)(1)(i) to determine if an entity is publicly traded.

## Part XXV — Excepted Territory NFFE

All excepted territory NFFEs must check box 36 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 XXVI — Active NFFE

All active NFFEs must check box 37 to certify that you satisfy the requirements for this classification.

## Part XXVII — Passive NFFE

All passive NFFEs must check box 38 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 a withholding statement associated with Form W-8IMY to the extent you are required to provide a withholding statement.

## Part XXVIII— Sponsored Direct Reporting NFFE

All sponsored direct reporting NFFEs must check the box on line 40 to certify that you are not a financial institution and that you satisfy all relevant requirements for this classification. Provide your GIIN or, prior to the date specified in published guidance (i.e., January 1, 2017), the GIIN of your sponsor on line 9.

Enter the name and the GIIN of the sponsoring entity in line 39.

## Part XXIX — 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-8IMY 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

### Entities Providing Certifications Under an Applicable IGA (Do Not Complete Line 5)

An FFI in an IGA jurisdiction with which you have an account may provide you with a chapter 4 status certification other than as shown in Parts IX through XXVIII in order to satisfy its due diligence requirements under the applicable IGA. In such a case, you may attach the alternative certification to this Form W-8IMY in lieu of completing a certification otherwise required in Parts IX through XXVIII provided that you: 1) determine that the certification accurately reflects your status for chapter 4 purposes or under an applicable IGA; and 2) the withholding agent provides a written statement to you that it has provided the certification to meet its due diligence requirements as a participating FFI or registered deemed-compliant FFI under an applicable IGA. For example, Entity A organized in Country A holds an account with an FFI in Country B. Country B has a Model 1 IGA in effect. The FFI in Country B may ask Entity A to provide a chapter 4 status certification based on the terms of the Country B IGA in order to fulfill its due diligence and documentation requirements under the Country B IGA.

You may also provide with this form an applicable IGA certification if you are determining your chapter 4 status under the definitions provided in an applicable IGA and your certification identifies the jurisdiction that is treated as having an IGA in effect and describes your status as an NFFE or FFI in accordance with the applicable IGA. However, if you

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determine your status under an applicable IGA as an NFFE, you must still determine if you are an excepted NFFE under the regulations in order to complete this form unless you are provided an alternative certification by an FFI described in the preceding paragraph that covers your certification as an NFFE (such as "active NFFE") as defined in an applicable IGA. Additionally, you are required to comply with the conditions of your status under the law of the IGA jurisdiction if you are determining your status under that IGA. If you cannot provide the certifications in Parts IX through XXVIII, do not check a box in line 5. However, if you determine your status under the definitions of the IGA and can certify to a chapter 4 status included on this form, you do not need to provide the certifications described in this paragraph unless required by the FFI to whom you are providing this form.

Any certifications provided under an applicable IGA remain subject to the penalty of perjury statement and other certifications made in Part XXIX.

### Entities Providing Alternate Certifications Under Regulations

If you qualify for a chapter 4 status that is not shown in Part I, line 5, of this form, you may attach applicable certifications for such status from any other Form W-8 on which the relevant certifications appear. If the applicable certifications do not appear on any Form W-8 (if, for example, new regulations provide for an additional chapter 4 status and this form has not been updated) then you may provide an attachment certifying that you qualify for the applicable status described in a particular Regulations section in lieu of checking a box in Part I, line 5. Include a citation to the applicable provision in the Regulations. Any such attached certification becomes an integral part of this Form W-8IMY

and is subject to the penalty of perjury statement and other certifications made in Part XXIX.

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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**, 11 hr., 43 min.; **Learning about the law or the form**, 5 hr., 55 min.; **Preparing the form**, 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 send us comments from [www.irs.gov/formspubs](http://www.irs.gov/formspubs). Click on "More Information" and then on "Give us feedback." You can write to the Internal Revenue Service, Tax Forms and Publications, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form W-8IMY to this office. Instead, give it to your withholding agent.

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