



Note: *The draft you are looking for begins on the next page.*

Caution: DRAFT—NOT FOR FILING

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and publications for filing. We do **not** release draft forms until we believe we have incorporated all changes (except when explicitly stated on this coversheet). However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions generally are subject to OMB approval before they can be officially released, so we post only drafts of them until they are approved. Drafts of instructions and publications usually have some changes before their final release.

Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). All information about all forms, instructions, and pubs is at [IRS.gov/Forms](https://www.irs.gov/Forms).

Almost every form and publication has a page on IRS.gov with a friendly shortcut. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Pub. 501 page is at [IRS.gov/Pub501](https://www.irs.gov/Pub501); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040/SR) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not a Search box.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or publications at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). We cannot respond to all comments due to the high volume we receive and may not be able to consider many suggestions until the subsequent revision of the product.

If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).

2021



Department of the Treasury
Internal Revenue Service

Instructions for Form 1040-NR

U.S. Nonresident Alien Income Tax Return

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IRS Form 1040-NR and Schedules

Use the base form and Schedule OI...

only the schedules that are right for you!



Form 1040-NR Helpful Hints

The lines on Form 1040-NR are arranged so that, in most instances, they are for the same tax items as the lines on 2021 Forms 1040 and 1040-SR.

You may also need the three Form 1040 numbered schedules: Schedule 1 (Form 1040), Additional Income and Adjustments to Income; Schedule 2 (Form 1040), Additional Taxes; and Schedule 3 (Form 1040), Additional Credits and Payments.

You will need to complete the applicable items on Schedule OI (Form 1040-NR) and include that schedule with your Form 1040-NR.

CAUTION: There are a Schedule A (Form 1040-NR) and a Schedule A (Form 1040). Do **not** use Schedule A (Form 1040-NR) with Form 1040 or Form 1040-SR. Use Schedule A (Form 1040-NR) only with Form 1040-NR. If using a Schedule A with Form 1040 or 1040-SR, use Schedule A (Form 1040).

Though you will need to file Form 1040-NR and Schedule OI (Form 1040-NR), you may not need to file the numbered schedules (Schedules 1 through 3 (Form 1040)), or Schedule A (Form 1040-NR) and Schedule NEC (Form 1040-NR). However, if your return is more complicated (for example, you claim certain deductions or credits or owe additional taxes, or you have U.S. source income not effectively connected with a U.S. trade or business), you will need to complete one or more of those schedules. Below is a general guide to which schedule(s) you will need to file based on your circumstances. See the instructions for the schedules later for more information. If you *e-file* your return, you generally will not notice much of a change and the software you use will generally determine which schedules you need.

You will need the Instructions for Form 1040. Throughout these instructions, you are directed to go to the Instructions for Forms 1040 (also known as the Instructions for Form 1040 (and 1040-SR)) for details on how to complete a line. **But**, in most instances, you will need to look at whether you must take exceptions into consideration when applying those instructions. The specific exceptions for a line are listed under the instructions for the line. Some of the exceptions noted repeatedly in the line instructions are below.

- A nonresident alien filing Form 1040-NR cannot have a Married filing jointly or a Head of household filing status.
- Certain tax benefits (such as the child tax credit, the credit for other dependents, and the additional child tax credit; and the premium tax credit for dependents) are only available in full to residents of Canada and Mexico and, to a limited extent, to residents of India and South Korea. These tax benefits cannot be claimed by other nonresident aliens.
- There are certain forms used by Form 1040 and Form 1040-SR filers that are **NOT** used by Form 1040-NR filers: for example, Form 2555, Form 965, and Schedule K-1 (Form 1120-S).
- The instructions for estates and trusts on the main form may, in certain instances, align more with the Instructions for Form 1041, U.S. Income Tax Return for Estates and Trusts, than with the Instructions for Form 1040, which are for individuals. If you are filing for a nonresident alien estate or trust, you will still need to follow the [Instructions for Schedule NEC](#), later, if the estate or trust has U.S. source income that is not effectively connected with a U.S. trade or business. And there may be tax benefits and income inclusions on Form 1041 not applicable to a nonresident alien trust or estate.

IF YOU . . .	THEN USE . . .
Can claim deductions and losses properly allocated and apportioned to income effectively connected with a U.S. trade or business. Do not include deductions and/or losses that relate to exempt income or to income that is not effectively connected with a U.S. trade or business.	Schedule A (Form 1040-NR) Note. Do not use Schedule A (Form 1040-NR) with Form 1040 or Form 1040-SR. Use Schedule A (Form 1040-NR) only with Form 1040-NR. With Form 1040 or 1040-SR, use Schedule A (Form 1040).
Have income not effectively connected with a U.S. trade or business.	Schedule NEC (Form 1040-NR)
Have additional income, such as business or farm income or loss, unemployment compensation, prize or award money, or gambling winnings from a U.S. trade or business.	Schedule 1 (Form 1040), Part I
Have any deductions to claim, such as student loan interest deduction, self-employment tax, or educator expenses.	Schedule 1 (Form 1040), Part II
Owe alternative minimum tax (AMT) or need to make an excess advance premium tax credit repayment.	Schedule 2 (Form 1040), Part I
Owe other taxes, such as self-employment tax, household employment taxes, and additional tax on IRAs or other qualified retirement plans and tax-favored accounts.	Schedule 2 (Form 1040), Part II
Can claim a nonrefundable credit (other than the nonrefundable child tax credit or the credit for other dependents), such as the foreign tax credit or general business credit.	Schedule 3 (Form 1040), Part I
Can claim a refundable credit (other than the refundable child tax credit or additional child tax credit), such as the net premium tax credit, health coverage tax credit, or qualified sick and family leave credits from Schedule H or Schedule SE.	Schedule 3 (Form 1040), Part II
Have other payments, such as an amount paid with a request for an extension to file or excess social security tax withheld.	

The Taxpayer Advocate Service (TAS) Is Here To Help You

What is the Taxpayer Advocate Service?

The Taxpayer Advocate Service (TAS) is an *independent* organization within the IRS that helps taxpayers and protects taxpayer rights. Their job is to ensure that every taxpayer is treated fairly and that you know and understand your rights under the [Taxpayer Bill of Rights](#).

How can you learn about your taxpayer rights?

The Taxpayer Bill of Rights describes 10 basic rights that all taxpayers have when dealing with the IRS. Go to [TaxpayerAdvocate.IRS.gov](#) to help you understand what these rights mean to you and how they apply. These are *your* rights. Know them. Use them.

What can TAS do for you?

TAS can help you resolve problems that you can't resolve with the IRS. And their service is free. If you qualify for their assistance, you will be assigned to one advocate who will work with you throughout the process and will do everything possible to resolve your issue. TAS can help you if:

- Your problem is causing financial difficulty for you, your family, or your business;
- You face (or your business is facing) an immediate threat of adverse action; or
- You have tried repeatedly to contact the IRS but no one has responded, or the IRS has not responded by the date promised.

How can you reach TAS?

TAS has offices *in every state, the District of Columbia, and Puerto Rico*. Your local advocate's number is in your local directory at [TaxpayerAdvocate.IRS.gov/Contact-Us](#). You can also call them at 877-777-4778.

How else does TAS help taxpayers?

TAS works to resolve large-scale problems that affect many taxpayers. If you know of one of these broad issues, please report it to them at [IRS.gov/SAMS](#).

TAS for Tax Professionals

TAS can provide a variety of information for tax professionals, including tax law updates and guidance, TAS programs, and ways to let TAS know about systemic problems you've seen in your practice.

Low Income Taxpayer Clinics (LITCs)

Low Income Taxpayer Clinics (LITCs) are independent from the IRS. LITCs represent individuals whose income is below a certain level and need to resolve tax problems with the IRS, such as audits, appeals, and tax collection disputes. In addition, LITCs can provide information about taxpayer rights and responsibilities in different languages for individuals who speak English as a second language. Services are offered for free or a small fee for eligible taxpayers. To find an LITC near you, visit [TaxpayerAdvocate.IRS.gov/about/LITC](#) or see IRS Pub. 4134, [Low Income Taxpayer Clinic List](#).

Suggestions for Improving the IRS

Taxpayer Advocacy Panel

Have a suggestion for improving the IRS and do not know who to contact? The Taxpayer Advocacy Panel (TAP) is a diverse group of citizen volunteers who listen to taxpayers, identify taxpayers' issues, and make suggestions for improving IRS service and customer satisfaction. The panel is demographically and geographically diverse, with at least one member from each state, the District of Columbia, and Puerto Rico. Contact TAP at [ImproveIRS.org](#) or 888-912-1227 (toll free).

Options for *e-filing* your returns—safely, quickly, and easily

Why do 89% of Americans file their taxes electronically?

- *Security*—The IRS uses the latest encryption technology to safeguard your information.
- *Flexible Payments*—File early; pay by the due date of your return (not counting extensions)—April 18, 2022 (for most people).
- *Greater Accuracy*—Fewer errors mean faster processing.
- *Quick Receipt*—Get an acknowledgment that your return was received and accepted.
- *Go Green*—Reduce the amount of paper used.
- *Faster Refunds*—Join the eight in 10 taxpayers who get their refunds faster by using direct deposit and *e-file*.



**IRS *e-file*: It's Safe.
It's Easy. It's Time.**



Joining the more than 135 million Americans who are already using *e-file* is easy. Just ask your tax preparer or use commercial software. IRS *e-file* is the safest, most secure way to transmit your tax return to the IRS. Since 1990, the IRS has processed more than 1 billion *e-filed* tax returns safely and securely. There's no paper return to be lost or stolen.

Most tax return preparers are now required to use IRS *e-file*. If you are asked if you want to *e-file*, just give it a try. IRS *e-file* is now the norm, not the exception.

IRS.gov is the gateway to all electronic services offered by the IRS, as well as the spot to download forms at [IRS.gov/Forms](https://www.irs.gov/Forms).

Make your tax payments electronically—it's easy.

You can make electronic payments online, by phone, or from a mobile device. Paying electronically is safe and secure. It puts you in control of paying your tax bill and gives you peace of mind. You determine the payment date, and you will receive an immediate confirmation from the IRS. It's fast, simple, and secure. Go to [IRS.gov/Payments](https://www.irs.gov/Payments) to see all your electronic payment options.

Affordable Care Act—What You Need To Know

See *Affordable Care Act—What You Need To Know* in the Instructions for Form 1040 for details.

Future developments. For the latest information about developments related to Form 1040-NR and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form1040NR](https://www.irs.gov/Form1040NR).

What's New

Qualified disability trusts. The exemption amount for a qualified disability remains at \$4,300 for 2021.

Charitable contributions. Students or business apprentices eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty who have elected to use the standard deduction may qualify to take a deduction for charitable cash contributions of up to \$300 for the 2021 tax year. See [Line 12b](#), later.

Due date of return. File Form 1040-NR by April 18, 2022, if you were an employee and received wages subject to U.S. income tax withholding. The due date is April 18, instead of April 15, because of the Emancipation Day holiday in the District of Columbia—even if you don't live in the District of Columbia.

Virtual currency. If, in 2021, you engaged in a transaction involving virtual currency, you will need to answer "Yes" to the question on page 1 of Form 1040-NR. See *Virtual Currency* in the Instructions for Form 1040 for information on transactions involving virtual currency. Do not leave this field blank. The question must be answered by all taxpayers, not just taxpayers who engaged in a transaction involving virtual currency.

Credits for sick and family leave for certain self-employed individuals. The Families First Coronavirus Response Act (FFCRA) helped self-employed individuals affected by coronavirus by providing paid sick leave and paid family leave credits equivalent to those that employers are required to provide their employees for qualified sick leave wages and qualified family leave wages. The COVID-related Tax Relief Act of 2020 extended the period during which individuals can claim these credits.

For more information, see the instructions for Form 7202 and [Schedule 3, Line 13b](#).

Extension and expansion of credits for sick and family leave. The American Rescue Plan Act of 2021, enacted on March 11, 2021 (ARP) provides that certain self-employed individuals can claim credits for up to 10 days of "paid sick leave," and up to 60 days of "paid family leave," if they are unable to work or telework due to circumstances related to coronavirus. Self-employed individuals may claim these credits for the period beginning on April 1, 2021, and ending September 30, 2021. For more information, see the instructions for Form 7202 (and [Schedule 3, Line 13h](#), later).

Form 9000, Alternative Media Preference. Beginning in 2021, taxpayers with print disabilities can use Form 9000, Alternative Media Preference, to elect to receive notices from the IRS in an alternative format including Braille, large print, audio, and electronic. You can attach Form 9000 to your Form 1040-NR or you can mail it separately. For more information, see Form 9000.

All taxpayers now eligible for Identity Protection PIN. Beginning in 2021, the IRS Identity Protection PIN (IP PIN) Opt-In Program has been expanded to all taxpayers who can properly verify their identity. An IP PIN helps prevent your social security number from being used to file a fraudulent federal income tax return. You can use the *Get An IP PIN* tool on [IRS.gov](https://www.irs.gov) to request an IP PIN, file Form 15227 if your income is \$72,000 or less, or make an appointment to visit a Taxpayer Assistance Center.

Direct deposit now available for returns filed late. You can now receive a direct deposit of your refund even if you file your 2021 return after November 30, 2022.

Expanded dependent care assistance. ARP expanded the child and dependent care tax credit for 2021 by making it refundable for certain taxpayers and making it larger. For 2021, the dollar limit on qualifying expenses increases to \$8,000 for one qualifying person and \$16,000 for two or more qualifying persons. The rules for calculating the credit have also changed; the percentage of qualifying

expenses eligible for the credit has increased, along with the income limit at which the credit begins phasing out. Additionally, for taxpayers who receive dependent care benefits from their employer, the dollar limit of the exclusion amount increases for 2021. For more information, see the Instructions for Form 2441 and Pub. 503.

