

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

(Rev. October 2021)

## 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 [IRS.gov/Formw8imy](https://www.irs.gov/Formw8imy).

### What's New

**Guidance under section 1446(f).** The Tax Cuts and Jobs Act (TCJA), added section 1446(f), which generally requires that if any portion of a gain on any disposition of an interest in a partnership would be treated under section 864(c)(8) as effectively connected gain, the transferee purchasing an interest in such a partnership from a non-U.S. transferor must withhold a tax equal to 10% of the amount realized on the disposition unless an exception to withholding applies. T.D. 9926 (84 FR 76910), published on November 30, 2020, contains final regulations (section 1446(f) regulations) relating to the withholding and reporting required under section 1446(f), which include withholding requirements that apply to brokers effecting transfers of interests in publicly traded partnerships (PTPs). The section 1446(f) regulations also revise certain requirements under section 1446(a) relating to withholding and reporting on distributions made by PTPs, including by expanding the entities permitted to act as nominees for PTP distributions to include certain qualified intermediaries and U.S. branches of foreign persons that agree to act as U.S. persons. Withholding on transfers of interests in PTPs and the revisions included in the section 1446(f) regulations relating to withholding on PTP distributions under section 1446(a) apply to transfers and distributions that occur on or after January 1, 2023. See [Notice 2021-51](#), 2021-36 I.R.B. 361, for more information. The provisions of the section 1446(f) regulations relating to withholding and reporting on transfers of interests in partnerships that are not PTPs generally apply to transfers occurring after January 29, 2021. See [Pub. 515](#) for an additional discussion of section 1446(f) withholding. The Form W-8IMY and these instructions have been updated to incorporate the use of this form by brokers and certain transferors of partnership interests for purposes of certain of the requirements of the section 1446(f) regulations for withholding on dispositions of partnership interests (in both PTPs and other partnerships) and for withholding on PTP distributions.

**Section 871(m) regulations and qualified securities lenders (QSLs).** [Notice 2020-2](#), 2020-3 I.R.B. 327, further extended the transition relief provided in [Notice 2018-72](#), 2018-40 I.R.B. 522, for certain provisions of the section 871(m) regulations, generally for 2021 and 2022. Notice 2020-2 also further extended the period that a withholding agent may apply the transition rules to act as a QSL described in [Notice 2010-46](#), 2010-24 I.R.B. 757, Part III, for substitute dividend payments made in 2021 and

2022. As a result, this Form W-8IMY includes chapter 3 status certifications for entities acting as QSLs (applicable to either a qualified intermediary (QI) or other entity acting as a QSL) and clarifies (as provided in the QI agreement) when a QI may continue to claim status as a QSL in a case in which it is also a qualified derivatives dealer (QDD).

**New lines 9a and 9b.** Line 9b, foreign taxpayer identification number, if required, has been added for a QDD to indicate its foreign taxpayer identification number (FTIN) on this form (with line 9, GIIN (if applicable), redesignated as line 9a). See [QDD withholding statement](#), later, for when a QDD is required to provide its FTIN on line 9b.

**Nonqualified intermediary (NQI) that provides an alternative withholding statement.** The Form W-8IMY and these instructions have been updated to allow an NQI that is to provide alternative withholding statements and beneficial owner withholding certificates for payments associated with this form to represent on the form that the information on the withholding certificates will be verified for consistency with any other account information the NQI has for the beneficial owners for determining the rate of withholding with respect to each payee (applying the standards of knowledge under section 1441 or 1471 regulations, as applicable). See T.D. 9890 and Regulations section 1.1441-1(e)(3)(iv)(C)(3). When applicable, an NQI may make this representation on new line 17e instead of on its withholding statement. The Form W-8IMY and these instructions have also been updated to allow nonwithholding foreign partnerships and nonwithholding foreign trusts to make this representation when providing an alternative withholding statement. For further information, see the instructions for line 21f.

**Electronic signature.** These instructions have been updated to include additional guidance included in final regulations issued under chapter 3 (T.D. 9890) concerning the use of electronic signatures on withholding certificates. See [Part XXIX Certification](#), later, and Regulations section 1.1441-1(e)(4)(i)(B).

**Section 6050Y reporting.** These instructions have been updated to reference the use of this form by a foreign partnership, foreign simple trust, or foreign grantor trust that is the seller of a life insurance contract (or interest therein) or a recipient of a reportable death benefit for purposes of reporting under section 6050Y.

### 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 foreign financial institutions (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(a) on the foreign person's distributive share of the partnership's effectively connected taxable income or, in the case of a PTP, on the amount of a distribution attributable to effectively connected taxable income of the PTP as provided in Regulations section 1.1446-4 (excluding when a nominee rather than the PTP is required to withhold). For purposes of section 1446(a), the partnership may generally accept any beneficial owner withholding certificate submitted for purposes of section 1441 or 1442, with few exceptions, to establish the foreign status of the partner, including a withholding certificate that is associated with a Form W-8IMY submitted by an upper-tier foreign partnership, a foreign grantor trust, or a foreign intermediary. See Regulations sections 1.1446-1 through 1.1446-6 to determine whether a withholding certificate submitted for purposes of section 1441 or 1442 will be accepted for purposes of section 1446(a).

Withholding may also be required under the section 1446(f) regulations by a transferee paying the amount realized from a transfer of a partnership interest to a transferor of the interest or, for a transfer of an interest in a PTP, by a broker effecting the transfer. This withholding is generally required when any portion of the gain from the transfer would be treated as effectively connected gain under section 864(c)(8). The withholding required of a broker on an amount realized on the transfer of a PTP interest is subject to certain exceptions such as when an amount realized is paid to a qualified intermediary assuming withholding responsibility under section 1446(f) or to a U.S. branch acting as a U.S. person for the amount realized. See Regulations section 1.1446(f)-4. For certain withholding exceptions, an applicable withholding certificate is required for a transfer of a PTP interest, such as for an entity to represent its status as an entity described in the preceding sentence (made on this Form W-8IMY) or for a transferor to claim an exemption from withholding based on an income tax treaty. A withholding certificate may also be required to establish the status of a broker or partner withheld upon under section 1446(f). Separate withholding exceptions apply to transfers of interests in partnerships other than PTPs, certain of which require the collection of a withholding certificate or other applicable certification. See Regulations section 1.1446(f)-2.

**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 Provide Form W-8IMY

Except as otherwise provided, you should provide Form W-8IMY when receiving a reportable amount or withholdable payment on behalf of another person or as a flow-through entity or when acting as a QDD or QSL. When receiving a withholdable payment, your chapter 4 status is generally required to be included on the form unless otherwise provided in accordance with these instructions. In some cases you should provide Form W-8IMY for an amount realized or a PTP distribution. 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 QI 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 and/or primary Form 1099 reporting and backup withholding responsibility.
- A foreign person, a foreign branch of a foreign person, or a foreign branch of a U.S. person, to establish that it is a QI acting as a QDD, as permitted by the person's QI agreement. A QDD that receives payments for which the QDD is entitled to a reduced rate of withholding under an income tax treaty may use its Form W-8IMY to both certify to its status as a QI acting as a QDD and to claim treaty benefits with respect to such payments. A QDD may also use its Form W-8IMY to claim an exemption from withholding that may apply based on the QDD's status as a foreign beneficial owner of a payment.
- A foreign person, or a foreign branch of a U.S. person, to establish that it is a QI assuming primary withholding responsibility with respect to payments of substitute interest, as permitted by the QI agreement.
- For purposes of withholding under section 1446(f), a foreign person, or foreign branch of a U.S. person, to establish that it is a QI that is not acting for its own account and to represent that it has assumed primary withholding responsibility for a payment of an amount realized from the sale of an interest in a PTP or has provided, or will provide, a withholding statement, as required, for the amounts realized.
- A foreign person, or a foreign branch of a U.S. person, to establish that it is a QI not acting for its own account, to represent that it has assumed primary withholding responsibility for distributions from PTPs for which the QI acts as a nominee or has provided, or will provide, a withholding statement, as required, for the distributions.
- A foreign person to establish that it is an NQI that is not acting for its own account for chapter 3 purposes (including for amounts subject to withholding under section 1446(a) or (f)), 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 (when permitted) and has provided, or will provide, a withholding statement, when required (including for payments subject to withholding under section 1446(a) and, in certain cases, for section 1446(f)).
- 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 (1) to

evidence it is treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A) with respect to reportable amounts associated with the Form W-8IMY, or (2) to transmit the documentation of the persons for whom it receives a payment of such an amount and has provided, or will provide, a withholding statement, as required, and to certify it is applying the rules described in Regulations section 1.1471-4(d)(2)(iii)(C) when receiving a withholdable payment.