Child tax credit. Under ARP, the child tax credit has been enhanced for 2021. The child tax credit has been extended to qualifying children under age 18. Depending on modified adjusted gross income, you may receive an enhanced credit amount of up to \$3,600 for a qualifying child under age 6 and up to \$3,000 for a qualifying child over age 5 and under age 18. The enhanced credit amount begins to phase out where modified adjusted gross income exceeds \$150,000 in the case of a qualifying widow(er) and \$75,000 in all other cases. But see the exceptions in [Line 19](#), later, for Form 1040-NR filers.

If you lived in the United States for more than half the year, the child tax credit will be fully refundable even if you don't have earned income. See the exception in [Line 28](#), later, for more details. If you don't meet this residency requirement, your child tax credit will be a combination of a nonrefundable child tax credit and a refundable additional child tax credit, as was the case in 2020. The credit for other dependents has not been enhanced and is figured as it was in 2020.

Changes to Schedule 8812 (Form 1040). Because of the changes made by ARP, detailed discussion of the child tax credit, and how to figure your child tax credit and credit for other dependents, which were previously part of the Instructions for Form 1040 has been moved to the Instructions for Schedule 8812 (Form 1040). If you are claiming the nonrefundable child tax credit, refundable child tax credit, additional child tax credit, or credit for other dependents, complete Schedule 8812 (Form 1040) and attach it to your Form 1040-NR. But see the exceptions in [Line 19](#) and [Line 28](#), later, for more details.

Premium tax credit (PTC). ARP expanded the PTC by eliminating the limitation that a taxpayer's household

income may not exceed 400% of the Federal Poverty Line and generally increases the credit amounts. In addition, in 2021, if you receive unemployment compensation, you are generally eligible to claim the PTC if you meet the other requirements. For more information, see Pub. 974 and Form 8962 and its instructions. But see the exception in [Line 9](#), later, for more details.

Forgiveness of Paycheck Protection Program (PPP) Loans. The forgiveness of a PPP Loan creates tax-exempt income, so you don't need to report the income on Form 1040-NR, but you do need to report certain information related to your PPP Loan. To find out how to report information related to your Loan, see *Forgiveness of Paycheck Protection Program (PPP) Loans*, under *Income*, in the Instructions for Form 1040.

Identity verification. The IRS launched an improved identity verification and sign-in process that enables more people to securely access and use IRS online tools and applications. To provide verification

services, the IRS is using ID.me, a trusted technology provider. The new process is one more step the IRS is taking to ensure that taxpayer information is provided only to the person who legally has a right to the data. Taxpayers using the new mobile-friendly verification procedure can gain entry to existing IRS online services such as the *Child Tax Credit Update Portal*, *Online Account*, *Get Transcript Online*, *Get an Identity Protection PIN (IP PIN)*, and *Online Payment Agreement*. Additional IRS applications will transition to the new method over the next year. Each online service will also provide information that will instruct taxpayers on the steps they need to follow for access to the service. You can also see IR-2021-228 for more information.

Reminders

Married filing status. At the top of page 1 of Form 1040-NR, select the filing status Married filing separately if you are married even if you are not separated from your spouse. But see [Married Filing Separately](#), later, for an exception.

Form 1040-NR. Refer to [Form 1040-NR Helpful Hints](#), earlier, for a comprehensive discussion of these instructions, including the references to the Instructions for Form 1040 that you see throughout these instructions.

Required e-filing. Tax return preparers must generally *e-file* Forms 1040-NR for tax returns filed for tax years ending on or after December 31, 2020, unless filing for a dual status taxpayer, a fiscal-year taxpayer, a trust, or an estate. For these and other exceptions, see Notice 2020-70.

Deductible IRA contributions. You no longer need to be younger than age 70½ to take a deduction for your contributions to an IRA.

Schedule LEP (Form 1040), Request for Change in Language Preference. Schedule LEP allows taxpayers to state a preference to receive written communications from the IRS in a language other than English. For more information, including which languages are available and how to file, see Schedule LEP.

Filing Requirements

Do You Have To File?

File Form 1040-NR if any of the conditions in [Table A. Who Must File Form 1040-NR](#), later, apply to you.



You must still meet (1), (2), or (3) below to be exempt from filing a 2021 Form 1040-NR.

Exceptions. You do not need to file Form 1040-NR if you meet (1), (2), or (3) below.

1. You were a nonresident alien student, teacher, or trainee who was temporarily present in the United States under an “F,” “J,” “M,” or “Q” visa, and you have no income that is subject to tax under section 871 (that is, the income items listed on page 1 of Form 1040-NR, lines 1a, 1b, 2b, 3b, 4b, 5b, 7, and 8, and Schedule NEC (Form 1040-NR), lines 1 through 12).

2. You were a student or business apprentice who was eligible for the

benefits of Article 21(2) of the United States-India Income Tax Treaty, you are single or a qualifying widow(er), and your gross income for 2021 was less than or equal to \$12,550 if single (\$25,100 if a qualifying widow(er)). See chapter 5 of Pub. 519 for more details on these treaty benefits.

3. You were a partner in a U.S. partnership that was not engaged in a trade or business in the United States during 2021 and your Schedule K-1 (Form 1065) includes only income from U.S. sources reportable on Schedule NEC (Form 1040-NR), lines 1 through 12.



If the partnership withholds taxes on this income in 2022 and the tax withheld and reported in box 10 of Form 1042-S is less or more than the tax due on the income, you will need to file Form 1040-NR for 2022 to pay the underwithheld tax or claim a refund of the overwithheld tax.




Even if you do not otherwise have to file a return, you should file one if you can get money back. For example, you should file if one of the following applies.

1. You are eligible to get a refund of any federal income tax withheld.
2. You are engaged in a U.S. trade or business and are eligible for any of the following credits.
 - a. Additional child tax credit.
 - b. Credit for federal tax on fuels.
 - c. Premium tax credit.
 - d. Health coverage tax credit.
 - e. Refundable child tax credit.
 - f. Refundable child and dependent care expenses.

You should also consider filing a return if you received a Form 1099-B (or substitute statement). See Pub. 501 for more details.

Table A. Who Must File Form 1040-NR

<p>You must file Form 1040-NR if any of the following conditions apply to you.</p>
<p>1. You were a nonresident alien engaged in a trade or business in the United States during 2021. You must file even if:</p> <ul style="list-style-type: none"> a. You have no income from a trade or business conducted in the United States, b. You have no U.S. source income, or c. Your income is exempt from U.S. tax under a tax treaty or any section of the Internal Revenue Code. <p>However, if you have no gross income* for 2021, do not complete the schedules for Form 1040-NR other than Schedule OI (Form 1040-NR). Instead, attach a list of the kinds of exclusions you claim and the amount of each.</p>
<p>2. You were a nonresident alien not engaged in a trade or business in the United States during 2021 and:</p> <ul style="list-style-type: none"> a. You received income from U.S. sources that is reportable on Schedule NEC, lines 1 through 12; and b. Not all of the U.S. tax that you owe was withheld from that income.
<p>3. You owe any special taxes, including any of the following.</p> <ul style="list-style-type: none"> a. Alternative minimum tax. b. Additional tax on a qualified plan, including an individual retirement arrangement (IRA), or other tax-favored account. (If you are filing a return only because you owe this tax, you can file Form 5329 by itself.) c. Household employment taxes. (If you are filing a return only because you owe these taxes, you can file Schedule H (Form 1040) by itself.) d. Social security and Medicare tax on tips you did not report to your employer or on wages you received from an employer who did not withhold these taxes. e. Recapture of first-time homebuyer credit. See the instructions for Schedule 2, line 10, later. f. Write-in taxes or recapture taxes, including uncollected social security and Medicare or RRTA tax on tips you reported to your employer or on group-term life insurance and additional taxes on health savings accounts (HSAs). See the instructions for Schedule 2, line 13, or Schedule 2, line 17d, later.
<p>4. You received HSA, Archer Medical Savings Account (MSA), or Medicare Advantage MSA distributions. See the instructions for Schedule 2, line 17c, Schedule 2, line 17e, or Schedule 2, line 17f, later.</p>
<p>5. You had net earnings from self-employment of at least \$400 and you are a resident of a country with whom the United States has an international social security agreement. See the instructions for Schedule 2, line 4, later.</p>
<p>6. Advance payments of the premium tax credit were made for you or a dependent who enrolled in coverage through the Marketplace. You or whoever enrolled you should have received Form(s) 1095-A showing the amount of the advance payments.</p>
<p>7. Advance payments of the health coverage tax credit were made for you, your spouse, or a dependent. You or whoever enrolled you should have received Form(s) 1099-H showing the amount of the advance payments.</p>
<p>8. You are the personal representative for a deceased person who would have had to file Form 1040-NR. A personal representative can be an executor, administrator, or anyone who is in charge of the deceased person's property.</p>
<p>9. You represent an estate or trust that has to file Form 1040-NR. Change the form to reflect the provisions of subchapter J, chapter 1, of the Internal Revenue Code. You may find it helpful to refer to Form 1041 and its instructions when completing the Form 1040-NR. Refer to the Instructions for Form 1040 only as necessary.</p>
<p> <i>If you are filing Form 1040-NR for a foreign trust, you may have to file Form 3520-A, Annual Information Return of Foreign Trust With a U.S. Owner, on or before the 15th day of the 3rd month after the end of the trust's tax year. For more information, see the Instructions for Form 3520-A.</i></p>
<p>10. You held a qualified investment in a qualified opportunity fund (QOF) at any time during the year. You must file your return with Form 8997 attached. See the instructions for Form 8997 for additional reporting requirements.</p>
<p>11. You are a dual-resident taxpayer and you would like to be treated as a nonresident of the United States for purposes of figuring your income tax liability. You may need to file your return with a Form 8833 attached. See the Instructions for Form 8833 for additional information.</p>
<p>* Gross income means all income you received in the form of money, goods, property, and services that is not exempt from tax. In most cases, it includes only income from U.S. sources. Gross income includes gains, but not losses, from asset transactions. Gross income from a business means, for example, the amount on Schedule C (Form 1040), line 7; or Schedule F (Form 1040), line 9. But, in figuring gross income, do not reduce your income by any losses, including any loss on Schedule C (Form 1040), line 7; or Schedule F (Form 1040), line 9.</p>

Requirement to reconcile advance payments of the premium tax credit. See *Requirement to reconcile advance payments of the premium tax credit* under *Filing Requirements* in the Instructions for Form 1040 for details.

Exception 1. If you are filing Form 1040-NR, you can claim the premium tax credit for dependents only if you

are a U.S. national; resident of Canada, Mexico, or South Korea; or a student or business apprentice eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty. See Pub. 974.

Exception 2. You cannot use advance payments made for your spouse, as a Form 1040-NR filer cannot file a joint return.

Exception 3. If your filing status at the top of page 1 on Form 1040-NR is Married filing separately, you cannot take the premium tax credit unless you meet the criteria of one of the exceptions under *Married taxpayers* in the Instructions for Form 8962.

Filing a deceased person's return. The personal representative must file the return for a deceased person who

was required to file a return for 2021. A personal representative can be an executor, administrator, or anyone who is in charge of the deceased person's property.

Filing for an estate or trust. If you are filing Form 1040-NR for a nonresident alien estate or trust, change the form to reflect the provisions of subchapter J, chapter 1, of the Internal Revenue Code. You may find it helpful to refer to Form 1041 and its instructions for some purposes when completing the Form 1040-NR rather than looking to these instructions for details.



If you are filing Form 1040-NR for a foreign trust, you may have to file Form 3520-A, Annual Information Return of Foreign Trust With a U.S. Owner, on or before the 15th day of the 3rd month after the end of the trust's tax year. For more information, see the Instructions for Form 3520-A.

Simplified Procedure for Claiming Certain Refunds

You can use this procedure only if you meet all of the following conditions for the tax year.

- You were a nonresident alien.
- You were not engaged in a trade or business in the United States at any time.
- You had no income that was effectively connected with the conduct of a U.S. trade or business.
- Your U.S. income tax liability was fully satisfied through withholding of tax at source.
- You are filing Form 1040-NR solely to claim a refund of U.S. tax withheld at source under chapter 3 or tax withheld under chapter 4 (FATCA).

Example. John is a nonresident alien individual. The only U.S. source income he received during the year was dividend income from U.S. stocks. The dividend income was reported to him on Form(s) 1042-S. On one of the dividend payments, the withholding agent incorrectly withheld at a rate of 30% (instead of 15%). John is eligible to use the simplified procedure.

How To Complete Form 1040-NR Using the Simplified Procedure

If you meet all of the conditions listed earlier for the Simplified Procedure for

the tax year, complete Form 1040-NR and Schedules NEC and OI (Form 1040-NR) as follows.

Page 1 of Form 1040-NR. Enter your name, identifying number (defined in [Identifying Number](#), later), and all address information requested at the top of page 1. If your income is not exempt from tax by treaty, leave the rest of page 1 blank. If your income is exempt from tax by treaty, enter the exempt income on line 1c and leave the rest of page 1 blank.

Schedule NEC (Form 1040-NR). Complete the lines on this form as indicated below.

Lines 1a through 15 of Schedule NEC (Form 1040-NR). Enter the amounts of gross income you received from dividends, dividend equivalents, interest, royalties, pensions, annuities, and other income. If any income you received was subject to backup withholding or withholding at source, you must include all gross income of that type that you received. The amount of each type of income should be shown in the column under the appropriate U.S. tax rate, if any, that applies to that type of income in your particular circumstances.

If you are entitled to a reduced rate of, or exemption from, withholding on the income pursuant to a tax treaty, the appropriate rate of U.S. tax is the same as the treaty rate. Use column (d) if the appropriate tax rate is other than 30%, 15%, or 10%, including 0%.

Example. Mary is a nonresident alien individual. The only U.S. source income she received during the year was as follows.

- 4 dividend payments.
- 12 interest payments.

All payments were reported to Mary on Form(s) 1042-S. On one of the dividend payments, the withholding agent incorrectly withheld at a rate of 30% (instead of 15%). There were no other withholding discrepancies. Mary must report all 4 dividend payments. She is not required to report any of the interest payments.

Note. Payments of gross proceeds from the sale of securities or regulated futures contracts are generally exempt from U.S. tax. If you received such payments and they were subjected to backup withholding,

specify the type of payment on line 12 and show the amount in column (d).

Lines 13 through 15 of Schedule NEC (Form 1040-NR). Complete these lines as instructed on the form.

Page 2 of Form 1040-NR—Lines 23a through 35e and signature. Provide the information indicated below.

Line 23a. Enter on line 23a the tax on income not effectively connected with a U.S. trade or business from Schedule NEC, line 15.

Line 24. Enter your total income tax liability on line 24.

Line 25b. Enter the total amount of U.S. tax withheld from Form(s) 1099.

Line 25g. Enter the total amount of U.S. tax withheld on income not effectively connected with a U.S. trade or business from Form(s) 1042-S.

Line 33. Add lines 25d, 25e, 25f, 25g, 26, and 32. This is the total tax you have paid.

Lines 34 and 35a. Enter the difference between line 24 and line 33. This is your total refund.

You can have the refund deposited into more than one account. See [Lines 35a Through 35e—Amount Refunded to You](#), later, for more details.

Line 35e. You may be able to have your refund check mailed to an address that is not shown on page 1. See [Line 35e](#), later, for more details.

Signature. You must sign and date your tax return. See [Sign Your Return](#), later.

Schedule OI (Form 1040-NR). You must answer all questions. For item L, identify the country, tax treaty article(s) under which you are applying for a refund of tax, the number of months in prior years that you claimed the treaty benefit, and the amount of exempt income in the current year. Also attach Form 8833 if required.

Note. If you are claiming a reduced rate of, or exemption from, tax based on a tax treaty, you must generally be a resident for income tax purposes of the particular treaty country within the

meaning of the treaty and you cannot have a permanent establishment or fixed base in the United States. You can download the complete text of most U.S. tax treaties at IRS.gov. Go to IRS.gov, enter "tax treaties" in the search box at the top of the page, and click on *United States Income Tax Treaties - A to Z*. Technical explanations for many of those treaties are also available at that site.

If you are claiming an exemption from tax under chapter 4, you must qualify for a reduced rate of, or exemption from, tax for chapter 3 purposes unless the payment is not an amount subject to chapter 3 withholding. See Regulations section 1.1441-2(a).

Documentation. You must attach acceptable proof of the withholding for which you are claiming a refund. If you are claiming a refund of backup withholding tax based on your status as a nonresident alien, you must attach a copy of the Form 1099 that shows the income and the amount of backup withholding. If you are claiming a refund of U.S. tax withheld at source under chapter 3 or tax withheld under chapter 4, you must attach a copy of the Form 1042-S that shows the income and the amount of U.S. tax withheld. Attach the forms to the left margin of page 1.

Additional Information

Portfolio interest. If you are claiming a refund of U.S. tax withheld from portfolio interest, include a description of the relevant debt obligation, including the name of the issuer, CUSIP number (if any), interest rate, and the date the debt was issued.



Interest payments on foreign bearer obligations issued on or after March 19, 2012, are not eligible for the portfolio interest exception to withholding. For more information, see Interest in Pub. 519 and Pub. 515.

Withholding on distributions. If you are claiming an exemption from withholding on a distribution from a U.S. corporation with respect to its stock because the corporation had insufficient earnings and profits to support dividend treatment, you must attach a statement that identifies the distributing corporation and provides the basis for the claim.

If you are claiming an exemption from withholding on a distribution from a mutual fund or real estate investment trust (REIT) with respect to its stock because the distribution was designated as long-term capital gain or a nondividend distribution, you must attach a statement that identifies the mutual fund or REIT and provides the basis for the claim.

If you are claiming an exemption from withholding on a distribution from a U.S. corporation with respect to its stock because, in your particular circumstances, the transaction qualifies as a redemption of stock under section 302, you must attach a statement that describes the transaction and presents the facts necessary to establish that the payment was a complete redemption, a disproportionate redemption, or not essentially equivalent to a dividend.

Items To Note

Special rules for former U.S. citizens and former U.S. long-term residents. If you renounced your U.S. citizenship or terminated your long-term resident status, you may be subject to special rules. See [Special Rules for Former U.S. Citizens and Former U.S. Long-Term Residents \(Expatriates\)](#), later.

Self-employment tax. You must pay self-employment tax on your self-employment income if an international social security agreement in effect between your country of tax residence and the United States provides that you are covered under the U.S. social security system. Enter the tax on Schedule 2 (Form 1040), line 4. See [Line 4](#) under *Instructions for Schedule 2*, later, for additional information. Enter the deductible part of your self-employment tax on Schedule 1 (Form 1040), line 15. Attach Schedule SE (Form 1040). See the *Instructions for Schedule SE (Form 1040)* for additional information.

Social security or Medicare taxes withheld in error. If you are a foreign student or exchange visitor on an F-1, J-1, M-1, or Q visa, and social security or Medicare taxes were withheld on your wages in error, you may want to file Form 843, Claim for Refund and Request for Abatement, to request a refund of these taxes. For more information, see *Students and*

Exchange Visitors in chapter 8 of Pub. 519, U.S. Tax Guide for Aliens.

Other reporting requirements. You may also have to file other forms, including the following.

- Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).
- Form 8840, Closer Connection Exception Statement for Aliens.
- Form 8843, Statement for Exempt Individuals and Individuals With a Medical Condition.
- Form 8938, Statement of Specified Foreign Financial Assets.

Dual-resident taxpayer holding specified foreign financial assets.

Special reporting requirements for Form 8938 apply to dual-resident taxpayers holding specified foreign financial assets and taxed for all or a portion of the year as nonresident aliens under Regulations section 301.7701(b)-7. For more information, see the *Instructions for Form 8938*, in particular, *Special rule for dual resident taxpayers* under *Who Must File*.

Additional Information

If you need more information, our free publications may help you. Pub. 519 will be the most beneficial, but the following publications may also help.

- Pub. 501** Dependents, Standard Deduction, and Filing Information
- Pub. 525** Taxable and Nontaxable Income
- Pub. 529** Miscellaneous Deductions
- Pub. 597** Information on the United States–Canada Income Tax Treaty

These free publications and the forms and schedules you will need are available from the IRS. You can download them at IRS.gov. Also see [How To Get Tax Help](#), later, for other ways to get them (as well as information on receiving IRS assistance in completing the forms).

You can download the complete text of most U.S. tax treaties at IRS.gov. Go to IRS.gov, enter "tax treaties" in the search box at the top of the page, and click on *United States Income Tax Treaties - A to Z*. Technical explanations for many of those treaties are also available at that site.

Resident Alien or Nonresident Alien

If you are not a citizen of the United States, specific rules apply to determine if you are a resident alien or a nonresident alien for tax purposes. Generally, you are considered a resident alien if you meet either the green card test or the substantial presence test for 2021. (These tests are explained in [Green Card Test](#) and [Substantial Presence Test](#), later.) Even if you do not meet either of these tests, you may be able to choose to be treated as a U.S. resident for part of 2021. See *First-Year Choice* in chapter 1 of Pub. 519 for details.

Generally, you are considered a nonresident alien for the year if you are not a U.S. resident under either of these tests. However, see [Dual-Resident Taxpayer](#), later, if you are a resident of the United States under these tests but are eligible to claim benefits as a resident of a foreign country under a U.S. income tax treaty.

For more details on resident and nonresident status, the tests for residence, and the exceptions to them, see chapter 1 of Pub. 519.

Green Card Test

You are a resident for tax purposes if you were a lawful permanent resident (immigrant) of the United States at any time during 2021. (Also see [Dual-Status Taxpayers](#), later.) In most cases, you are a lawful permanent resident if the USCIS (or its predecessor organization, INS) has issued you an alien registration card, also known as a green card.

You continue to have resident status under this test unless the status is taken away from you or is administratively or judicially determined to have been abandoned.

An administrative or judicial determination of abandonment of resident status may be initiated by you, the USCIS, or a U.S. consular officer.

Your resident status is considered to have been taken away from you if the U.S. Government issues you a final administrative or judicial order of exclusion or deportation. When your resident alien status is considered to have been administratively or judicially determined to be abandoned

depends on who initiates the determination.

If the USCIS or U.S. consular officer initiates this determination, your resident status will be considered to be abandoned when the final administrative order of abandonment is issued. If you initiate the determination, your resident status is considered to be abandoned when you file either of the following documents—along with your USCIS Alien Registration Receipt Card—with the USCIS or a U.S. consular officer.

- USCIS Form I-407 (Record of Abandonment of Lawful Permanent Resident Status).
- A letter stating your intent to abandon your resident status.

The USCIS Alien Registration Receipt Card is also referred to as a “green card.”

When filing by mail, you must send your filing by certified mail, return receipt requested (or the foreign equivalent), and keep a copy and proof that it was mailed and received.



Until you have proof your letter was received, you remain a resident for tax purposes even if the USCIS would not recognize the validity of your green card because it is more than 10 years old or because you have been absent from the United States for a period of time.

For more details, see *Green Card Test* in chapter 1 of Pub. 519. Also see [USCIS.gov/i-407](https://uscis.gov/i-407).

Substantial Presence Test

You are considered a U.S. resident if you meet the substantial presence test for 2021. You meet this test if you were physically present in the United States for at least:

1. 31 days during 2021; and
2. 183 testing days during the 3-year period of 2021, 2020, and 2019, as calculated using the following chart.

(a) Year	(b) Days of physical presence	(c) Multiplier	(d) Testing days (multiply (b) times (c))
2021		1.000	
2020		0.333	
2019		0.167	
Total testing days (add column (d))			

Generally, you are treated as present in the United States on any day that you are physically present in the country at any time during the day. However, there are exceptions to this rule. In general, do not count the following as days of presence in the United States for the substantial presence test.

1. Days you commute to work in the United States from a residence in Canada or Mexico if you regularly commute from Canada or Mexico.
2. Days you are in the United States for less than 24 hours when you are in transit between two places outside the United States.
3. Days you were temporarily in the United States as a regular crew member of a foreign vessel engaged in transportation between the United States and a foreign country or a possession of the United States unless you otherwise engaged in trade or business on such day.
4. Days you intend, but are unable, to leave the United States because of a medical condition that arose while you were in the United States.
5. Days you are in the United States under a NATO visa as a member of a force or civilian component to NATO. However, this exception does not apply to an immediate family member who is present in the United States under a NATO visa. A dependent family member must count every day of presence for purposes of the substantial presence test.
6. Days you are an [exempt individual](#) (defined next).



You may need to file Form 8843 to exclude days of presence in the United States if you meet (4) or (6) above. For more

information on the requirements, see in chapter 1 of Pub. 519: Form 8843 and also, for the days of presence in 2020 under the substantial presence test for tax years 2021 and 2022, Form 8843 COVID-19 Medical Condition Travel Exception (Rev. Proc. 2020-20 Exception).

Exempt individual. For purposes of the substantial presence test, an exempt individual is anyone in one of the following categories.

- An individual temporarily present in the United States as a foreign government-related individual under an “A” or “G” visa, other than individuals holding “A-3” or “G-5” class visas.
- A teacher or trainee who is temporarily present under a “J” or “Q” visa, who substantially complies with the requirements of the visa.
- A student who is temporarily present under an “F,” “J,” “M,” or “Q” visa, who substantially complies with the requirements of the visa.
- A professional athlete who is temporarily in the United States to compete in a charitable sports event.

Note. Alien individuals with “Q” visas are treated as students, teachers, or trainees and, as such, are exempt individuals for purposes of the substantial presence test if they otherwise qualify. “Q” visas are issued to aliens participating in certain international cultural exchange programs.

See chapter 1 of Pub. 519 for more details regarding exempt individuals and days of presence in the United States for the substantial presence test.



You cannot be an exempt individual indefinitely. Generally, you will not be an exempt individual as a teacher or trainee in 2021 if you were exempt as a teacher, trainee, or student for any part of 2 of the preceding 6 years. You will not be an exempt individual as a student in 2021 if you were exempt as a teacher, trainee, or student for any part of more than 5 calendar years. However, there are exceptions to these limits. See Substantial Presence Test in chapter 1 of Pub. 519 for more information.

Closer Connection to Foreign Country

Even though you would otherwise meet the substantial presence test, you can be treated as a nonresident alien if you:

- Were present in the United States for fewer than 183 days during 2021,
- Establish that during 2021 you had a tax home in a foreign country, and
- Establish that during 2021 you had a closer connection to one foreign country in which you had a tax home than to the United States unless you had a closer connection to two foreign countries.

You are not eligible for the closer connection exception if you have an application pending for adjustment of status to that of a lawful permanent resident or if you have applied, or have taken steps to apply, for lawful permanent residence. See chapter 1 of Pub. 519 for more information.