- For purposes of section 1446(f), a U.S. branch that is acting as an intermediary, to certify that it agrees to act as a U.S. person with respect to amounts realized on sales of interests in PTPs.
- A U.S. branch, to represent that it is treated as a U.S. person and is acting as a nominee for distributions from PTPs under Regulations section 1.1446-4(b)(3) (or has otherwise provided (or will provide) a withholding statement for a distribution).
- 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 (1) to evidence it is treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv)(A) with respect to payments of income that are not effectively connected with the conduct of a trade or business in the United States associated with the Form W-8IMY, or (2) to certify that it is transmitting documentation of the persons for whom it receives such payment and has provided, or will provide, a withholding statement, as required.
- For withholding under section 1446(f), a financial institution incorporated or organized under the laws of a U.S. territory that is acting as an intermediary or that is a flow-through entity, to certify that it is acting as a U.S. person for amounts realized on sales of interests in PTPs.
- A financial institution incorporated or organized under the laws of a U.S. territory that is acting as an intermediary or that is a flow-through entity, to certify that it agrees to act as a U.S. person and as a nominee for distributions from PTPs under Regulations section 1.1446-4(b)(3) (or has otherwise provided (or will provide) a withholding statement for a distribution).
- A foreign partnership or a foreign simple or grantor trust to establish that it is a withholding foreign partnership or withholding foreign trust for purposes of chapters 3 and 4.
- 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 reportable amounts and withholdable payments, to certify to its chapter 4 status (if required), to represent that the income is not effectively connected with a U.S. trade or business, and to certify 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(a) and, except for a partnership that is a PTP, 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 foreign partnership to establish that it is the transferor of an amount realized from the transfer of a partnership interest for purposes of section 1446(f) and, when applicable, to

represent that it has provided, or will provide, a withholding statement with respect to a modified amount realized for purposes of withholding under section 1446(f) on the transfer.

- A foreign grantor trust transferring a partnership interest providing, on behalf of each grantor or other owner of the trust under Regulations section 1.1446(f)-1(c)(2)(vii), a withholding statement to allocate an amount realized to each grantor or owner for withholding under section 1446(f) on the transfer.
- 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 with respect to its receipt of a withholdable payment.
- A QSL that is either a QI (to the extent not acting as a QDD) or other entity certifying to a withholding agent that it is acting as a QSL in Part IV of Form W-8IMY with respect to U.S. source substitute dividends received from the withholding agent prior to January 1, 2023, pursuant to a securities lending transaction within the meaning of [Notice 2010-46](#). See also [Notice 2020-2](#).
- 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 its chapter 4 status as an account holder. No withholding statement is required to be provided along with Form W-8IMY in this case. The entity may instead provide Form W-8BEN-E to document its chapter 4 status as an account holder of an FFI when it is not receiving withholdable payments or reportable amounts.
- A foreign partnership, foreign simple trust, or foreign grantor trust that is the seller of a life insurance contract (or interest therein) or a recipient of a reportable death benefit to establish its foreign status and to associate this form with any other applicable documentation for purposes of section 6050Y or chapter 3. See Regulations sections 1.6050Y-3 and 1.6050Y-4.

This form may serve to establish foreign status for purposes of sections 1441, 1442, and 1446(a) or (f). 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(a) or (f), as the partnership will undertake its own analysis.


### **Do Not Use Form W-8IMY If You Are Described Below**

- You are the beneficial owner (other than a QDD acting in its QDD capacity or a QSL acting as a principal for substitute dividend payments) 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 or Form W-8BEN-E.



- You are a hybrid entity claiming treaty benefits on your own behalf (unless you are a QDD acting in your QDD capacity). 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 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 foreign reverse hybrid entity (unless you are a QDD acting in your QDD capacity or a QSL acting as a principal for substitute dividend payments) 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.
- 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 or Form W-4.
- You are a disregarded entity, other than a hybrid entity that is a disregarded entity claiming treaty benefits on your own behalf (see above bullet). Instead, the single owner (if a foreign person) should provide the appropriate Form W-8 based on the single owner's status. If you are a disregarded entity that is a QDD acting in your QDD capacity, your single owner (whether or not a QDD) should provide Form W-8IMY as a QI.
- You are a QI receiving payments of U.S. source income that you beneficially own other than payments received as a QDD in respect of potential section 871(m) transactions or underlying securities or received as a QSL acting as a principal in a security lending or sale-repurchase transaction (that is, you are receiving payments that you beneficially own that are not covered by your QI agreement). Instead, provide the appropriate Form W-8 based on your status for those payments you beneficially own.
- 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. 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 will be the person from whom you receive the payment, the person who credits your account, or a partnership that allocates income to you. If you are an account holder of an FFI, the FFI may request this form from you to document the status of your account for chapter 4 purposes.

 **TIP** You may provide a single Form W-8IMY if you have multiple branches receiving payments from the same withholding agent rather than separate Forms W-8IMY to identify each branch receiving payments associated with the form. In such a case, you should provide a schedule that includes all required information for each branch. See the instructions for Part II.

#### **When to provide Form W-8IMY to the withholding agent.**

Give Form W-8IMY to the person requesting it before income is paid, 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 an amount 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. If you are a QDD, the attachment associated with your Form W-8IMY used to claim treaty benefits (if applicable) is treated as a beneficial owner withholding certificate that is not valid indefinitely. For the validity period of a Form W-8IMY used by a QDD to claim an exemption from withholding that applies based on a QDD's status as a foreign beneficial owner of the payment, see Regulations section 1.1441-1(e)(4)(ii)(A)(1).

**Change in circumstances.** If a change in circumstances makes any information on the Form W-8IMY (or any documentation or 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 and 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 (for example, 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.** With respect to QI, including a QI acting as a QDD, an account is defined in section 2.01 of the QI Agreement.

**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. With respect to a QI acting as a QDD, see section 2.02 of the QI Agreement for the definition of account holder.

**Amount realized.** For purposes of section 1446(f), an amount realized on the transfer of an interest in a partnership other than a PTP is determined under section 1001 (including Regulations sections 1.1001-1 through 1.1001-5) and section 752 (including Regulations sections 1.752-1 through 1.752-7). See Regulations section 1.1446(f)-2(c)(2). An amount realized on the transfer of a PTP interest is the amount of gross proceeds (as defined in Regulations section 1.6045-1(d)(5)) paid or credited to a partner or broker (as applicable) that is a transferor of the interest. The amount realized on a PTP distribution is the amount of the distribution reduced by the portion of the distribution that is attributable to the cumulative net income of the partnership (as determined under Regulations section 1.1446(f)-4(c)(2)(iii)).

**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 (including such an amount on a PTP distribution unless indicated otherwise). FDAP income is all income included in gross income, including interest (as well as OID), dividends (including dividend equivalents), 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).

Amounts subject to chapter 4 withholding are payments of U.S. source FDAP income that are withholdable payments as defined in Regulations section 1.1473-1(a) and to which no exception under Regulations section 1.1473-1(a)(4) applies (for example, certain nonfinancial payments are excepted from the definition of withholdable payment). The exemptions from withholding provided for under chapter 3 are not applicable when determining whether withholding applies under chapter 4.

For purposes of section 1446(a), the amount subject to withholding is the foreign partner's share of the partnership's effectively connected taxable income. For purposes of section 1446(f), the amount subject to withholding is the amount realized on the transfer of a partnership interest.

**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 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.

Generally, these beneficial owner rules apply for purposes of sections 1441, 1442, and 1446(a) and (f), except that sections 1446(a) and (f) require a foreign simple trust to provide a Form W-8 on its own behalf rather than on behalf of the beneficiary of such trust.

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

A payment to a U.S. partnership, U.S. trust, or U.S. estate is treated as a payment to a U.S. payee. A U.S. partnership, trust, or estate should provide the withholding agent with a Form W-9. However, for purposes of section 1446(a), a U.S. grantor trust or disregarded entity shall not provide the withholding agent a Form W-9 pertaining to itself. Instead, the entity must provide a Form W-8 or Form W-9 pertaining to each grantor or owner, as appropriate, and in the case of a trust, a statement identifying the portion of the trust treated as owned by each such person. For purposes of section 1446(f), the grantor or owner must provide a Form W-8 or Form W-9 to certify its status and the amount realized allocable to the grantor or owner, which, alternatively, can be provided by the U.S. grantor trust on behalf of a grantor or owner.

**Broker.** A person described in Regulations section 1.1446(f)-1(b)(1) when referenced in connection with a transfer of a PTP interest.

**Chapter 3.** Chapter 3 of the Internal Revenue Code (Withholding of Tax on Nonresident Aliens and Foreign Corporations), excluding sections 1445 and 1446.

**Chapter 3 withholding rate pool.** 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 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.

**Chapter 4.** 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.** 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 Non-Financial Foreign Entity (NFFE) or passive NFFE.

**Chapter 4 withholding rate pool.** A pool identified on a withholding statement 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 as described in Regulations section 1.1471-4(d)(6) (or with respect to an FFI that is a QI, a single pool of recalcitrant account holders without the need to subdivide into each class of recalcitrant account holder), 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.

**Disclosing QI.** For purposes of section 1446(a) or (f), a QI that provides with its withholding statement the specific payee documentation referenced in Regulations section 1.1446(f)-4(a)(7)(iii) (for an amount realized) or Regulations section 1.1446-4(e)(4) (for withholding on a PTP distribution under section 1446(a)) instead of the chapter 3 withholding rate pool information otherwise permitted to be included on the withholding statement. A QI that acts as a disclosing QI for a payment must act as a disclosing QI for the entire payment.

**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 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 that is not a QDD). 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, see the instructions to Part II of Form W-8IMY for when to provide the chapter 4 status of the disregarded entity receiving the payment.

Certain entities that are disregarded for U.S. tax purposes may nevertheless be treated as treaty residents 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;
- 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 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 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 with respect to the payment by an interest holder's jurisdiction.

**Foreign financial institution (FFI).** 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 identification number assigned to an entity that has registered with the IRS for chapter 4 purposes.

**Hybrid entity.** Any person (other than an individual) that is treated as fiscally transparent (rather than as a beneficial owner) 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, earlier, under [Who Must Provide Form W-8IMY](#), and Regulations section 1.1471-3(d) for the documentation requirements with respect to entities receiving withholdable payments.

**Intergovernmental Agreement (IGA).** 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 United States 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 with respect to a branch 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.** 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 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 (including a reporting Model 2 FFI), a registered deemed-compliant FFI (including an FFI treated as a deemed-compliant FFI under an applicable 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), or any other category of FFI identified in the QI agreement;
- A foreign person that is a home office or has a branch that is an eligible entity (as described in Regulations section 1.1441-1(e)(6)(ii));
- A foreign branch or office of a U.S. financial institution or a foreign branch or office of a U.S. clearing organization; or
- A foreign entity not described above that the IRS accepts as a qualified intermediary.

**Qualified derivatives dealer (QDD).** A QI that is an eligible entity that agrees to meet the requirements of Regulations section 1.1441-1(e)(6)(i) and the QI agreement and has been approved by the IRS to so act. An eligible entity is defined in Regulations section 1.1441-1(e)(6)(ii).

The home office or branch, as applicable, that is a QDD must represent itself as a QDD on its Form W-8IMY and separately identify the home office or branch as a recipient on a withholding statement (if necessary). Each home office or branch that obtains QDD status is treated as a separate QDD.

**Qualified securities lender (QSL).** Notice 2010-46, provided rules for QSLs acting with respect to payments of substitute dividends. A QSL that is a QI should certify to its QSL status in [Part III](#) of this form, regardless of whether it is acting as a principal or an agent with respect to its QSL transactions. A QSL that is not a QI, including a QSL acting as a principal with respect to QSL transactions, should certify its QSL status in Part IV of this form. Notwithstanding the

foregoing, a QDD may not act as a QSL for potential section 871(m) transactions, except with respect to a payment on a securities lending or sale-repurchase transaction for which the QI has determined that it is acting as an intermediary for the payment. While Notice 2010-46 was obsolete, [Notice 2020-2](#) permits withholding agents to apply the transition rules described in Notice 2010-46 for payments made in 2021 and 2022.

**Nonqualified intermediary.** Any intermediary that is not a U.S. person and that is not a qualified intermediary.

**Modified amount realized.** In the case of an amount realized under section 1446(f) received by a transferor that is a foreign partnership, the amount determined under Regulations section 1.1446(f)-4(c)(2)(ii) (for a transfer of a PTP interest) or under Regulations section 1.1446(f)-2(c)(2)(iv) (for a transfer of an interest in a partnership other than a PTP).

**Nominee.** When referenced in connection with a PTP distribution, a person that holds an interest in a PTP on behalf of a foreign person and that is either a U.S. person, a QI that assumes primary withholding responsibility for a PTP distribution, or a U.S. branch of a foreign person (or territory financial institution) that agrees to be treated as a U.S. person with respect to the distribution. See Regulations section 1.1446-4(b)(3).

**Nonreporting IGA FFI.** An FFI that is a resident of, or located or established in, a Model 1 or Model 2 IGA jurisdiction that meets the requirements of:

- A nonreporting financial institution described in a specific category in Annex II of the Model 1 or Model 2 IGA;
- A registered deemed-compliant FFI described in Regulations section 1.1471-5(f)(1)(i)(A) through (F);
- A certified deemed-compliant FFI described in Regulations section 1.1471-5(f)(2)(i) through (v); or
- An exempt beneficial owner described in Regulations section 1.1471-6.

**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.** An FFI that has agreed to comply with the terms of an FFI agreement with respect to all branches of the FFI, other than a branch that is a reporting Model 1 FFI or a U.S. branch. The term participating FFI also includes a reporting Model 2 FFI and 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) and for chapter 4, see Regulations section 1.1471-3(a)(3).

**Publicly traded partnership (PTP).** A PTP is an entity that has the same meaning as in section 7704 and Regulations sections 1.7704-1 through 1.7704-4 but does not include a PTP treated as a corporation under that section.

**PTP distribution.** A PTP distribution is a distribution made by a PTP.

**PTP interest.** A PTP interest is an interest in a PTP if the interest is publicly traded on an established securities market or is readily tradable on a secondary market (or the substantial equivalent thereof).

**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).

**Reverse hybrid entity.** 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.** 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), for purposes of withholding on a PTP distribution as a nominee under Regulations section 1.1446-4(b)(3), or for an amount realized under section 1446(f).

**Transfer.** A sale, exchange, or other disposition of an interest in a partnership, and includes a distribution from a partnership to a partner, as well as a transfer treated as a sale or exchange under section 707(a)(2)(B).

**Transferee.** Any person, foreign or domestic, that acquires a partnership interest through a transfer, and includes a partnership that makes a distribution.

**Transferor.** A transferor is any person, foreign or domestic, that transfers an interest in a partnership. In the case of a trust, to the extent 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, the term transferor means the grantor or other person.

**Underlying security.** The term underlying security is defined in Regulations section 1.871-15(a)(15).

**Withholdable payment.** The term withholdable payment is defined in Regulations section 1.1473-1(a).

**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(a), in general, the withholding agent is the partnership conducting the trade or business in the United States. For purposes of section 1446(a), the withholding agent for a PTP may be the partnership or a nominee for a distribution holding an interest on behalf of a foreign person. See Regulations section 1.1446-4.

**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 sections 1441 through 1443 for all payments that are made to its partners, beneficiaries, or owners, except as otherwise provided in the withholding agreement. A WP also includes a foreign reverse hybrid entity that has entered into a withholding agreement.

**Withholding statement.** A withholding statement for a reportable amount 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 section 1441 and chapter 4 regulations) of each payment an intermediary or flow-through entity receives. For purposes of section 1446(a), a withholding statement provided by an upper-tier foreign partnership (or foreign grantor trust to a lower-tier partnership or intermediary receiving the amount on behalf of the foreign partnership or grantor trust) provides an allocation of the effectively connected income to each partner or owner in the upper-tier partnership or the trust. For purposes of section 1446(f), a withholding statement provided by an intermediary for an amount realized on the transfer of a PTP interest provides an allocation of the amount realized to each transferor of the PTP interest or to a chapter 3 or 4 withholding rate pool when permitted under Regulations section 1.1446-4(a)(7). The withholding statement provided by an intermediary for a PTP distribution provides allocation information with respect to each partner receiving a distribution of an amount subject to withholding under section 1446(a) or (f), with respect to each beneficial owner or payee receiving an amount subject to withholding under chapter 3 or 4 on the distribution (such as a beneficiary of a partner in the PTP that is a simple trust receiving a payment subject to chapter 3 withholding), or with respect to a chapter 3 or 4 withholding rate pool as permitted (including a QI not assuming withholding responsibility for the distribution, but excluding an allocation to a U.S. partner or when the QI acts as a disclosing QI). For the limitation on when a nonqualified intermediary may provide a withholding statement for an amount realized, however, see [Withholding statement for amount realized or PTP distribution](#) in Part IV, later. Also, see Regulations section 1.1446-4(d)(1) for when the amounts subject to withholding on a PTP distribution cannot be determined from a qualified notice issued by the PTP. For a withholding statement provided by a foreign partnership to claim a modified amount realized for purposes of section 1446(f), see the instructions for [Line 21d](#), later.

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 upon which 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). Additional information is required for a withholding statement from a QDD. See [QDD withholding statement](#), later.

## 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 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.

**Line 3.** If you are a disregarded entity receiving a payment, enter your name (if required). You are required to complete line 3 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 a disregarded entity that is a QDD, identify the QDD by the name used by the QDD for the QI application. For instructions for identifying the names of multiple QDDs, see [QDD withholding statement](#), later.



*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.*

**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). 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 provided to satisfy documentation requirements for purposes of withholding on certain partnership allocations to foreign partners under section 1446(a). Section 1446(a) generally requires withholding when a partnership is conducting a trade or business in the United States and allocates taxable income effectively connected with that trade or business (ECTI) to foreign persons that are partners in the partnership. Section 1446(a) can also apply when certain income is treated as effectively connected income of the partnership and is so allocated.*

*An upper-tier foreign partnership that is allocated ECTI as a partner in a lower-tier partnership (LTP) may request, if certain requirements are met, the lower-tier partnership perform withholding under section 1446(a) on that ECTI taking into account the status of the partners in the upper-tier partnership. Upper-tier PTPs are not permitted to use these look-through rules. 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 ECTI of the upper-tier partnership will be allocated to the partners. Domestic non-PTPs that meet similar requirements may be able to elect to apply look-through rules, if the LTP agrees, by using Form W-9, instead of a W-8IMY. For further information, see Regulations section 1.1446-5. A foreign grantor trust that is allocated ECTI 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 (including a QDD), WP, or WT. If you are a U.S. branch that does not agree to be treated as a U.S. person and that does not make the certification on line 19c, you should check nonparticipating FFI; otherwise, leave line 5 blank. 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 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). 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 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 on 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 (that is, your registered address). If you do not have a tax residence in any country, the permanent residence address is where you maintain your principal office.