You must file a fully completed Form 8840 with the IRS to claim the closer connection exception. See *Form 8840* in chapter 1 of Pub. 519. Each spouse must file a separate Form 8840 to claim the closer connection exception.

Dual-Resident Taxpayer

You are a dual-resident taxpayer if you are a resident of both the United States and a foreign country under each country's tax laws. If the income tax treaty between the United States and that foreign country contains a provision for resolving conflicting claims of residence (often referred to as “tie-breaker” rules), and you determine that you are a resident of the foreign country under that provision, you can be treated as a nonresident of the United States for purposes of figuring out your income tax liability if you file a Form 1040-NR and attach a Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b). A dual-resident taxpayer may also be eligible for U.S. competent authority assistance. See Rev. Proc. 2015-40, 2015-35 I.R.B. 236, available at [IRS.gov/irb/2015-35_IRB#RP-2015-40](https://www.irs.gov/irb/2015-35_IRB#RP-2015-40) or its successor. You can download the complete text of most U.S. tax treaties at [IRS.gov](https://www.irs.gov). Go to [IRS.gov](https://www.irs.gov), enter “tax treaties” in the search box at the top of

the page, and click on *United States Income Tax Treaties - A to Z*.

Technical explanations for many of those treaties are also available at that site.

When and Where Should You File?

Individuals. If you were an employee and received wages subject to U.S. income tax withholding, file Form 1040-NR by the 15th day of the 4th month after your tax year ends. A return for the 2021 calendar year is due by **April 18, 2022**.

If you file after this date, you may have to pay interest and penalties. See [Interest and Penalties](#), later.

If you did not receive wages as an employee subject to U.S. income tax withholding, file Form 1040-NR by the 15th day of the 6th month after your tax year ends. A return for the 2021 calendar year is due by June 15, 2022.

Estates and trusts. If you file for a nonresident alien estate or trust that has an office in the United States, file the return by the 15th day of the 4th month after the tax year ends. If you file for a nonresident alien estate or trust that does not have an office in the United States, file the return by the 15th day of the 6th month after the tax year ends.

Note. If the due date for filing falls on a Saturday, Sunday, or legal holiday, file by the next business day.

If you were serving in, or in support of, the U.S. Armed Forces in a designated combat zone or contingency operation, you may be able to file later. See Pub. 3 for details.

If you *e-file* your return, there is no need to mail it. However, if you choose to mail it instead, filing instructions and addresses are at the end of these instructions.

Where To File next provides the current address for mailing your return. Use these addresses for Forms 1040-NR filed in 2022. The address for returns filed after 2022 may be different. See [IRS.gov/Form1040NR](https://www.irs.gov/Form1040NR) for any updates.

Where To File

E-file. If you *e-file* your return, there is no need to mail it. See [You can](#)

[electronically file \(e-file\) your Form 1040-NR](#), earlier, or IRS.gov for more information. However, if you choose to mail it, filing instructions and addresses are below.

Individuals. If you are not enclosing a payment, mail Form 1040-NR to:

Department of the Treasury
Internal Revenue Service
Austin, TX 73301-0215
U.S.A.

If enclosing a payment, mail Form 1040-NR to:

Internal Revenue Service
P.O. Box 1303
Charlotte, NC 28201-1303
U.S.A.

Estates and trusts. If you are not enclosing a payment, mail Form 1040-NR to:

Department of the Treasury
Internal Revenue Service
Kansas City, MO 64999
U.S.A.

If enclosing a payment, mail Form 1040-NR to:

Internal Revenue Service
P.O. Box 1303
Charlotte, NC 28201-1303
U.S.A.

What if you cannot file on time?
See *What if You Can't File on Time?* in the Instructions for Form 1040.

Private Delivery Services

See *Private Delivery Services* in the Instructions for Form 1040 for details on private delivery services.

Exception. Do not use the mailing addresses in those instructions. Use the mailing addresses in [Where To File](#), earlier.

Election To Be Taxed as a Resident Alien

You can elect to be taxed as a U.S. resident for the whole year if all of the following apply.

- You were married.
- Your spouse was a U.S. citizen or resident alien on the last day of the tax year.

- You file a joint return for the year of the election using Form 1040 or 1040-SR.

To make this election, you must attach the statement described in *Nonresident Spouse Treated as a Resident* in chapter 1 of Pub. 519 to your return. Do not use Form 1040-NR.

If you make the election to be treated as a resident alien, your worldwide income for the whole year must be included on a Form 1040 or 1040-SR and will be taxed under U.S. tax laws. You must agree to keep the records, books, and other information needed to figure the tax. You must file a joint return for the year 2021 if 2021 is the year in which you made the election. If you made the election in an earlier year, you can file a joint return or separate return for 2021. You must include your worldwide income for the whole year whether you file a joint or separate return. See *Nonresident Spouse Treated as a Resident* in chapter 1 of Pub. 519.



If you make this election, you may forfeit the right to claim benefits otherwise available under a U.S. tax treaty. For more information about the benefits that might otherwise be available, see the specific treaty.

Dual-Status Taxpayers



If you elect to be taxed as a resident alien (discussed in [Election To Be Taxed as a Resident Alien](#), earlier), the special instructions and restrictions discussed here do not apply.

Dual-Status Year

A dual-status year is one in which you change status between nonresident and resident alien. Different U.S. income tax rules apply to each status.

Most dual-status years are the years of arrival or departure. Before you arrive in the United States, you are a nonresident alien. After you arrive, you may or may not be a resident, depending on the circumstances.

If you become a U.S. resident, you stay a resident until you leave the United States or are no longer a lawful permanent resident of the United States. You may become a

nonresident alien when you leave if you meet both of the following conditions.

- After leaving (or after your last day of lawful permanent residency if you met the [green card test](#), defined earlier) and for the remainder of the calendar year of your departure, you have a closer connection to a foreign country than to the United States.
- During the next calendar year, you are not a U.S. resident under either the [green card test](#) or the [substantial presence test](#), defined earlier.

See chapter 1 of Pub. 519 for more information.

What and Where To File for a Dual-Status Year

If you were a U.S. resident on the last day of the tax year, file Form 1040 or 1040-SR. Enter "Dual-Status Return" across the top and attach a statement showing your income for the part of the year you were a nonresident. You can use Form 1040-NR as the statement; enter "Dual-Status Statement" across the top. Do not sign the Form 1040-NR. If you are not enclosing a payment, mail your return and statement to:

Department of the Treasury
Internal Revenue Service
Austin, TX 73301-0215
U.S.A.

If enclosing a payment, mail your return to:

Internal Revenue Service
P.O. Box 1303
Charlotte, NC 28201-1303
U.S.A.

If you were a nonresident on the last day of the tax year, file Form 1040-NR. Enter "Dual-Status Return" across the top and attach a statement showing your income for the part of the year you were a U.S. resident. You can use Form 1040 or 1040-SR as the statement; enter "Dual-Status Statement" across the top. Do not sign the Form 1040 or 1040-SR. If you are not enclosing a payment, mail your return and statement to:

Department of the Treasury
Internal Revenue Service
Austin, TX 73301-0215
U.S.A.

If enclosing a payment, mail your return to:

Internal Revenue Service
P.O. Box 1303
Charlotte, NC 28201-1303
U.S.A.

Statements. Any statement you file with your return must show your name, address, and identifying number (defined in [Identifying Number](#), later).

Former U.S. long-term residents are required to file Form 8854, Initial and Annual Expatriation Statement, with their dual-status return for the last year of U.S. residency. To determine if you are a former U.S. long-term resident, see *Expatriation Tax* in chapter 4 of Pub. 519.

Income Subject to Tax for Dual-Status Year

As a dual-status taxpayer not filing a joint return, you are taxed on income from all sources for the part of the year you were a resident alien. Generally, you are taxed on income only from U.S. sources for the part of the year you were a nonresident alien. However, all income effectively connected with the conduct of a trade or business in the United States is taxable.

Income you received as a dual-status taxpayer from sources outside the United States while a resident alien is taxable even if you became a nonresident alien after receiving it and before the close of the tax year. Conversely, income you received from sources outside the United States while a nonresident alien is not taxable in most cases even if you became a resident alien after receiving it and before the close of the tax year. Income from U.S. sources is generally taxable whether you received it while a nonresident alien or a resident alien (unless specifically exempt under the Internal Revenue Code or a tax treaty provision).

Restrictions for Dual-Status Taxpayers

Standard deduction. You cannot take the standard deduction even for the part of the year you were a resident alien.

Head of household. You cannot use the Head of household Tax Table column or Section D of the Tax Computation Worksheet in the Instructions for Form 1040.

Joint return. You cannot file a joint return unless you elect to be taxed as a resident alien (see [Election To Be Taxed as a Resident Alien](#), earlier) instead of a dual-status taxpayer.

Tax rates. If you were married and a nonresident of the United States for all or part of the tax year and you do not make the election discussed earlier to be taxed as a resident alien, you must use the Married filing separately column in the Tax Table or Section C of the Tax Computation Worksheet in the Instructions for Form 1040 to figure your tax on income effectively connected with a U.S. trade or business. If you were married, you cannot use the Single Tax Table column or Section A of the Tax Computation Worksheet in the Instructions for Form 1040. But see [Married Filing Separately](#), later, for an exception.

Tax credits. You cannot take the earned income credit, the credit for the elderly or disabled, or any education credit unless you elect to be taxed as a resident alien (see [Election To Be Taxed as a Resident Alien](#), earlier) instead of a dual-status taxpayer.

See chapter 6 of Pub. 519 for information on other credits.

How To Figure Tax for a Dual-Status Year

When you figure your U.S. tax for a dual-status year, you are subject to different rules for the part of the year you were a resident and the part of the year you were a nonresident.

All income for the period of residence and all income that is effectively connected with a trade or business in the United States for the period of nonresidence, after allowable deductions, is combined and taxed at the same rates that apply to U.S. citizens and residents. For the period of residence, allowable deductions include all deductions on Schedule A (Form 1040), including medical expenses, real property taxes, and certain interest.

Note. Schedule A (Form 1040) is not the same as Schedule A (Form 1040-NR).

See the Instructions for Schedule A (Form 1040). Those instructions are **not** the same as the Instructions for Schedule A (Form 1040-NR), which appear later in these instructions.

Income that is not effectively connected with a trade or business in the United States for the period of nonresidence is subject to the flat 30% rate or lower treaty rate. No deductions are allowed against this income.

If you were a resident alien on the last day of the tax year and you are filing Form 1040 or 1040-SR, include the tax on the noneffectively connected income on Schedule 2 (Form 1040), line 17o.

If you are filing Form 1040-NR, enter the tax from the Tax Table, Tax Computation Worksheet, Qualified Dividends and Capital Gain Tax Worksheet, Schedule D Tax Worksheet, Schedule J (Form 1040), or Form 8615 on Form 1040-NR, line 16; and the tax on the noneffectively connected income on Form 1040-NR, line 23a. Include any net investment income tax from Form 8960 for the part of the year you were a U.S. resident on Schedule 2 (Form 1040), line 12. See Form 8960 and its instructions for more details.

Credit for taxes paid. You are allowed a credit against your U.S. income tax liability for certain taxes you paid, or are considered to have paid, or that were withheld from your income. These include the following.

1. Tax withheld from wages earned in the United States and taxes withheld at the source from various items of income from U.S. sources other than wages. This includes U.S. tax withheld on dispositions of U.S. real property interests.

- When filing Form 1040 or 1040-SR, show the total tax withheld on Form 1040 or 1040-SR, line 25d. Enter amounts from the attached statement (Form 1040-NR, lines 25d through 25g) in the column to the right of line 25d on Form 1040 or 1040-SR, and identify and include them in the amount on line 25d on Form 1040 or 1040-SR.
- When filing Form 1040-NR, show the total tax withheld on Form

1040-NR, lines 25d through 25g. Enter the amount from the attached statement (Form 1040 or 1040-SR, line 25d) in the column to the right of line 25d on Form 1040-NR, and identify and include it in the amount on line 25d on Form 1040-NR.

2. Estimated tax paid with Form 1040-ES or Form 1040-ES (NR).

3. Tax paid with Form 1040-C at the time of departure from the United States. When filing Form 1040 or 1040-SR, include the tax paid with Form 1040-C with the total payments on line 33 on Form 1040 or 1040-SR. Identify the payment in the area to the left of the entry.

How To Report Income on Form 1040-NR

Community Income

If either you or your spouse (or both you and your spouse) was a nonresident alien at any time during the tax year and you had community income during the year, treat the community income according to the applicable community property laws except as follows.

- Earned income of a spouse, other than trade or business income or partnership distributive share income. The spouse whose services produced the income must report it on his or her separate return.
- Trade or business income, other than partnership distributive share income. Treat this income as received by the spouse carrying on the trade or business and report it on that spouse's return.
- Partnership distributive share income (or loss). Treat this income (or loss) as received by the spouse who is the partner and report it on that spouse's return.
- Income derived from the separate property of one spouse that is not earned income, trade or business income, or partnership distributive share income. The spouse with the separate property must report this income on his or her separate return.

Use Form 8958, Allocation of Tax Amounts Between Certain Individuals in Community Property States, to figure the portion of the income allocated to you. Attach your completed Form 8958 to your tax return. See Pub. 555, Community Property, for more details.

Kinds of Income

You must divide your income for the tax year into the following three categories.

1. **Income effectively connected with a U.S. trade or business.** This income is taxed at the same rates that apply to U.S. citizens and residents. Report this income on page 1 of Form 1040-NR. Pub. 519 describes this income in greater detail.