**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 are a territory financial institution that certifies that it has agreed to be treated as a U.S. person for any payments associated with this Form W-8IMY.

If you are acting as a QI (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, an upper-tier partnership or trust that is allocated ECTI (or receives a PTP distribution attributable to ECTI) as a partner in a lower-tier partnership is required to provide a U.S. TIN. The requirement to include a U.S. TIN in this line 8 also applies to a foreign partnership or a foreign trust receiving an amount realized from a transfer of an interest in a partnership conducting a trade or business in the United States. Additionally, a QSL providing this form with respect to a U.S. source substitute dividend must provide an EIN (a QI-EIN if the QSL is a QI).

**Line 9a.** Complete line 9a if you are a participating FFI (including a reporting Model 2 FFI), registered deemed-compliant FFI (including a reporting Model 1 FFI and a sponsored FFI described in Regulations section 1.1471-5(f)(1)(i)(F)), direct reporting NFFE (including a sponsored direct reporting NFFE), or trustee of a trustee documented trust that is a foreign person, you are required to enter your GIIN (with regard to your country of residence) on line 9a. If you are a trustee of a trustee-documented trust and you are a foreign person, you should provide the GIIN that you received when you registered as a participating FFI or reporting Model 1 FFI. In addition, you must provide your GIIN on line 9a if you are a nonreporting IGA FFI that is: (1) treated as registered deemed-compliant under Annex II to an applicable Model 2 IGA, or (2) a registered deemed-compliant FFI under Regulations section 1.1471-5(f)(1).

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

If you are a certified deemed-compliant FFI described in Part XIV of this form, provide the GIIN of your sponsoring entity on line 9a.



If you are in the process of registering with the IRS as a participating FFI, registered deemed-compliant FFI (including a sponsored FFI), reporting Model 1 FFI, reporting Model 2 FFI, direct reporting NFFE, sponsored direct reporting NFFE, or nonreporting IGA FFI but have not received a GIIN, you may complete line 9a by writing "applied for." However, the person requesting this form from you must receive and verify your GIIN within 90 days.

If you are a disregarded entity that completed Part I, line 3, do not enter your GIIN on line 9a. Instead, enter it on line 13.

**Line 9b.** Complete line 9b if you are a QDD that must provide a foreign taxpayer identification number (FTIN). For information on this requirement (and when an FTIN is not required), see [QDD withholding statement](#), later.

**Line 10.** You, or a withholding agent, may use this line 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 use line 10 for a referencing number or code that will make the association clear.

## Part II — Disregarded Entity or Branch Receiving Payment

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) operating in a jurisdiction other than the country of residence identified on line 2. For example, assume ABC Co., which is a participating FFI resident in Country A, operates through 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 9a, and the Country B branch should complete this Part II by identifying itself as a reporting Model 1 FFI and providing its GIIN on line 13. If the Country B branch receiving the payment is a disregarded entity, you may be required to provide its legal name on 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.*

If you have multiple branches/disregarded entities receiving payments from the same withholding agent and the information in Part I is the same for each branch/disregarded entity that will receive payments, you may provide (and a withholding agent may accept) a single Form W-8IMY with a separate schedule attached that includes all of the Part II information for each branch/disregarded entity rather than separate Forms W-8IMY to identify each branch receiving payments associated with the form. You must also provide the withholding agent with sufficient information to associate the payments with each branch/disregarded entity.

If you are a QDD home office or you are a QI and have one or more QDD branches, do not complete Part II for any branches that are acting in their QDD capacities. Instead, provide the relevant branch information that you would otherwise provide on Part II (including the information required for chapter 4 purposes, as required) on your withholding statement.

**Line 11.** Check the one box that applies. If no box applies to the disregarded entity, you do not need to complete Part II. If you check reporting Model 1 FFI, reporting Model 2 FFI, or participating FFI, you must complete line 13. If you are a 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 branch treated as nonparticipating FFI. 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.

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

**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 9a. If you are a U.S. branch, do not enter a GIIN on line 13.

**TIP** *If you are in the process of registering your branch with the IRS 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. Generally, if you are acting in multiple capacities, you should provide separate Forms W-8IMY for each capacity. For example, if you are acting as a QI for one account, but an NQI for another account, you should provide one Form W-8IMY in your capacity as a QI and a separate Form W-8IMY in your capacity as an NQI.

You may, however, provide a single Form W-8IMY that covers more than one category of QI provided that you properly identify the accounts and/or transactions, as required, on a withholding statement. For example, if you are a QI that acts as both a QI and a QDD, you may provide a single Form W-8IMY with a withholding statement designating each type of account or transaction.

### Part III — Qualified Intermediary

**Line 14.** Check the box on line 14 if you are a QI (whether or not you assume primary withholding responsibility) for the payments for which you are providing this form. By checking the box, you are certifying to the applicable statements contained on line 14. See the QI agreement for the definition of “account” for purposes of Part III.

**Line 15.** Complete line 15 only if you are acting as a QI that is not a QDD. To the extent you are a QI acting as a QDD, see the instructions for line 16. If you are acting in both QI capacities, you should complete both lines 15 and 16 to the extent applicable.

**Line 15a.** Check the box on line 15a if you have assumed primary withholding responsibility under both chapter 3 and chapter 4 with respect to the account(s) identified on a withholding statement attached to this form (or, if no withholding statement is attached to this form, for all accounts). The representation made in this box on line 15a may be made regardless of whether you assume primary withholding responsibility for a PTP distribution (by checking the box on line 15c) as the representation made on this line 15a does not apply to an amount subject to chapter 3 withholding on a PTP distribution.

Furthermore, the box on line 15a may be checked regardless of which boxes you check on lines 15b through 15i for any accounts identified on a withholding statement.

**Line 15b.** Check the box on line 15b if you have assumed primary withholding and reporting responsibilities under section 1446(f) for each payment of an amount realized on a sale of a PTP interest associated with each account identified on a withholding statement attached to this form for receiving such amounts (or, if no withholding statement is attached to this form, for all accounts).


**Line 15c.** Check the box on line 15c if you have assumed primary withholding responsibility as a nominee for each distribution by a PTP that is associated with each account identified on a withholding statement attached to this form for receiving such distributions (or, if no withholding statement is attached to this form, for all accounts).



**Line 15d.** Check the box on line 15d if you are a QI that is acting as a QSL with respect to payments associated with each account identified on a withholding statement attached to this form (or, if no withholding statement is attached to this form, for all accounts) that are U.S. source substitute dividends made in 2021 or 2022 by a party to a securities lending transaction (as described in Notice 2010-46) for which you are not acting as a QDD. See Notice 2020-2 and [Qualified securities lender \(QSL\)](#), earlier, for the limitation on when a QI is permitted to act as a QSL.

**Line 15e.** Check the box on line 15e 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 and regardless of whether you act as a QDD or QSL.

**Line 15f.** Check the box on line 15f if you have assumed primary Form 1099 reporting and backup withholding responsibility with respect to the accounts identified in a withholding statement associated with this form or if you are a participating FFI or registered deemed-compliant FFI that meets the requirements to report only under Regulations sections 1.6049-4(c)(4)(i) and (c)(4)(ii). For accounts for which you check this box on line 15f, you should not check the boxes on lines 15g through 15i.

 **TIP** *If you checked boxes 15a and 15f with respect to any accounts, or box 15b or 15c (as applicable) and the box on line 15f when this form is associated with an amount realized or PTP distribution, you do not have to provide a withholding statement for any payments made to those accounts.*

**Line 15g.** Check the box on line 15g if you have not assumed primary Form 1099 reporting and backup withholding responsibility with respect to the account(s) identified on a withholding statement attached to this form (or, if no withholding statement is attached to this form, for all accounts). This box applies to an amount realized only if you have not checked the box on line 15b and does not apply to a payment made by a QSL that is described on line 15d. If you check the box on line 15g, check the applicable certification(s) on line 15h or 15i.

**Lines 15h and 15i.** 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 certify by checking the boxes on lines 15h and/or 15i (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).*

Although, as a QI, you obtain withholding certificates or appropriate documentation from beneficial owners or payees, as specified in your QI agreement, you do not need to attach the certificates or documentation to this form unless you are acting as a disclosing QI with respect to an amount realized or PTP distribution. Also, 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.

**Line 16a.** Check the box on line 16a to certify that each QDD identified on the form or on the QDD withholding statement that is acting as a QDD meets the requirements to act as a QDD in Regulations section 1.1441-1(e)(6) and assumes primary withholding and reporting responsibilities under chapters 3, 4, and 61, and section 3406 with respect to potential section 871(m) transactions and has been approved by the IRS to act as a QDD.



*A QDD must act as a QDD for all payments it receives as a principal with respect to potential section 871(m) transactions and underlying securities, excluding any payments that are treated as effectively connected with the conduct of a trade or business within the United States within the meaning of section 864. A QDD may not act as a QDD for any other payments it receives. To certify your foreign status for any other payment of U.S. source income you beneficially own, see Who Must Provide Form W-8IMY and Do Not Use Form W-8IMY If you are Described Below, earlier.*

**Line 16b.** Check the box to indicate your status, including if you are a QDD that is a disregarded entity claiming treaty benefits. If the QDD is a branch other than a disregarded entity (that is, a branch that is not a separate legal entity from its home office), check the box to indicate the status of the entity identified in Part I. If the Form W-8IMY is being used for more than one QDD and different boxes must be checked for different QDDs, check all relevant boxes and include the applicable information on the withholding statement for each QDD. See [QDD withholding statement](#), later.

**Claim of treaty benefits or beneficial ownership.** If you are acting as a QDD, you may be entitled to claim treaty benefits for certain payments that are subject to withholding that you receive in your principal capacity (for example, interest payments or payments of dividends beginning in

2023). See [Notice 2020-2](#). To make a claim for treaty benefits in such a case, you may provide your withholding agent a statement associated with your Form W-8IMY that contains the information required in Part III of Form W-8BEN-E, including (if applicable) a treaty claim by a hybrid entity that is a disregarded entity that is identified on a QDD's withholding statement described in the instructions for Part II. Alternatively, a Form W-8BEN-E may be used for this purpose. An entity acting as a QDD (other than a flow-through entity or disregarded entity) for a payment of U.S. source FDAP income may also use Form W-8IMY to claim status as the foreign beneficial owner of the payment when the entity provides its foreign TIN (when required) on line 9b to this form).



*If you are acting as a QDD and fiscally transparent in your jurisdiction of organization, do not claim treaty benefits as described in these instructions. Instead, you must include the withholding certificates or documentary evidence of the owners claiming treaty benefits and provide an allocation on the withholding statement.*

**QDD branch of a U.S. person.** If you are a foreign branch of a U.S. person that is acting as a QDD and you receive a payment that otherwise would be subject to withholding except for the U.S. person's status as a U.S. person, you may associate this Form W-8IMY with a Form W-9 from the U.S. person.

**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 withholding responsibility under chapter 3 and chapter 4 with respect to the payment for one or more accounts (as indicated otherwise on line 15a), or if you are receiving a reportable amount on behalf of a U.S. non-exempt recipient, you have not assumed primary Form 1099 reporting and backup withholding responsibility for the payment. You must also provide a withholding statement for an amount realized or a PTP distribution for which you have not assumed primary withholding responsibility. 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. If you are a QDD, see also [QDD withholding statement](#), later.

A QI withholding statement must also:

- 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;
- If you receive an amount realized or a PTP distribution, designate those accounts for which you are assuming primary withholding and reporting responsibility for either such amount;
- 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
- For any account for which you are not assuming primary withholding and reporting responsibility, 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) (with respect to a chapter 4 withholding rate pool). You must, however, provide information to allocate the payment to the

specific partners receiving the payment (rather than including any part of the payment in any chapter 3 withholding rate pool) when you act as a disclosing QI for a payment of an amount realized or PTP distribution.

**For chapter 4 purposes.** If you are a QI and you receive a withholdable payment, you must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement (if you are not an FFI) when you do not assume primary withholding responsibility under chapter 3 and chapter 4 and Form 1099 reporting and backup withholding responsibility for the payment.

If you are a QI that is an FFI you 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). You may also provide on the withholding statement a single pool of nonparticipating FFIs, a single pool of recalcitrant account holders of yours or of or another intermediary that is a participating FFI or registered deemed-compliant FFI, and, if you do not assume primary Form 1099 and backup withholding responsibility, a chapter 4 withholding rate pool of U.S. payees. A chapter 4 withholding rate pool of U.S. payees may include:

- If you are a reporting Model 1 FFI, an account holder that is not withheld on under chapter 3, chapter 4, or section 3406 that you report as a U.S. account pursuant to the Model 1 IGA because the account has U.S. indicia and you have not obtained appropriate documentation to treat the account as held by other than a specified U.S. person;
- If you are a reporting Model 2 FFI, an account holder that is not withheld on under chapter 3, chapter 4, or section 3406 that you report as an account holder of a non-consenting U.S. account as described in the Model 2 IGA;
- If you are 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 you report under chapter 4 or an applicable IGA (including the account holder's TIN).

Additionally, a chapter 4 withholding rate pool of U.S. payees may be provided in the above-described cases for a payment of an amount realized for which a withholding statement is provided for purposes of section 1446(f) that allocates some amount of the payment to a U.S. person. See, [For a payment of an amount realized](#), later, and [Example 5](#) and [Example 6](#), later.

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.

If you are a QI that is not an FFI and that does not assume primary withholding responsibility under chapter 3 and chapter 4, you 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 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 you maintain or hold accounts with an intermediary or flow-through entity receiving the payment from you. You 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, if it is not required to be separately reported. 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.

**For a payment of an amount realized.** In the case of a payment of an amount realized, you must provide chapter 3 withholding rate pool information with respect to the foreign transferors receiving the payment for your broker to meet its withholding and reporting obligations (except when you act as a disclosing QI). See Regulations section 1.1446(f)-4(a)(7)(iii). The chapter 3 withholding rate pool information you provide on a withholding statement may be properly adjusted to take into account the withholding required on a transferor that is a foreign partnership for which you permit a modified amount realized. With respect to U.S. transferors receiving an amount realized, and regardless of whether you act as a disclosing QI, you must allocate the payment to each such transferor to the extent of the amount that may not be allocated to a chapter 4 withholding rate pool of U.S. payees (to the extent permitted for chapter 4 purposes).

**For a PTP distribution.** In the case of a PTP distribution, you must provide to the PTP or nominee from which you receive the distribution chapter 3 withholding rate pool information and chapter 4 withholding rate pool information (when permitted for chapter 4 purposes) for your foreign partners with respect to the amounts subject to withholding on the distribution (except when you act as a disclosing QI). For determining the amounts to include in each withholding rate pool, the QI must rely on the allocation of each amount subject to withholding on the distribution as determined by the PTP or nominee that pays the distribution to the QI. When acting as a disclosing QI for a PTP distribution, you must provide with respect to each partner an allocation of the income attributable to the distribution that is subject to withholding under section 1446(a) or (f) (and, for an amount subject to chapter 3 or 4 withholding, an allocation of such amount to each beneficial owner or payee). See [Withholding statement](#), earlier, for the requirements of a withholding statement provided by an intermediary for a PTP distribution. Regardless of whether you act as a disclosing QI, you must

allocate the amounts subject to withholding on the distribution to each U.S. partner.

**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)) or when the alternative procedure is used. The pools are based on valid documentation that you obtain or, if a payment cannot be reliably associated with valid documentation, 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 the boxes on lines 14, 15a, and 15f.

**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).

The 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. The QI need not allocate any portion of the payment specifically to A or B because the 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). For payments made on or after April 1, 2017, see the instructions for Part IV of this form for when a withholding statement includes an allocation of a payment of an amount subject to chapter 3 withholding that is made to a pool of U.S. payees.



The QI must also provide a Form W-9 (or alternatively, name and TIN) for D. A Form W-9 is not required for C. The QI will provide Form W-8IMY and check the boxes on lines 14, 15a, and 15g and 15h.

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

Because the 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. The 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. The QI will provide Form W-8IMY and check the boxes on lines 14 and 15a.

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

The 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). The QI will provide Form W-8IMY and check the boxes on lines 14, 15g, and 15h.

**Example 5.** A QI that is foreign corporation and a Participating FFI does not assume primary withholding and reporting responsibility for a payment of \$100 from a U.S. broker that is an amount realized from the sale of a PTP interest. The QI also does not assume primary Form 1099 reporting and backup withholding responsibility for any of its accounts. The QI holds the PTP interest in an account with a U.S. broker and does not act as a disclosing QI for the payment of the amount realized. The QI determines that the amount realized from the sale is allocable to the following transferors of the interest in the PTP on whose behalf the QI held the interest:

- \$20 each on behalf of A and B, two nonresident alien individuals who are account holders of the QI;
- \$10 each on behalf of C and D, two 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;
- \$20 on behalf of F, a foreign partnership and account holder of the QI that has provided the certification and other

information specified in Regulations section 1.1446(f)-4(c)(2)(ii)(C) for QI to determine a modified amount realized of \$10 (one-half of the \$20 is allocable to partners of F who are nonresident alien individuals and one-half allocable to a U.S. partner of F (USP)), and QI does not report F's account as a U.S. account for purposes of chapter 4 reporting;

- \$10 on behalf of foreign grantor trust H, an account holder of QI that has provided to QI the documentation from which QI can associate the amount realized with G, a nonresident alien that is the sole grantor of the trust;
- \$10, on behalf of N, an account holder of the QI that is a nonqualified intermediary.