2. **U.S. income not effectively connected with a U.S. trade or business.** This income is taxed at 30% unless a treaty between your country of residence (as defined under the treaty) and the United States has set a lower rate that applies to you. Report this income on Schedule NEC (Form 1040-NR). Pub. 519 describes this income in greater detail.

Note. Use line 23c to report the 4% tax on U.S. source gross transportation income.

3. **Income exempt from U.S. tax.** If the income is exempt from tax by treaty, complete item L of Schedule OI (Form 1040-NR) and line 1c on page 1 of Form 1040-NR.

Virtual currency. See *Virtual Currency* in the Instructions for Form 1040.

Income from a sharing (or gig) economy activity. If you use one of the many online platforms available to provide goods and services, you may be involved in what is known as the sharing (or gig) economy. If you receive income from a sharing (or gig) economy activity, it is generally taxable even if you do not receive a Form 1099-MISC, Miscellaneous Information; Form W-2, Wage and Tax Statement; or some other income statement. To learn more about this income, go to [IRS.gov/Sharing](https://www.irs.gov/Sharing) or [IRS.gov/Gig](https://www.irs.gov/Gig).

Dispositions of U.S. Real Property Interests

Gain or loss on the disposition of a U.S. real property interest (see Pub. 519 for definition) is taxed as if the gain or loss were effectively connected with the conduct of a U.S. trade or business.

Report gains and losses on the disposition of U.S. real property interests on Schedule D (Form 1040)

and Form 1040-NR, line 7. Also, net gains may be subject to the alternative minimum tax. See [Line 1](#) under *Instructions for Schedule 2*, later. See *Real Property Gain or Loss* in chapter 4 of Pub. 519 for more information.

Income You Can Elect To Treat as Effectively Connected With a U.S. Trade or Business

You can elect to treat some items of income as effectively connected with a U.S. trade or business. The election applies to all income from real property located in the United States and held for the production of income and to all income from any interest in such property. This includes:

- Gains from the sale or exchange of such property or an interest therein, but see the [Tip](#) below;
- Gains on the disposal of timber, coal, or iron ore with a retained economic interest;
- Rents from real estate; or
- Rents and royalties from mines, oil or gas wells, or other natural resources.

TIP You do not need to make an election to treat gain from the disposition of a U.S. real property interest as effectively connected income. Dispositions of U.S. real property interests are automatically treated as effectively connected income. See [Dispositions of U.S. Real Property Interests, earlier](#).

To make the election, attach a statement to your return for the year of the election. Include the following items in your statement.

1. That you are making the election.
2. A complete list of all of your real property, or any interest in real property, located in the United States (including location). Give the legal identification of U.S. timber, coal, or iron ore in which you have an interest.
3. The extent of your ownership in the real property.
4. A description of any substantial improvements to the property.
5. Your income from the property.
6. The dates you owned the property.
7. Whether the election is under section 871(d) or a tax treaty.

8. Details of any previous elections and revocations of the real property election.

Note. Once made, the section 871 election will remain in effect until revoked with the consent of the Commissioner. A new section 871 election may not be made until after the 5th year in which the revocation occurs.

Foreign Income Taxed by the United States

You may be required to report some income from foreign sources on your U.S. return if the income is effectively connected with a U.S. trade or business. For this foreign income to be treated as effectively connected with a U.S. trade or business, you must have an office or other fixed place of business in the United States to which the income can be attributed. For more information, including a list of the types of foreign source income that must be treated as effectively connected with a U.S. trade or business, see chapter 4 of Pub. 519.

Special Rules for Former U.S. Citizens and Former U.S. Long-Term Residents (Expatriates)

The expatriation tax provisions apply to certain U.S. citizens who have lost their citizenship and long-term residents who have ended their residency. You are a former U.S. long-term resident if you were a lawful permanent resident of the United States (green card holder) in at least 8 of the last 15 tax years ending with the year your residency ends.

For more information on the expatriation tax provisions, see *Expatriation Tax* in chapter 4 of Pub. 519; the Instructions for Form 8854; and Notice 2009-85 (for expatriation after June 16, 2008), 2009-45 I.R.B. 598, available at [IRS.gov/irb/2009-45_IRB#NOT-2009-85](https://www.irs.gov/irb/2009-45_IRB#NOT-2009-85).

Line Instructions for Form 1040-NR



For 2021, there are three important features of these line instructions.

• You need the 2021 Instructions for Form 1040. Throughout these line instructions, you will be referred to

those instructions for guidance. Exceptions are listed where applicable.

- Some of the lines on Form 1040-NR have changed. See 2021 Form 1040-NR. See also the line instructions for Form 1040-NR later.
- Some of the lines on Schedule 1 (Form 1040), Schedule 2 (Form 1040), and Schedule 3 (Form 1040) have changed. See those schedules. See also the instructions for those schedules following the line instructions for Form 1040-NR later.

Filing Status

The amount of your tax depends on your filing status. Before you decide which box to check, read the following explanations.



Remember to provide your country of residency, or that you are a U.S. national, on Schedule OI (Form 1040-NR), item A or B, as applicable. Certain tax benefits, such as the child tax credit (nonrefundable and refundable) and the credit for other dependents, are only available to residents of Canada and Mexico and to U.S. nationals, and, to a limited extent, to residents of South Korea and India.

U.S. national. A U.S. national is an individual who, although not a U.S. citizen, owes his or her allegiance to the United States. U.S. nationals include American Samoans and Northern Mariana Islanders who chose to become U.S. nationals instead of U.S. citizens.

Single

See *Single* in the Instructions for Form 1040 for details on the Single filing status.

Married Filing Separately

Your filing status is Married filing separately if you are married, even if you are not separated.

Exception. Married persons who live apart: Some married nonresident aliens who have a child and who do not live with their spouse can file as single. If you meet all five of the following tests and you are a married resident of Canada or Mexico, you are a married U.S. national, you are a married resident of South Korea, or you are a married student or business apprentice eligible for the benefits of

Article 21(2) of the United States-India Income Tax Treaty, check the box for the Single filing status at the top of page 1 of Form 1040-NR. On Schedule OI, enter your country of residency (item B) or, if applicable, that you are a U.S. national (item A).

1. You file a separate return from your spouse.
2. You paid over half the cost of keeping up your home for 2021.
3. You lived apart from your spouse for the last 6 months of 2021. Temporary absences for special circumstances, such as for business, medical care, school, or military service, count as time lived in the home.
4. Your home was the main home of your child, stepchild, or foster child for more than half of 2021. Temporary absences by you or the child for special circumstances, such as school, vacation, business, or medical care, count as time the child lived in the home. If the child was born or died in 2021, you can still file as single as long as the home was that child's main home for more than half of the part of the year he or she was alive in 2021.
5. You could have claimed the child as a dependent or could claim the child except that the child's other parent claims him or her as a dependent under the rules for children of divorced or separated parents. See Form 8332, Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent.

Adopted child. An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

Foster child. A foster child is any child placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Qualifying Widow(er)

See *Qualifying Widow(er)* in the Instructions for Form 1040 for details on the qualifying widow(er) filing status.

Exception. You cannot check the "Qualifying widow(er)" box for 2021, unless you also satisfy the two criteria below.

1. For 2021, you were a resident of Canada, Mexico, or South Korea, or were a U.S. national; or you were a student or business apprentice from India eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty.

2. You were a resident alien or U.S. citizen the year your spouse died. This refers to your actual status, not the election that some nonresident aliens can make to be taxed as U.S. residents.

Name and Address

Individuals

Enter your name, street address, city or town, and country on the appropriate lines. Include an apartment number after the street address, if applicable. Check the box for "Individual."

Estates and Trusts

Enter the name of the estate or trust and check the box for "Estate or Trust." You must include different information for estates and trusts that are engaged in a trade or business in the United States.

Not engaged in a trade or business. Attach a statement to Form 1040-NR with your name, title, address, and the names and addresses of any U.S. grantors and beneficiaries.

Engaged in a trade or business in the United States. Attach a statement to Form 1040-NR with your name, title, address, and the names and addresses of all beneficiaries.

Name Change

See *Name Change* in the Instructions for Form 1040 if your name has changed.

Address Change

See *Address Change* in the Instructions for Form 1040 if your address has changed.

P.O. Box

See *P.O. Box* in the Instructions for Form 1040 for information on P.O. boxes.

Foreign Address

See *Foreign Address* in the Instructions for Form 1040 if you have a foreign address.

Death of a Taxpayer

See *Death of a Taxpayer* under *General Information* in the Instructions for Form 1040 if you are filing a return for a deceased taxpayer.

Identifying Number

Social Security Number (SSN)

See *Social Security Number (SSN)* in the Instructions for Form 1040 for information on SSNs.

Exception. When you bring your Form SS-5 to your local SSA office:

- If you are an F-1 or M-1 student, you must also show your Form I-20; or
- If you are a J-1 exchange visitor, you must also show your Form DS-2019.

IRS Individual Taxpayer Identification Numbers (ITINs)

See *IRS Individual Taxpayer Identification Numbers (ITINs) for Aliens* in the Instructions for Form 1040 for details on ITINs.

Employer Identification Number (EIN)

If you are filing Form 1040-NR for an estate or trust, enter the EIN of the estate or trust. If the entity does not have an EIN, you must apply for one. For details on how to get an EIN, see Form SS-4, Application for Employer Identification Number, and its instructions, which are available at [IRS.gov](https://www.irs.gov). Enter "SS-4" in the search box. For more details, see [IRS.gov/Businesses/Small-Businesses-Self-Employed/How-To-Apply-for-an-EIN](https://www.irs.gov/businesses/small-businesses-self-employed/how-to-apply-for-an-ein).

Virtual Currency

See *Virtual Currency* in the Instructions for Form 1040 for details on virtual currency.

Dependents

See *Dependents, Qualifying Child for Child Tax Credit, and Credit for Other Dependents* under *Who Qualifies as Your Dependent* in the Instructions for Form 1040 for details on dependents.

Exception. Only U.S. nationals and residents of Canada and Mexico can claim a dependent on the same terms as U.S. citizens. Residents of South Korea and students or business apprentices from India who are eligible for the benefits of Article 21(2) of the United States-India Income Tax

Treaty may claim dependents on the more limited terms described in chapter 5 of Pub. 519. No other person filing a Form 1040-NR can claim a qualifying dependent.

Rounding Off to Whole Dollars

See *Rounding Off to Whole Dollars* in the Instructions for Form 1040.

Income Effectively Connected With U.S. Trade or Business

The instructions for this section assume you have decided that the income involved is effectively connected with a U.S. trade or business in which you were engaged. The tax status of income also depends on its source. Under some circumstances, items of income from foreign sources are treated as effectively connected with a U.S. trade or business. Other items are reportable as effectively connected or not effectively connected with a U.S. trade or business, depending on how you elect to treat them. See chapter 4 of Pub. 519.

Line 1a—Wages, Salaries, Tips, etc.

See *Line 1—Wages, Salaries, Tips, etc.* in the Instructions for Form 1040 for the types of income includible on line 1a of Form 1040-NR.

Exception 1. Enter on line 1a of Form 1040-NR only the wages, salaries, tips, etc., **effectively connected with a U.S. trade or business**. Only U.S. source income is included on line 1a as effectively connected wages. Do not include any income on line 1a of Form 1040-NR that is not treated as effectively connected to a U.S. trade or business even if it is listed in *Line 1* of the Instructions for Form 1040.

Exception 2. Unlike on Form 1040 or 1040-SR, do **not** include scholarship or fellowship grants on this line. Do **not** include scholarship and fellowship grants reduced by any exclusion for those grants. Scholarship and fellowship grants are reported on Form 1040-NR, line 1b; the scholarship and fellowship exclusion is reported on Form 1040-NR, line 10c.

Amounts Exempt Under a Treaty

Wages, salaries, tips, etc., that you claim are exempt from U.S. tax under an income tax treaty should **not** be reported on line 1a. Instead, include these amounts on line 1c and complete item L of Schedule OI (Form 1040-NR). Generally, if you submitted a properly completed Form 8233, Exemption From Withholding on Compensation for Independent (and Certain Dependent) Personal Services of a Nonresident Alien Individual, to claim an exemption from withholding based on a treaty, your employer would not have withheld tax on the exempt amount and would have reported the exempt amount on a Form 1042-S and not in box 1 of Form W-2. However, if you did not submit a Form 8233 to your employer or if you submitted a Form 8233 to your employer but your employer withheld tax on the exempt amount because it could not readily determine your eligibility for the exemption, you can claim the exemption on Form 1040-NR by reducing your line 1a wages by the exempt amount. You will need to complete item L on Schedule OI (Form 1040-NR) and attach a statement to your return containing all information that would have otherwise been required on a Form 8233 to explain your eligibility for the exemption. See the examples next.

Example 1. Anna is a citizen of France who came to the United States on an F-1 visa in 2020 for the primary purpose of studying at an accredited university. In 2021, Anna completed a paid summer internship with a U.S. company as part of her optional practical training. Anna earned \$8,000 from this internship. Under Article 21 (Students and Trainees) of the income tax treaty with France, Anna can exempt up to \$5,000 of personal services income from U.S. tax. Anna submitted a valid Form 8233 to her employer to claim an exemption from withholding for the portion of her wages that is exempt under the treaty. She received a Form 1042-S from her employer showing the \$5,000 exempt amount and a Form W-2 showing \$3,000 of wages in box 1. On her 2021 Form 1040-NR, Anna should report \$3,000 on line 1a, include \$5,000 on line 1c, and complete item L on Schedule OI (Form 1040-NR).

Anna should attach both the Form W-2 and the Form 1042-S to her return.

Example 2. The facts are the same as above except that Anna did not realize she was eligible for a \$5,000 exemption when she began work and did not submit a Form 8233 to her employer claiming the exemption amount. All of Anna's wages from the internship were withheld upon and reported in box 1 on her Form W-2. On her Form 1040-NR, Anna should report \$3,000 on line 1a, include \$5,000 on line 1c, and complete item L on Schedule OI (Form 1040-NR). Anna should attach the Form W-2 to her Form 1040-NR. She should also attach a statement to her Form 1040-NR containing all information that would have otherwise been required on a Form 8233 to justify the exemption claimed.

Services Performed Partly Within and Partly Outside the United States

If you performed services as an employee both inside and outside the United States, you must allocate your compensation between U.S. and non-U.S. sources.

Compensation (other than certain fringe benefits) is generally sourced on a time basis. To figure your U.S. source income, divide the number of days you performed labor or personal services within the United States by the total number of days you performed labor or personal services within and outside the United States. Multiply the result by your total compensation (other than certain fringe benefits).

Fringe Benefits

Certain fringe benefits (such as housing and educational expenses) are sourced on a geographic basis. The source of the fringe benefit compensation is generally your principal place of work. The amount of the fringe benefit compensation must be reasonable and you must keep records that are adequate to support the fringe benefit compensation.



You may be able to use an alternative method to determine the source of your compensation and/or fringe benefits if the alternative method more properly determines the source of the compensation.

For 2021, if your total compensation (including fringe benefits) is \$250,000 or more and you allocate your compensation using an alternative method, check the "Yes" boxes in [item K](#) of Schedule OI (Form 1040-NR). Also attach to Form 1040-NR a statement that contains the following information.

1. The specific compensation or the specific fringe benefit for which an alternative method is used.
2. For each such item, the alternative method used to allocate the source of the compensation.
3. For each such item, a computation showing how the alternative allocation was computed.
4. A comparison of the dollar amount of the compensation sourced within and outside the United States under both the alternative method and the time or geographical method for determining the source.

You must keep documentation showing why the alternative method more properly determines the source of the compensation.

Missing or Incorrect Form W-2?

See *Missing or Incorrect Form W-2?* in the Instructions for Form 1040 if you are missing a Form W-2 or have an incorrect Form W-2.

Line 1b—Scholarship and Fellowship Grants

If you received a scholarship or fellowship, part or all of it may be taxable. Amounts received in the form of a scholarship or fellowship that are payment for teaching, research, or other services are generally taxable as wages even if the services were required to get the scholarship or fellowship.

If you were a degree candidate, the amounts you used for expenses other than tuition and course-related expenses (fees, books, supplies, and equipment) are generally taxable. For example, amounts used for room,

board, and travel are generally taxable.

If you were not a degree candidate, the full amount of the scholarship or fellowship is generally taxable.

If the grant was reported on Form(s) 1042-S, you must generally include the amount shown in box 2 of Form(s) 1042-S on line 1b. However, if any or all of that amount is exempt by treaty, do not include the treaty-exempt amount on line 1b. Instead, include the treaty-exempt amount on line 1c and complete [item L](#) of Schedule OI (Form 1040-NR).

Attach any Form(s) 1042-S you received from the college or institution.

For more information about scholarships and fellowships in general, see chapter 1 of Pub. 970.

Example 1. You are a citizen of a country that does not have an income tax treaty in force with the United States. You are a candidate for a degree at ABC University (located in the United States). You are receiving a full scholarship from ABC University. You are not required to perform any services, such as teaching, research, or other services, to get the scholarship. The total amounts you received from ABC University during 2021 are as follows.

Tuition and fees	\$25,000
Books, supplies, and equipment	1,000
Room and board	9,000
	<u>\$35,000</u>

The Form 1042-S you received from ABC University for 2021 shows \$9,000 in box 2 and \$1,260 (14% of \$9,000) in box 10.

Note. Box 2 shows only \$9,000 because withholding agents (such as ABC University) are not required to report section 117 amounts (tuition, fees, books, supplies, and equipment) on Form 1042-S.

Example 2. The facts are the same as in [Example 1](#), except that you are a citizen of a country that has an income tax treaty in force with the

United States that includes a provision that exempts scholarship income and you were a resident of that country for income tax purposes immediately before arriving in the United States to attend ABC University. Also, assume that, under the terms of the tax treaty, you are present in the United States only temporarily to finish your degree, and all of your scholarship income is exempt from tax because ABC University is a nonprofit educational organization.

Note. Under some treaties, scholarship or fellowship grant income is not exempt from tax if the income is received in exchange for the performance of services, such as teaching, research, or other services. Also, many tax treaties do not permit an exemption from tax on scholarship or fellowship grant income unless the income is from sources outside the United States. If you are a resident of a treaty country, you must know the terms of the tax treaty between the United States and the treaty country to claim treaty benefits on Form 1040-NR. See the instructions for [item L](#) of Schedule OI, later, for details.

When completing Form 1040-NR, do the following.

- Enter \$0 on line 1b. The \$9,000 reported to you in box 2 of Form 1042-S is reported on line 1c (not line 1b).
- Enter \$9,000 on line 1c.
- Enter \$0 on line 10c. Because none of the \$9,000 reported to you in box 2 of Form 1042-S is included in your income, you cannot exclude it on line 10c.
- Include on line 25g any withholding shown in box 10 of Form 1042-S: here \$1,260.
- Provide all the required information in item L of Schedule OI (Form 1040-NR).

Line 1c—Treaty-Exempt Income

Report on line 1c the total of all your income that is exempt from tax by an income tax treaty, including both effectively connected income and not effectively connected income. Do **not** include this exempt income on line 1a. You must complete [item L](#) of Schedule OI (Form 1040-NR) to report income that is exempt from U.S. tax.

Attach any Form 1042-S you received for treaty-exempt income. If required, attach Form 8833. See [Treaty-based return position disclosure](#), later.

Line 2a—Tax-Exempt Interest

See [Line 2a—Tax-Exempt Interest](#) in the Instructions for Form 1040 for details on tax-exempt interest.

Exception 1. The interest will not be includible on line 2a of Form 1040-NR unless it is effectively connected with a trade or business. If the interest was not effectively connected with a U.S. trade or business and was U.S. source, report it on Schedule NEC (Form 1040-NR), line 2a, 2b, or 2c.

Exception 2. Do **not** include interest from a U.S. bank, savings and loan association, credit union, or similar institution (or from certain deposits with U.S. insurance companies) that is exempt from tax under a tax treaty or under section 871(i) because the interest is not effectively connected with a U.S. trade or business.

Line 2b—Taxable Interest

See [Line 2b—Taxable Interest](#) in the Instructions for Form 1040.

Exception 1. Report on line 2b only your taxable interest income from assets effectively connected with a U.S. trade or business.

Exception 2. If you received interest not effectively connected with a U.S. trade or business, report it on Schedule NEC (Form 1040-NR) unless it is tax exempt under a treaty and the withholding agent did not withhold tax on the payment. If the interest is tax exempt under a treaty, include the tax-exempt amount on line 1c and complete [item L](#) of Schedule OI (Form 1040-NR). If the interest is tax exempt under a treaty but the withholding agent withheld tax, report the interest on Schedule NEC (Form 1040-NR), line 2. Use column d and show 0% for the appropriate rate of tax. You can download the complete text of most U.S. tax treaties at IRS.gov. Go to IRS.gov, enter "tax treaties" in the search box at the top of the page, and click on *United States Income Tax Treaties - A to Z*. Technical explanations for many of those treaties are also available at that site.

Exception 3. Do not include on line 2b interest from a U.S. bank,

savings and loan association, credit union, or similar institution (or from certain deposits with U.S. insurance companies) that is exempt from tax under a tax treaty or under section 871(i) because the interest is not effectively connected with a U.S. trade or business.

Line 3a—Qualified Dividends

See *Line 3a—Qualified Dividends* in the Instructions for Form 1040 for details on qualified dividends.

Exception. Only report qualified dividends effectively connected with a trade or business on Form 1040-NR, line 3a. If the qualified dividends were not effectively connected with a U.S. trade or business and were U.S. source, report them on [Schedule NEC \(Form 1040-NR\), line 1a, 1b, or 1c](#).

Line 3b—Ordinary Dividends

See *Line 3b—Ordinary Dividends* in the Instructions for Form 1040 for details on ordinary dividends.

Exception. Only report ordinary dividends effectively connected with a trade or business on Form 1040-NR, line 3b. If the ordinary dividends were not effectively connected with a U.S. trade or business and are U.S. source, report them on [Schedule NEC \(Form 1040-NR\), line 1a, 1b, or 1c](#).

Lines 4a and 4b—IRA Distributions

See *Lines 4a and 4b—IRA Distributions* in the Instructions for Form 1040 for details on IRA distributions.

Lines 5a and 5b—Pensions and Annuities

See *Lines 5a and 5b—Pensions and Annuities* in the Instructions for Form 1040 for details on pensions and annuities.

Exception 1. Only report pensions and annuities effectively connected with a trade or business on Form 1040-NR, lines 5a and 5b. If the pensions and annuities were not effectively connected with a U.S. trade or business and were U.S. source, report them on Schedule NEC (Form 1040-NR), line 7.

Exception 2. In addition to entering pension and annuity amounts from box 1 of Form 1099-R, you may also enter pension and annuity amounts from box 2 of Form 1042-S.

Exception 3. Attach Form 1042-S or 1099-R to Form 1040-NR if any federal income tax was withheld.

Effectively Connected Pension Distributions

If you performed services in the United States, your income is generally effectively connected with a U.S. trade or business. (See section 864 for details and exceptions.)

If you worked in the United States after December 31, 1986, the part of each pension distribution that is attributable to the services you performed after 1986 is income that is effectively connected with a U.S. trade or business.

Example. You worked in the United States from January 1, 1980, through December 31, 1989 (10 years). You now receive monthly pension payments from your former U.S. employer's pension plan. 70% of each payment is attributable to services you performed during 1980 through 1986 (7 years) and 30% of each payment is attributable to services you performed during 1987 through 1989 (3 years). Include 30% of each pension payment in the total amount that you report on line 5a. Include 70% of each payment in the total amount that you report in the appropriate column on Schedule NEC (Form 1040-NR), line 7.

In most cases, the effectively connected pension distribution will be fully taxable in the United States, so you must include it on line 5b. However, in some situations, you can report a lower amount on line 5b. The most common situations are where:

- All or a part of your pension payment is exempt from U.S. tax,
- A part of your pension payment is attributable to after-tax contributions to the pension plan, or
- The payment is rolled over to another retirement plan.

See chapter 2 of Pub. 519; Pub. 575, Pension and Annuity Income; or Pub. 939, General Rule for Pensions and Annuities, for more information.

Fully Taxable Pensions and Annuities

See *Fully Taxable Pensions and Annuities* under *Lines 5a and 5b* in the Instructions for Form 1040 for details.

Exception. On line 5b, include the total pension or annuity payments from box 2 of Form(s) 1042-S, if any, with the total of payments from box 1 of Form(s) 1099-R.

Partially Taxable Pensions and Annuities

See *Partially Taxable Pensions and Annuities* under *Lines 5a and 5b* in the Instructions for Form 1040 for details.

Exception 1. On line 5a, include the total pension or annuity payments from box 2 of Form(s) 1042-S, if any, with the total of payments from box 1 of Form(s) 1099-R. If your Form 1042-S or Form 1099-R does not show the taxable amount, you must figure the taxable amount and include that amount on line 5b. If your annuity is paid under a qualified plan and your annuity starting date was after July 1, 1986, see [Simplified Method](#), later.

Exception 2. If your annuity is paid under a nonqualified plan or paid under a qualified plan and your annuity starting date was before July 2, 1986, you must generally use the General Rule. If you are required to use the General Rule, you can ask the IRS to figure the taxable part for a \$1,000 fee. For more information about the General Rule, see Pub. 939.

If your Form 1099-R shows a taxable amount, you can include that amount on line 5b. But you may be able to report a lower taxable amount by using the General Rule or the Simplified Method. If you received Form 1042-S, you must figure the taxable part by using the General Rule or the Simplified Method.

Simplified Method

See *Simplified Method* under *Lines 5a and 5b* in the Instructions for Form 1040 for details on the Simplified Method.

Lump-Sum Distributions

See *Lump-Sum Distributions* under *Lines 5a and 5b* in the Instructions for Form 1040 for details on lump-sum distributions.

Simplified Method Worksheet—Lines 5a and 5b

See the Simplified Method Worksheet—Lines 5a and 5b in the Instructions for Form 1040.

Exception 1. On each line on which a Form 1099-R (or a Form 1099-R, box 1) total is entered, also include the totals from your Forms 1042-S (or Forms 1042-S, box 2).

Exception 2. Enter the amount on the same line of Form 1040-NR as you are directed to enter it on Form 1040 or 1040-SR.

Line 6—Reserved for Future Use

Leave line 6 blank.

Exception. Unlike on Form 1040, you report your social security benefits on Schedule NEC (Form 1040-NR), line 8.

Line 7—Capital Gain or (Loss)

See *Line 7—Capital Gain or (Loss)* in the Instructions for Form 1040 for details on capital gain or loss.

Exception. Only report effectively connected capital gains or losses connected with a trade or business on Form 1040-NR, line 7. If the capital gains or losses were not effectively connected with a U.S. trade or business and were U.S. source, report them on Schedule NEC (Form 1040-NR), line 16.