As QI is not acting as a disclosing QI for this payment, QI may provide to its U.S. broker a withholding statement that allocates the amount realized to chapter 3 withholding rate pools, excluding amounts allocable to a U.S. partner or to a chapter 4 reporting pool of U.S. payees. QI must report on the withholding statement the payment allocated as follows:

- To a chapter 3 withholding rate pool at a 10% rate - \$70 (for the \$40 allocable to A and B, \$10 allocable to F's nonresident alien partners; \$10 allocable to G, and \$10 allocable to N);
- To a chapter 4 withholding rate pool of U.S. payees - \$20 (for the total amount allocable to C and D); and
- To USP, for the \$10 of the \$20 of amount realized by F that is allocable to USP.

The QI will complete Form W-8IMY and check the box on line 14. As QI does not assume primary withholding responsibility under section 1446(f) for the amount realized, QI must not check the box on line 15b but should check the boxes on lines 15g and 15h because it has not assumed Form 1099 reporting and backup withholding responsibility. QI does not account for any of the account holders of N on its withholding statement as withholding applies to N at the 10% rate on the payment regardless of the statuses of N's account holders receiving the payment. See Regulations section 1.1446(f)-4(a)(2) for this withholding requirement. See [Withholding statement for amount realized or PTP distribution](#) in Part IV, later, however, for when N (as an NQI) would be permitted to provide to QI allocation information and beneficial owner withholding certificates for the account holders of N receiving the amount realized from the sale. With respect to grantor trust H, the withholding is determined with respect to grantor G, rather than H, as G is the transferor of the PTP interest. With respect to foreign partnership F, the withholding statement includes the \$10 allocable to F's foreign partners in a chapter 3 withholding rate pool at the 10% rate as these partners did not claim any exception to withholding based on an income tax treaty. With respect to USP, QI discloses the identity of USP on the withholding statement because it does not assume primary Form 1099 reporting and backup withholding responsibility and does not report the account of USP for purposes of QI's chapter 4 requirements as a participating FFI. QI must also provide the documentation permitted for section 1446(f) purposes to support USP's non-foreign status. With respect to C and D, however, as QI reports their accounts under QI's requirements as a participating FFI, QI may report the amount realized allocable to C and D in a chapter 4 withholding rate pool of U.S. payees.

**Example 6.** The facts are the same as *Example 5*, except the QI acts as a disclosing QI for the payment of the amount realized. Unlike *Example 5*, because the QI is a disclosing QI, it may not allocate any portion of the payment to a chapter 3 withholding rate pool on the withholding statement

provided to the U.S. broker. QI must instead allocate the payment of the amount realized to each account holder that is a transferor of the PTP interest, excluding any transferors that are includible in a chapter 4 withholding rate pool of U.S. payees. See Regulations section 1.1446(f)-4(a)(7)(iii). Thus, with respect to QI's account holders that are foreign transferors, QI must allocate \$20 of the amount realized each to A and B and must associate a valid Form W-8BEN for each of them with the withholding statement. With respect to foreign partnership F, QI must identify F as the transferor of the interest (with a valid Form W-8IMY from F completed in accordance with [Part VIII](#), later), must indicate on its withholding statement that QI has determined a modified amount realized of \$10 from the \$20 of the amount realized allocable to F, and must allocate the amount realized between each of the partners of F based on the certification and withholding statement provided by F for this payment in accordance with Regulations section 1.1446(f)-4(c)(2)(ii)(C). QI must include on the withholding statement the amount allocable to USP for the reasons noted in *Example 5*, earlier, (with the documentation permitted to support USP's non-foreign status) that F should have provided to QI with its withholding statement. With respect to foreign grantor trust H, QI must allocate the \$10 received on behalf of H to G (as G is the transferor), and must associate with the withholding statement a valid Form W-8IMY from H (completed in accordance with [Part VIII](#), later), a valid Form W-8BEN from G, and information provided by H regarding the amount realized allocable to G. With respect to nonqualified intermediary N, QI must allocate the \$10 received on behalf of N to N and associate this amount with the withholding statement and a valid Form W-8IMY from N. See [Withholding statement for amount realized or PTP distribution](#) in *Part IV*, later, however, for when N would also be permitted to provide to QI allocation information and beneficial owner withholding certificates for the account holders of N receiving the amount realized from the sale. As indicated in *Example 5*, earlier, QI may include C and D in a chapter 4 withholding rate pool of U.S. payees with respect to the amount allocable to them (an allowance that applies even when a QI acts as a disclosing QI for an amount realized).

**Alternative procedure for reportable amounts paid to U.S. non-exempt recipients (and for chapter 4).** 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.** Your withholding statement 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.

**QDD withholding statement.** Similar to a QI withholding statement, a QDD withholding statement becomes an integral part of a QDD's Form W-8IMY. In addition to the information required on a withholding statement (if any) you provide in your QI capacity, generally a QDD withholding statement should (as applicable) for each QDD (identifying the QDD by name used for the QI application):

- Designate the accounts for which the QDD is receiving payments with respect to potential section 871(m) transactions or underlying securities as a QDD;
- Designate the accounts for which the QDD is receiving payments with respect to potential section 871(m) transactions as a QDD (and that are not underlying securities) for which withholding is not required;
- Designate the accounts for which the QDD is receiving payments with respect to underlying securities as a QDD for which withholding is required; and
- Identify the home office or branch that is treated as the owner for U.S. income tax purposes.

If you are acting as a QDD that meets the conditions described below, you must provide on line 9b, your foreign taxpayer identification number (FTIN) issued by the jurisdiction in which you are tax resident identified on line 6, unless you were not issued an FTIN (including if the jurisdiction does not issue FTINs). If you do not provide your FTIN, you must provide on your QDD withholding statement a reasonable explanation of why you have not been issued an FTIN. For this purpose, such an explanation includes a statement that you are not legally required to obtain an FTIN in your jurisdiction of tax residence. Do not write "not applicable." If you are acting as a QDD, you are required to provide your FTIN or an explanation of why you have not been issued an FTIN if:

- You are providing this Form W-8IMY to document yourself as an account holder (as defined in Regulations section 1.1471-5(a)(3)) with respect to a financial account (as defined in Regulations section 1.1471-5(b)) that you hold at a U.S. office of a financial institution (including a U.S. branch of an FFI);
- You receive U.S. source income reportable on a Form 1042-S associated with this form; and
- This form is treated as a beneficial owner withholding certificate under Regulations section 1.1441-1(e)(2)(i).


If you are a QDD using its Form W-8IMY to make a claim for treaty benefits, see [Claim of treaty benefits or beneficial ownership](#), earlier, for the information required for the claim (including for a hybrid entity that is a disregarded entity).

## Part IV — Nonqualified Intermediary

**Line 17a.** If you are providing Form W-8IMY as a nonqualified intermediary (NQI), you must check the box on line 17a. By checking this box, you are certifying to all of the statements on line 17a.

**Line 17b.** Check the box on line 17b if you are using this form to transmit withholding certificates or other


documentation along with a withholding statement that satisfies the requirements of chapters 3 and 4 (including for purposes of section 1446(a) and including if you are providing pooled information for purposes of chapter 61 under the alternative procedure for U.S. non-exempt recipients, or chapter 4 withholding rate pools (as applicable) for a withholdable payment).

 *If you are required to provide a chapter 4 status on 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 the box on line 17b (except for documentation provided with respect to exempt beneficial owners).*

**Line 17c.** Check the box on line box 17c 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. This checkbox does not apply to a PTP distribution. You may check this box with respect to U.S. source substitute dividends you receive as a QSL regardless of whether you act as an intermediary or principal for those amounts. See the instructions to line 8 for a QSL's requirement to provide a U.S. TIN.

**Line 17d.** Check the box on line 17d 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. You may check this box with respect to U.S. source substitute dividends you receive as a QSL regardless of whether you act as an intermediary or principal for those amounts. See the instructions for line 8 for a QSL's requirement to provide a U.S. TIN.

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 for both chapter 3 and chapter 4 purposes.


 *If you are an NQI receiving an amount realized from the transfer of a PTP interest, however, the preceding paragraph and the representation made on line 17b applies only to the extent indicated in [Withholding statement for amount realized or PTP distribution](#), later.*

**Withholding statement of an NQI.** If you are an NQI, you must provide a withholding statement and appropriate documentation to obtain reduced rates of withholding under chapter 3 and section 3406 for your customers receiving reportable amounts 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 instead of documentation for those payees. 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.** If you are an NQI that is a participating FFI or registered deemed-compliant FFI and you receive a withholdable payment, you must provide a withholding statement which satisfies the requirements of an FFI withholding statement or chapter 4 withholding statement.

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 a participating FFI (including a reporting Model 2 FFI) or a registered deemed-compliant FFI (including a reporting Model 1 FFI), U.S. payees. However, if you are an NQI, you 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 you satisfy the requirements to provide such a pool (including the requirement to certify to your 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 a 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 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 a 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 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). Instead, an allocation of a payment of an amount subject to chapter 3 withholding to a withholding rate pool of U.S. payees must identify the payees as described in Regulations section 1.1471-3(c)(3)(iii)(B)(2).*

**For chapter 3 and chapter 61 purposes.** For chapter 3 and chapter 61 purposes, in the case of a reportable amount that is also a withholdable payment, the withholding statement should allocate only the portion of the payment that was not allocated to a chapter 4 withholding rate pool 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. The withholding statement must generally include the following information.



- 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 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, the 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 GILN (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, 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.
- 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.

**Withholding statement for amount realized or PTP distribution.** In the case of a PTP distribution, an NQI may provide a withholding statement and appropriate documentation for each of its account holders receiving the distribution to allocate to its account holders the amounts subject to withholding on the distribution under chapters 3 and 4 (or under section 1446(a)). See [Withholding statement](#), earlier, for additional requirements of a withholding statement provided by an intermediary for a PTP distribution.

In the case of an amount realized (including on a PTP distribution), however, an NQI may provide a withholding statement and appropriate documentation on the transferors of the PTP interest only when:

- The broker paying the amount realized to the NQI agrees to report (or ensures another broker will report) under section 1461 (and, if required, under section 6045) with respect to the amount realized allocated each of the account holders that are the transferors of the PTP interest (and provide NQI a copy of each Form 1042-S issued due to this reporting);
- The NQI provides to the broker the statement described in Regulations section 1.6031(c)-1T(a)(1) with respect to each NQI account holder that is a partner required to be issued a statement under section 6031(b) for the calendar year of the

payment and the information for the broker to allocate the amount realized to each transferor; and

- The NQI receives from the broker paying the amount realized a written representation that the broker is acting as an agent of the PTP with respect to the statement described in Regulations section 1.6031(c)-1T(a) or otherwise designates the broker as its agent for providing the statement to the PTP (or the PTP's agent).



*The allowance for an NQI to provide a withholding statement and transferor documentation applies despite that an NQI may not obtain reduced withholding on an amount realized it receives from the transfer of a PTP interest.*

**Alternative procedure for NQIs receiving reportable amounts (and for chapter 4).** 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 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, you 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 you 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, you may include such an amount in the withholding rate pool that is exempt from withholding (you can include such payees in an exempt pool regardless of whether the payment is a withholdable payment). You 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.

**Alternative withholding statement.** If a withholding agent agrees, instead of providing a withholding statement that contains all of the information described previously, you may provide an alternative withholding statement for a payment of a reportable amount. You may only use an alternative withholding statement if you are providing the withholding agent with withholding certificates (and not documentary evidence) from the beneficial owners of the payment. The alternative withholding statement is not required to include information that is already on the withholding certificates (including name, address, TIN, chapter 4 status, and GIIN), and you are not required to provide the rate of withholding applicable to each beneficial owner, so long as the withholding agent can determine the appropriate rate based on the withholding certificates. Just as for a nonqualified intermediary withholding statement, the alternative withholding statement must provide information for allocating the payment to each payee and must include any other information the withholding agent needs to fulfill its withholding and reporting obligations.

**Line 17e.** As part of providing any alternative withholding statements that are associated with your Form W-8IMY, you may make the representation indicated on line 17e. If you check the box line 17e, you are not required to represent on each alternative withholding statement that the information on the withholding certificates provided with the alternative withholding statement is not inconsistent with any other account information you have for the beneficial owners for determining the appropriate rate of withholding. See Regulations section 1.1441-1(e)(3)(iv)(C)(3) for further information on the representation otherwise required on each alternative withholding statement.

## Part V — Territory Financial Institution

**Line 18.** Check the box on line 18a 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 territory of the United States.

You must also check either the box on line 18b or 18c, the box on line 18d, and either the box line on 18e or 18f (each box as applicable based on the types of payments received). Check the box on line 18b 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 of reportable amounts and withholdable 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 the box on line 18b, you must provide an EIN on line 8.

Check the box on line 18c to certify that you are a territory financial institution that has not agreed to be treated as a U.S. person for reportable amounts and withholdable payments associated with this form. 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, for chapter 4 withholding and reporting purposes). You must also certify that you have provided or will provide a withholding statement (as required) with the information required on an NQI withholding statement.

If this form is being provided for purposes of the entity's holding of an interest in a PTP, check the box on line 18d to certify that you have agreed to be treated as a U.S. person under Regulations section 1.1446(f)-4(a)(2)(i)(B) with respect to an amount realized from a sale of a PTP interest. You may provide a withholding statement when you do not act as a U.S. person for an amount realized under the same conditions that apply to an NQI receiving an amount realized. See [Withholding statement for amount realized or PTP distribution](#) in Part IV, earlier. Check the box on line 18e to certify that you have agreed to be treated as a U.S. person (as described in Regulations section 1.1441-1(b)(2)(iv)) and as a nominee under Regulations section 1.1446-4(b)(3) with respect to distributions made by PTPs. If you check either the box on line 18d or 18e, you must provide an EIN on line 8. If you receive PTP distributions for which you do not act as a nominee under Regulations section 1.1446-4(b)(3), check the box on line 18f instead of the box on line 18e. You should provide a withholding statement to allocate the amounts subject to withholding on a distribution and provide the appropriate account holder documentation, taking into account the limitation on an NQI providing this documentation for an amount realized (to the extent applicable). See [Withholding statement](#), earlier, for the requirements of a withholding statement provided by an intermediary for a PTP distribution.



*A territory entity that is a flow-through entity but is not a territory financial institution may not complete this Part V to 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 19.** Check the box on line 19a to certify that you are a U.S. branch receiving payments of income that are reportable amounts or withholdable payments not effectively connected with the conduct of a trade or business in the United States, payments of PTP distributions, or payments of amounts realized.

You must also check either the box on line 19b or 19c if you are receiving payments of reportable amounts or withholdable payments associated with this form. Check the box on line 19b to certify that you are a U.S. branch of a foreign bank or insurance company described in this certification that has agreed with the withholding agent to be treated as a U.S. person under Regulations section 1.1441-1(b)(2)(iv) with respect to such payments associated with this Form W-8IMY. In such case, you will be responsible for chapter 3 withholding and reporting and chapter 4 withholding and reporting for any such payments you make to persons for whom you are receiving a withholdable payment (including any of your branches treated as NPFIs). In addition, you will be treated as a U.S. payor for chapter 61 purposes by checking the box on line 19b (including for backup withholding under section 3406). You must provide your EIN on line 8. You do not need to provide a chapter 4 status on line 5 or a GIIN on line 9.

Check the box on line 19c 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 under Regulations section 1.1441-1(b)(2)(iv). You must certify that you are transmitting withholding certificates or other documentation for persons for whom you are receiving the payment of a reportable amount or withholdable payment. You must also certify that you have provided or will provide a withholding statement (as required) with the information required on an NQI withholding statement. Also, check the box on line 19c to certify that, when you are receiving a withholdable payment associated with this form, you are applying the rules described in Regulations section 1.1471-4(d)(2)(iii)(C). You must also provide your EIN on line 8 but do not need to include a chapter 4 status in Part I, line 5, or a GIIN on line 9. If you are unable to make this certification, you cannot fill out this part but instead must check the box on line 5 indicating you are a nonparticipating FFI.

If this form is being provided for purposes of the entity's holding of an interest in a PTP, check the box on line 19d to certify that you are a U.S. branch described in Regulations section 1.1446(f)-4(a)(2)(i)(B) that is acting as a U.S. person with respect to an amount realized from the sale of a PTP interest. You may provide a withholding statement when you do not act as a U.S. person for an amount realized under the same conditions that apply to an NQI receiving an amount realized. See [Withholding statement for amount realized or PTP distribution](#) in Part IV, earlier. Check the box on line 19e to certify that you are a U.S. branch described in Regulations section 1.1441-1(b)(2)(iv) that is acting as a nominee with respect to distributions by PTPs under Regulations section 1.1446-4(b)(3). You must provide your EIN on line 8 but do not need to provide a chapter 4 status on line 5 or a GIIN on line 9 when you check either the box on line 19d or 19e. If you are a U.S. branch receiving PTP distributions associated with the form and are not acting as a nominee for the distributions under Regulations section 1.1446-4(b)(3), you should check the box on line 19f instead of the box on line 19e. You should provide a withholding statement to allocate the amounts subject to withholding on a distribution and provide the appropriate account holder documentation, taking into account the limitation on an NQI providing this documentation for an amount realized (to the extent applicable). See [Withholding statement](#), earlier, for the requirements of a withholding statement provided by an intermediary for a PTP distribution.

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

**Line 20.** Check the box on line 20 if you are a WP or a WT and you are receiving the payment on behalf of your partners, beneficiaries, or owners.

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). You are not, however, permitted to assume primary withholding and reporting responsibility for payments subject to withholding under section 1445, 1446(a), 1446(f),

or any other amount subject to withholding on a PTP distribution. 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 on line 5 and provide your GIIN (if applicable).

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

**Line 21a.** Check the box on line 21a if you are a foreign partnership or a foreign simple or grantor trust that is not a WP or WT, and is providing this form for payments that are not effectively connected, or are not treated as effectively connected, with the conduct of a trade or business in the United States.

**Line 21b.** Check the box on line 21b if you are a foreign partnership or foreign grantor trust providing this form for purposes of section 1446(a). See [Foreign partnerships and trusts providing Form W-8IMY for purposes of section 1446\(a\)](#), later. If you are a foreign partnership (other than a WP) or grantor trust receiving payments of both the amounts described on line 21a and for purposes of section 1446(a), you should 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), when you are permitted to use that form to claim an exemption from withholding. If you are not receiving the income on behalf of your partners, beneficiaries, or owners, do not complete Part VIII. 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 provide 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.