Lines 10a, 10b, 10c, and 10d—Adjustments to Income

Line 10b—Reserved for Future Use

Leave line 10b blank.

Line 10c

If you received a scholarship or fellowship grant and were a degree candidate, enter amounts used for tuition and course-related expenses (fees, books, supplies, and equipment), but only to the extent the amounts are included on line 1b. See the examples in the instructions for [line 1b](#).

Lines 12a, 12b, and 12c

Line 12a—Itemized Deductions or Standard Deduction

Enter the total itemized deductions, if any, from line 8 of Schedule A (Form 1040-NR). See the instructions for [Schedule A, line 8](#), later, for more details.

Standard deduction for certain residents of India. Students or business apprentices may be able to

take the standard deduction on Form 1040-NR, line 12a, instead of their itemized deductions if they are eligible for benefits under Article 21(2) of the United States-India Income Tax Treaty. They will enter, on Form 1040-NR, line 12a, the standard deduction amount found for their filing status on Form 1040 or 1040-SR. See chapter 5 of Pub. 519 for details. Also see *Standard Deduction under Line 12a—Itemized Deductions or Standard Deduction* in the Instructions for Form 1040. If they must use the Standard Deduction Worksheet for Dependents—Line 12a in the Instructions for Form 1040, they should enter the amount on the same line of Form 1040-NR as they are directed to enter it on Form 1040 or 1040-SR.

Line 12b—Charitable Deduction for Cash Contributions of Certain Residents of India

See *Line 12b* under *Lines 12a, 12b, and 12c* in the Instructions for Form 1040 for details on the charitable deduction for cash contributions when claiming the standard deduction.

Exception. This up-to-\$300 charitable deduction for cash contributions is only available to you if you are a student or business apprentice eligible for benefits under Article 21(2) of the United States-India Income Tax Treaty who has elected to use the standard deduction.

Lines 13a, 13b, and 13c

Line 13a—Qualified Business Income Deduction (Section 199A Deduction)

See *Line 13—Qualified Business Income Deduction (Section 199A Deduction)* in the Instructions for Form 1040 for details on the qualified business income deduction.

Exception. You must have income effectively connected with a U.S. trade or business.

Line 13b—Deduction for Exemptions for Estates and Trusts Only

A trust or estate can claim an exemption only to the extent of its income that is effectively connected with a U.S. trade or business.



You can't claim an exemption deduction in 2021 if you are an individual.

Estates. Enter \$600 on line 13b.

Trusts. If you are filing for a trust whose governing instrument requires it to distribute all of its income currently, enter \$300 on line 13b.

If you are filing for a qualified disability trust (defined in section 642(b)(2)(C)(ii)), enter \$4,300 on line 13b.

If you are filing for any other trust, enter \$100 on line 13b.

Line 16—Tax

See *Line 16—Tax* in the Instructions for Form 1040 for details on taxes includible on this line, and for whether you must use the Tax Table or the Tax Computation Worksheet in those instructions to figure your tax.

Exception 1. If you are filing for an estate or trust, use [Tax Rate Schedule W](#), later, to figure the tax.

Exception 2. Do **not** include on line 16 any of the following that are listed in those instructions. They do not apply to persons filing Form 1040-NR.

- Tax due to making a section 962 election.
- Recapture of an education credit from Form 8863.
- Tax from Form 8621.
- Any amounts due to section 965.

Exception 3. Do **not** use the Foreign Earned Income Tax Worksheet. You are not eligible for the foreign earned income exclusion, housing exclusion, or housing deduction on Form 2555.

Exception 4. The IRS will not figure the tax for you.

Form 8615

See *Form 8615* under *Line 16—Tax* in the Instructions for Form 1040 for details on Form 8615.

Exception 1. The child must have more than \$2,200 of unearned income that is effectively connected with a U.S. trade or business.

Exception 2. The Form 8615 must be filed for a child even if the child is a nonresident alien.

Schedule D Tax Worksheet

See *Schedule D Tax Worksheet* under *Line 16—Tax* in the Instructions for Form 1040 for details on the worksheet.

Qualified Dividends and Capital Gain Tax Worksheet

See *Qualified Dividends and Capital Gain Tax Worksheet* under *Line 16—Tax* in the Instructions for Form 1040 for details on the worksheet.

Exception 1. When applying the discussion, including the Qualified Dividends and Capital Gain Tax Worksheet, to Form 1040-NR, you will use the same lines of Form 1040-NR that are used for Form 1040 or 1040-SR.

Exception 2. The Form 2555 and its Foreign Earned Income Tax Worksheet discussions, including those in the Qualified Dividends and Capital Gain Tax Worksheet, do not apply to you. That form is not filed by persons filing Form 1040-NR.

Exception 3. Estates and trusts, when completing the Qualified Dividends and Capital Gain Tax Worksheet, must use [Tax Rate Schedule W](#), later, instead of the Tax Table or the Tax Computation Worksheet in the Instructions for Form 1040.

Schedule J (Form 1040)

See *Schedule J* under *Line 16—Tax* in the Instructions for Form 1040.

Foreign Earned Income Tax Worksheet—Line 16

Do not use the *Foreign Earned Income Tax Worksheet—Line 16* section under *Line 16* in the Instructions for Form 1040. That worksheet is for persons filing Form 2555. Form 2555 is not filed by persons filing Form 1040-NR.

Line 19—Nonrefundable Child Tax Credit and Credit for Other Dependent

See *Line 19—Nonrefundable Child Tax Credit and Credit for Other Dependents* in the Instructions for Form 1040 for details on the nonrefundable child tax credit and the credit for other dependents. Also, see

the Instructions for Schedule 8812 (Form 1040).

Exception. To claim the nonrefundable child tax credit or the credit for other dependents on Form 1040-NR in full, you must be a U.S. national or a resident of Canada or Mexico. Residents of South Korea and India can claim the credits on Form 1040-NR to the extent described in Pub. 519. No other persons filing Form 1040-NR can claim the nonrefundable child tax credit or the credit for other dependents.

Lines 23a Through 23d—Other Taxes

Line 23c—Transportation Tax

Nonresident alien individuals are subject to a 4% tax on U.S. source gross transportation income that is not effectively connected with a U.S. trade or business. However, the term “U.S. source gross transportation income” does not include any such income that is taxable in a possession of the United States under the provisions of the Internal Revenue Code as applied to that possession.

For purposes of this tax, transportation income will be treated as not effectively connected with the conduct of a trade or business in the United States unless:

1. You had a fixed place of business in the United States involved in the earning of transportation income, and
2. At least 90% of your U.S. source gross transportation income was attributable to regularly scheduled transportation. Or, in the case of income from the leasing of a vessel or aircraft, it was attributable to a fixed place of business in the United States. See chapter 4 of Pub. 519 for rules, definitions, and exceptions.

You may be exempt from this tax because of a treaty or an exchange of notes between the United States and the country of which you are a resident. If the country of which you are a resident does not impose tax on the shipping or aircraft income of U.S. persons, you may also be exempt from this tax. If you are exempt from the tax by treaty or exchange of notes, complete Form 8833 and attach it to this return. Also, complete [item L](#) of

Schedule OI (Form 1040-NR) and include the amount on line 1c of Form 1040-NR. If you are exempt from the tax for any other reason, you must attach a statement to Form 1040-NR identifying your country of residence and the law and provisions under which you claim exemption from the tax.

If you owe this tax, you must attach a statement to your return that includes the information described in chapter 4 of Pub. 519.

Payments

Line 25—Federal Income Tax Withheld

Line 25a—Form(s) W-2

See *Line 25a—Form(s) W-2* in the Instructions for Form 1040 for details.

Line 25b—Form(s) 1099

See *Line 25b—Form(s) 1099* in the Instructions for Form 1040 for details.

Line 25c—Other Forms

See *Line 25c—Other Forms* in the Instructions for Form 1040 for details.

Exception. Do not include tax withheld on Form 8805, Form 8288-A, and 1042-S on Form 1040-NR, line 25c. The taxes withheld on those forms are reported on Form 1040-NR, lines 25e, 25f, and 25g, respectively.

Line 25e—Form(s) 8805

Enter on line 25e any tax withheld by a partnership and shown on Form(s) 8805. Attach a copy of all Form(s) 8805 to the back of your return.

Line 25f—Form(s) 8288-A

Enter on line 25f any tax withheld under section 1445 (related to dispositions of U.S. real property interests) or under section 1446(f)(1) (related to dispositions of interests in partnerships engaged in the conduct of a trade or business in the United States) and shown on Form(s) 8288-A. Attach a copy of all Form(s) 8288-A to the front of your return.

Line 25g—Form(s) 1042-S

Enter on line 25g the total amount shown as federal income tax withheld under chapter 3 or 4 on your Form(s)

1042-S. The withholding credit should be shown in box 10 of your Form(s) 1042-S. Attach Form(s) 1042-S to the front of your return.



Be sure to attach to the front of your return a copy of all Form(s) W-2, 1042-S, SSA-1042S, RRB-1042S, and 8288-A. Attach to the front of your return Form(s) 1099-R if tax was withheld. Be sure to attach to the back of your return Form(s) 8805. A foreign trust or estate must also attach to the back of Form 1040-NR copies of the Form(s) 8805 it must furnish to its beneficiaries with the Schedule(s) T completed.



Refunds of taxes shown on Forms 8805, 8288-A, or 1042-S may be delayed for up to 6 months. See [Refund Information](#), later.

Line 26—2021 Estimated Tax Payments

See *Line 26—2021 Estimated Tax Payments* in the Instructions for Form 1040 for details on 2021 estimated tax payments.

Exception. Substitute "ITIN or SSN" every place SSN is mentioned. For the discussion in this section, you can use an ITIN as well as an SSN.

Line 27—Reserved for Future Use

Leave line 27 blank. Do not follow the instructions in *Lines 27a, 27b, and 27c—Earned Income Credit (EIC)* in the Instructions for Form 1040. The earned income credit (EIC) cannot be claimed by persons filing Form 1040-NR.

Line 28—Refundable Child Tax Credit or Additional Child Tax Credit

See *Line 28—Refundable Child Tax Credit or Additional Child Tax Credit* in the Instructions for Form 1040 for details on the refundable child tax credit and the additional child tax credit.

Exception 1. The **refundable child tax credit** is only available to nonresident aliens whose principal place of abode was within the United States for more than one half of 2021. Such individuals include teachers and trainees present in the United States under non-student "J"-visas and "Q"-

visas, and members of their immediate families, as well as most foreign students on "F"-visas, "J"-visas, "M"-visas, and "Q"-visas. (**In each case, the individual must comply with the terms of their visa to avoid having days of presence counted for purposes of meeting the substantial presence test.**) The days of presence in the United States of foreign government-related individuals (a term which includes employees of international organizations such as the United Nations) and members of their immediate families are similarly excluded from counting towards the substantial presence test for the duration of their qualifying appointments. Further, under section 7701(b)(6), an individual who is a resident of a foreign country having an income tax treaty with the United States and who elects for 2021 to be treated as a nonresident of the United States under the so-called treaty "tie-breaker rule" may file as a nonresident alien on Form 1040-NR, even though they may have a permanent abode within the United States throughout 2021 and reside here for more than 183 days during the year. The individual does so by filing Form 8833 with their Form 1040-NR for that year in the time and manner provided in regulations. (The tie-breaker rule allows an alien who otherwise would be treated as a resident of the United States for all or part of tax year to be treated for such year, for most purposes, as a nonresident alien.)

Exception 2. To claim the refundable child tax credit or the additional child tax credit in full, you must be a U.S. national or a resident of Canada or Mexico. Residents of South Korea and India can claim the credits to the extent described in Pub. 519. No other persons filing Form 1040-NR can claim the refundable child tax credit or the additional child tax credit even if they otherwise meet the criteria for taking those credits.

Line 29—Credit for Amount Paid With Form 1040-C

Enter any amount you paid with Form 1040-C for 2021. Do not follow the instructions in *Line 29—American Opportunity Credit*, in the Instructions for Form 1040. The American

opportunity credit cannot be claimed by persons filing Form 1040-NR.

Line 30—Reserved for Future Use

Leave line 30 blank. Do not follow the instructions in *Line 30—Recovery Rebate Credit* in the Instructions for Form 1040. The recovery rebate credit cannot be claimed by persons filing Form 1040-NR.

Refund

Line 34—Amount Overpaid

See *Line 34—Amount Overpaid* in the Instructions for Form 1040 for details on the amount overpaid.

Exception. The *Injured Spouse* discussion does not apply to you. A person filing Form 1040-NR cannot file a joint return.

Lines 35a Through 35e—Amount Refunded to You

See *Lines 35a Through 35d—Amount Refunded to You* in the Instructions for Form 1040 for details on what to report on lines 35a through 35d.

Exception 1. If you are having your refund (or part of it) directly deposited to a traditional IRA, Roth IRA, or SEP-IRA, you must establish the IRA at a **U.S.** bank or other financial institution in the United States before you request direct deposit.

Exception 2. If you request a refund of tax withheld on a Form 1042-S, Form 8805, or Form 8288-A, we may need additional time to process the refund. Allow up to 6 months for these refunds to be issued.

Line 35e

If you want your refund mailed outside the United States to an address not listed on page 1 of Form 1040-NR, enter that address on line 35e. See [Foreign Address](#), earlier, for information on entering a foreign address.

Note. If the address on page 1 of Form 1040-NR is not in the United States, you can enter an address in the United States on line 35e. However, if the address on page 1 of Form 1040-NR is in the United States, the IRS cannot mail a refund to a different address in the United States.