If you are receiving a withholdable payment, you must provide a chapter 4 status on line 5 and provide your GIIN (if applicable) and the information required for the withholding agent to report under section 1472 (to the extent required).

**Withholding statement of nonwithholding foreign partnership or nonwithholding foreign trust for purposes of chapters 3 and 4.** 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 as required for an NQI withholding statement, including the information required with respect to an NQI, foreign partnership, or foreign trust (other than a WP or WT) for which you receive a payment. The withholding statement becomes an integral part of the Form W-8IMY. 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.

**Foreign partnerships and trusts providing Form W-8IMY for purposes of section 1446(a).** In general, a partnership is required to withhold under section 1446(a) on effectively connected taxable income (ECTI) allocable to a foreign partner (or in the case of a PTP distribution, to the extent the distribution is attributable to ECTI, unless withholding is required by a nominee). 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, for a partnership other than a PTP, documentation sufficient for the LTP (or nominee for the amounts) 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.

Also, for purposes of section 1446(a), 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 the box on line 21b 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(a).

**Lines 21c and 21d.** Check the box on line 21c if you are a foreign partnership that is a transferor of an interest in a partnership receiving an amount realized from the transfer. If you check the box on line 21c and are providing a withholding statement for a modified amount realized on the transfer, also check the box on line 21d. The withholding statement for a modified amount realized must show the allocation of the gain from the transfer to each of the partners for which a lower rate of withholding is being requested, and you must provide withholding certificates for each of the partners to avoid the requirement that the transferee (or your broker for a transfer of a PTP interest) treat a partner as a presumed foreign partner.



*For a modified amount realized, you may not use a withholding statement that you provided to your transferee or broker that only allocates a reportable amount or withholdable payment to your partners. You must provide a withholding statement that allocates the gain from the transfer of the PTP interest. Once you have provided that withholding statement, you may provide it for a subsequent amount realized provided that the gain allocations have not changed. You may instead provide a withholding statement that indicates both that it may be used for all reportable amounts, withholdable payments and gains on transfers allocable to your partners and that you will update the withholding statement for a change to any of these allocations.*

**Line 21e.** Check the box on line 21e if you are a foreign grantor trust providing the form on behalf of each grantor or owner of the trust under Regulations section 1.1446(f)-1(c)(2)(vii) that is transmitting withholding certificates and providing a withholding statement to allocate an amount realized to each grantor or other owner in the trust for purposes of section 1446(f).



*If you are providing this Form W-8IMY solely for purposes of section 1446(a) or (f), you 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 or broker making the payment to you 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.*

**Line 21f.** To the extent that the entity identified in Part 1 of this form is providing an alternative withholding statement described in Regulations section 1.1441-1(e)(3)(iv)(C)(3), you may check the box on this line to make the representation included on this line instead of making the representation on each alternative withholding statement. See [Alternative withholding statement](#), earlier.

## 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



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

**Line 22.** Check the box on line 22 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 you are 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 an amount subject to chapter 3 withholding. The withholding statement must allocate the remainder of the payment that is not allocated to an exempt beneficial owner to you.

### Part X — Sponsored FFI

**Line 23a.** If you are a sponsored FFI described in Regulations section 1.1471-5(f)(1)(i)(F), on line 23a, 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 provide your GIIN on line 9.

**Lines 23b and 23c.** You must check the applicable box on line 23b or 23c to certify that you are either an investment entity or controlled foreign corporation (within the meaning of section 957(a)) 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.*

**Line 24a.** You must check the box on line 24a to certify that you satisfy the requirements for owner-documented FFI status 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 you (see Regulations section 1.1471-5(f)(3)).

**Lines 24b and 24c.** You must also check either the box on line 24b or 24c. Check the box on line 24b to certify that you have provided or will provide the documentation set forth in the certifications, including the owner reporting statement described on this line 24b. Check the box on line 24c to certify that you have provided or will provide an auditor's letter (in lieu of the information required by line 24b) that satisfies the requirements described on this line.

## Part XII — Certified Deemed-Compliant Nonregistering Local Bank

**Line 25.** You must check the box on line 25 to certify that you satisfy all of the requirements for certified deemed-compliant nonregistering local bank status.

## Part XIII — Certified Deemed-Compliant FFI with Only Low-Value Accounts

**Line 26.** You must check the box on line 26 to certify that you satisfy all of the requirements for certified deemed-compliant FFI with only low-value account status.

## Part XIV — Certified Deemed-Compliant Sponsored, Closely Held Investment Vehicle

**Line 27a.** On line 27a, 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.

**Line 27b.** You must check the box on line 27b to certify that you satisfy the requirements for certified deemed-compliant classification as a sponsored closely held investment vehicle.

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

**Line 28.** You must check the box on line 28 to certify that you satisfy the requirements for certified deemed-compliant limited life debt investment entity status.

## Part XVI — Certain Investment Entities that Do Not Maintain Financial Accounts

**Line 29.** You must check the box on line 29 to certify that you meet all of the requirements for certified deemed-compliant status as an investment entity that does not maintain financial accounts.

## Part XVII — Restricted Distributor

**Line 30a.** You must check the box on line 30a to certify that you satisfy the requirements of restricted distributor status.

**Lines 30b and 30c.** You must also check either the box on line 30b or 30c, as appropriate, to certify that your distribution agreement meets the requirements of this classification.

## Part XVIII — Foreign Central Bank of Issue

**Line 31.** You must check the box on line 31 to certify that you are a foreign central bank of issue 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

**Line 32.** Check the box on line 32 to indicate that you are treated as a nonreporting IGA FFI. You must identify the 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 financial institution 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.

See instructions for line 9 for when a GIIN is required for a nonreporting IGA FFI (including a trustee of a trustee-documented trust that is a foreign person).

## Part XX — Exempt Retirement Plans

**Line 33.** You must check the appropriate box on line 33a, b, c, d, e, or f to certify that you satisfy the requirements of exempt retirement plan status.



*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

**Line 34.** You must check the box on line 34 to certify that you satisfy the requirements of excepted nonfinancial group entity status.

## Part XXII — Excepted Nonfinancial Start-Up Company

**Line 35.** You must check the box on line 35 to certify that you satisfy the requirements of excepted nonfinancial start-up company status. 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

**Line 36.** You must check the box on line 36 to certify that you satisfy the requirements of excepted nonfinancial entity in liquidation or bankruptcy status. 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

**Lines 37a and 37b.** If you are a publicly traded NFFE, you must check the box on line 37a to certify that you are not a financial institution and provide the name of a securities exchange on which your stock is publicly traded. If you are 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, you must check the box on line 37b to certify that you are an NFFE affiliate of a publicly traded corporation, 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

**Line 38.** You must check the box on line 38 to certify that you satisfy the requirements for excepted territory NFFE

status. See Regulations section 1.1472-1(c)(1)(iii) for the definition of an excepted territory NFFE.

## Part XXVI — Active NFFE

**Line 39.** You must check the box on line 39 to certify that you satisfy the requirements of active NFFE status.

## Part XXVII — Passive NFFE

**Line 40.** If you are a passive NFFE, you must check the box on line 40 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.

**Note.** If you would be a passive NFFE but for the fact that you are managed by certain types of financial institutions (see Regulations section 1.1471-5(e)(4)(i)(B)), you should not complete Part XXVII as you would be considered a financial institution and not a passive NFFE.

## Part XXVIII — Sponsored Direct Reporting NFFE

**Lines 41 and 42.** If you are a sponsored direct reporting NFFE, you must check the box on line 42 to certify that you are not a financial institution and that you satisfy all relevant requirements for this classification. Enter the name of the sponsoring entity on line 41.

## 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).

A withholding agent may allow you to provide this form with an electronic signature. The electronic signature must indicate that the form was electronically signed by a person authorized to do so (for example, with a time and date stamp and a statement that the form has been electronically signed). Simply typing your name into the signature line is not an electronic signature. A withholding agent may also rely on an electronically signed withholding certificate if you provide any additional information or documentation requested by the withholding agent to support that the form was signed by you or other person authorized to do so. See Regulations section 1.1441-1(e)(4)(i)(B).

## 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 (a)



determine that the certification accurately reflects your status for chapter 4 purposes or under an applicable IGA; and (b) 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 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 on 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 penalties of perjury statement and other certifications made in Part XXIX.

### **Entities Providing Alternate or Additional Certifications Under Regulations**

If you qualify for a status that is not shown on 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 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. 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 penalties of perjury statement and other certifications made in Part XXIX.

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

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

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for business taxpayers filing this form is approved under OMB control number 1545-0123. The estimated burden for all other taxpayers who file this form is shown below. The estimated average time is: **Recordkeeping**, 15 hrs., 04 mins.; **Learning about the law or the form**, 6 hrs., 31 mins.; **Preparing the form**, 8 hrs.; **Sending** 16 mins.

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 [IRS.gov/FormComments](https://www.irs.gov/FormComments). 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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