Line 36—Applied to Your 2022 Estimated Tax

See *Line 36—Applied to Your 2022 Estimated Tax* in the Instructions for Form 1040 for details.

Amount You Owe

See *Amount You Owe* in the Instructions for Form 1040 for details.

Line 37—Amount You Owe

See *Line 37—Amount You Owe* in the Instructions for Form 1040 for details on what to report on Form 1040-NR, line 37.

Exception 1. If you want to pay electronically but do not have a U.S. bank account, go to [IRS.gov/Individuals/International-Taxpayers/Foreign-Electronic-Payments](https://www.irs.gov/Individuals/International-Taxpayers/Foreign-Electronic-Payments) for more information.

Exception 2. If you are paying by check or money order, the check or money order must be drawn on a U.S. financial institution.

Line 38—Estimated Tax Penalty

See *Line 38—Estimated Tax Penalty* in the Instructions for Form 1040 for details on the estimated tax penalty.

Exception. When computing the tax shown on your return for the current and prior year, use the same lines on Form 1040-NR as are referred to for Form 1040 or 1040-SR, except:

- Substitute “lines 25d through 25g” for “line 25d” throughout, and
- Ignore the references to lines 27a and 29.

Figuring the penalty. See *Figuring the Penalty* under *Line 38—Estimated Tax Penalty* in the Instructions for Form 1040 for details on the estimated tax penalty.

Third Party Designee

See *Third Party Designee* in the Instructions for Form 1040 for details on the third party designee.

Exception. The phone number you enter for the designee must be a **U.S.** phone number.

Sign Your Return

See *Sign Your Return* in the Instructions for Form 1040 for details on signing your return.

Exception 1. You can have an agent in the United States prepare and sign your return if you could not do so for one of the following reasons.

- You were ill.
- You were not in the United States at any time during the 60 days before the return was due.
- Other reasons approved by the IRS, which you explain in writing to:

Department of the Treasury
Internal Revenue Service
Austin, TX 73301-0215
U.S.A.

Exception 2. The discussion of joint returns does not apply to you. A person filing Form 1040-NR cannot file a joint return.

Identity Protection PIN

See *Identity Protection PIN* in the Instructions for Form 1040 for details on Identity Protection Personal Identification Numbers (IP PINs).

Phone Number and Email Address

See *Phone Number and Email Address* under *Identity Protection PIN* in the Instructions for Form 1040 for details on phone numbers and email addresses.

Paid Preparer Must Sign Your Return

See *Paid Preparer Must Sign Your Return* in the Instructions for Form 1040 for details on paid preparers.

Assemble Your Return

See *Assemble Your Return* in the Instructions for Form 1040 for details on assembling your return.

Exception. Attach a copy of Forms W-2, 1042-S, SSA-1042S, RRB-1042S, 2439, and 8288-A to the front of Form 1040-NR. If you received a Form W-2c (a corrected Form W-2), attach a copy of your original Forms W-2 and any Forms W-2c. Also attach Form(s) 1099-R to the front of Form 1040-NR if tax was withheld. Attach Form 8805 to the back of your return. Enclose, but do not attach, any payment.

2021 Tax Table

See the 2021 Tax Table in the Instructions for Form 1040 to determine your tax. For an example of how to locate your tax for the Form 1040-NR, see the 2021 Form 1040-NR Sample Table below.

Exception 1. Because you are filing Form 1040-NR, you have only three filing statuses: Single, Married filing separately, or Qualified widow(er). Do not use the amounts in the column for Head of a household. Use the amounts in the Married filing jointly column only if you are a Qualified widow(er).

Exception 2. If you are filing for an estate or trust, you must use [Tax Rate Schedule W](#), later, to figure your tax.

Exception 3. Because you cannot file a joint return, use the 2021 Form 1040-NR Sample Table below instead of the one under the 2021 Tax Table in the Instructions for Form 1040.

2021 Tax Computation Worksheet—Line 16

See the 2021 Tax Computation Worksheet—Line 16 in the Instructions for Form 1040.

Exception 1. If you must use the tax computation worksheets based on the line 16 instructions, use the Section A Worksheet for Single, the Section B Worksheet for Qualifying widow(er), or the Section C Worksheet for Married filing separately, as applicable, and enter the amount on Form 1040-NR, line 16.

Exception 2. As noted earlier, if you are filing for an estate or trust, you must use [Tax Rate Schedule W](#), later, to figure your tax.

2021 Form 1040-NR Sample Table

Example. Mr. Brown's filing status is married filing separately. His taxable income on Form 1040-NR, line 15, is \$25,300. First, he finds the \$25,300–25,350 taxable income line. Next, he finds the column for married filing separately and reads down the column. The amount shown where the taxable income line and filing status column meet is \$2,840. This is the tax amount he should enter in the entry space on Form 1040-NR, line 16.

Sample Table

At Least	But Less Than	Single	Married filing jointly*	Married filing separately	Head of a household
Your tax is—					
25,200	25,250	2,828	2,629	2,828	2,743
25,250	25,300	2,834	2,635	2,834	2,749
25,300	25,350	2,840	2,641	2,840	2,755
25,350	25,400	2,846	2,647	2,846	2,761

Extract of tax table to illustrate example.

General Information

The IRS Mission

Provide America's taxpayers top-quality service by helping them understand and meet their tax responsibilities and enforce the law with integrity and fairness to all.

How To Avoid Common Mistakes

See *How To Avoid Common Mistakes* in the Instructions for Form 1040.

Exception 1. Be sure to enter your identifying number (SSN or ITIN) on page 1 of Form 1040-NR. Be sure to enter the SSN, ITIN, or ATIN of your dependents under Dependents on page 1 of Form 1040-NR.

Exception 2. Information about standard deductions only applies to students and business apprentices eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty.

Exception 3. You are not eligible to claim an earned income credit as a Form 1040-NR filer.

Exception 4. You can claim the premium tax credit for dependents only if you are a U.S. national; resident of Canada, Mexico, or South Korea; or a student or business apprentice eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty. If your filing status at the top of page 1 on Form 1040-NR is Married filing separately, you cannot take the premium tax credit unless you meet the criteria of one of the exceptions under *Married taxpayers* in the Instructions for Form 8962.

Innocent Spouse Relief

Innocent Spouse Relief in the Instructions for Form 1040 does not apply to Form 1040-NR filers. Form 1040-NR filers can't file a joint return.

Income Tax Withholding and Estimated Tax Payments for 2022

See *Income Tax Withholding and Estimated Tax Payments for 2022* in the Instructions for Form 1040 for more details.



For more information on withholding or estimated tax payments, see chapter 8, *Paying Tax Through Withholding or Estimated Tax*, in *Pub. 519*.

Secure Your Tax Records From Identity Theft

See *Secure Your Tax Records From Identity Theft* in the Instructions for Form 1040 for more details.

How Do You Make a Gift To Reduce Debt Held By the Public?

See *How Do You Make a Gift To Reduce Debt Held By the Public?* in the Instructions for Form 1040 for more details.

How Long Should Records Be Kept?

See *How Long Should Records Be Kept?* in the Instructions for Form 1040 for more details.

How Do You Amend Your Tax Return?

See *Amended Return* in the Instructions for Form 1040 for more details.

Need a Copy of Your Tax Return?

See *Need a Copy of Your Tax Return Information?* in the Instructions for Form 1040 for more details.

Exception. If you are calling to get a free transcript and you are outside the United States, call 267-941-1000 (English-speaking only). This number is not toll free.

Death of a Taxpayer

See *Death of a Taxpayer* in the Instructions for Form 1040 for more details.

Past Due Returns

See *Past Due Returns* in the Instructions for Form 1040 for more details.

How To Get Tax Help

If you have questions about a tax issue; need help preparing your tax return; or want to download free publications, forms, or instructions, go to [IRS.gov](https://www.irs.gov) to find resources that can help you right away.

Preparing and filing your tax return. After receiving all your wage and earnings statements (Forms W-2, W-2G, 1099-R, 1099-MISC, 1099-NEC, etc.); unemployment compensation statements (by mail or in a digital format) or other government payment statements (Form 1099-G); and interest, dividend, and retirement statements from banks and investment firms (Forms 1099), you have several options to choose from to prepare and file your tax return. You can prepare the tax return yourself, see if you qualify for free tax preparation, or hire a tax professional to prepare your return.



For 2021, if you received *Advance Child Tax Credit payments*, refer to your *Letter 6419*.

Free options for tax preparation.

Go to [IRS.gov](https://www.irs.gov) to see your options for preparing and filing your return online or in your local community, if you qualify, which include the following.

- **VITA.** The Volunteer Income Tax Assistance (VITA) program offers free tax help to people with low-to-moderate incomes, persons with disabilities, and limited-English-speaking taxpayers who need help preparing their own tax returns. Go to [IRS.gov/VITA](https://www.irs.gov/VITA), download the free IRS2Go app, or call 800-906-9887 for information on free tax return preparation.
- **TCE.** The Tax Counseling for the Elderly (TCE) program offers free tax

help for all taxpayers, particularly those who are 60 years of age and older. TCE volunteers specialize in answering questions about pensions and retirement-related issues unique to seniors. Go to [IRS.gov/TCE](https://www.irs.gov/TCE), download the free IRS2Go app, or call 888-227-7669 for information on free tax return preparation.

Using online tools to help prepare your return. Go to [IRS.gov/Tools](https://www.irs.gov/Tools) for the following.

- The [Online EIN Application \(IRS.gov/EIN\)](https://www.irs.gov/EIN) helps you get an employer identification number (EIN) at no cost.
- The [Tax Withholding Estimator \(IRS.gov/W4App\)](https://www.irs.gov/W4App) makes it easier for everyone to pay the correct amount of tax during the year. The tool is a convenient, online way to check and tailor your withholding. It's more user-friendly for taxpayers, including retirees and self-employed individuals. The features include the following.

- ▶ Easy to understand language.
 - ▶ The ability to switch between screens, correct previous entries, and skip screens that do not apply.
 - ▶ Tips and links to help you determine if you qualify for tax credits and deductions.
 - ▶ A progress tracker.
 - ▶ A self-employment tax feature.
 - ▶ Automatic calculation of taxable social security benefits.
- The [First-Time Homebuyer Credit Account Look-up \(IRS.gov/FirstTimeHomebuyer\)](https://www.irs.gov/FirstTimeHomebuyerCredit) tool provides information on your repayments and account balance.



Getting answers to your tax law questions. On [IRS.gov](https://www.irs.gov), you can get up-to-date information on current events and changes in tax law.

- [IRS.gov/Help](https://www.irs.gov/Help): A variety of tools to help you get answers to some of the most common tax questions.
- [IRS.gov/ITA](https://www.irs.gov/ITA): The Interactive Tax Assistant, a tool that will ask you questions and, based on your input, provide answers on a number of tax law topics.
- [IRS.gov/Forms](https://www.irs.gov/Forms): Find forms, instructions, and publications. You will find details on 2021 tax changes and hundreds of interactive links to help you find answers to your questions.

- You may also be able to access tax law information in your electronic filing software.

Need someone to prepare your tax return? There are various types of tax return preparers, including tax preparers, enrolled agents, certified public accountants (CPAs), attorneys, and many others who don't have professional credentials. If you choose to have someone prepare your tax return, choose that preparer wisely. A paid tax preparer is:

- Primarily responsible for the overall substantive accuracy of your return,
- Required to sign the return, and
- Required to include their preparer tax identification number (PTIN).

Although the tax preparer always signs the return, you're ultimately responsible for providing all the information required for the preparer to accurately prepare your return. Anyone paid to prepare tax returns for others should have a thorough understanding of tax matters. For more information on how to choose a tax preparer, go to [Tips for Choosing a Tax Preparer](https://www.irs.gov/TipsForChoosingATaxPreparer) on [IRS.gov](https://www.irs.gov).

Advance child tax credit payments. From July through December 2021, advance payments were sent automatically to taxpayers with qualifying children who met certain criteria. The advance child tax credit payments were early payments of up to 50% of the estimated child tax credit that taxpayers may properly claim on their 2021 returns. Go to [IRS.gov/AdvCTC](https://www.irs.gov/AdvCTC) for more information about these payments and how they can affect your taxes.

Coronavirus. Go to [IRS.gov/Coronavirus](https://www.irs.gov/Coronavirus) for links to information on the impact of the coronavirus, as well as tax relief available for individuals and families, small and large businesses, and tax-exempt organizations.

Employers can register to use Business Services Online. The Social Security Administration (SSA) offers online service at [SSA.gov/employer](https://www.ssa.gov/employer) for fast, free, and secure online W-2 filing options to CPAs, accountants, enrolled agents, and individuals who process Form W-2, Wage and Tax Statement, and Form W-2c, Corrected Wage and Tax Statement.

IRS social media. Go to [IRS.gov/SocialMedia](https://www.irs.gov/SocialMedia) to see the various social media tools the IRS uses to share the latest information on tax changes, scam alerts, initiatives, products, and services. At the IRS, privacy and security are our highest priority. We use these tools to share public information with you. **Don't** post your social security number (SSN) or other confidential information on social media sites. Always protect your identity when using any social networking site.

The following IRS YouTube channels provide short, informative videos on various tax-related topics in English, Spanish, and ASL.

- [Youtube.com/irsvideos](https://www.youtube.com/irsvideos).
- [Youtube.com/irsvideosmultilingua](https://www.youtube.com/irsvideosmultilingua).
- [Youtube.com/irsvideosASL](https://www.youtube.com/irsvideosASL).

Watching IRS videos. The IRS Video portal ([IRSVideos.gov](https://www.irs.gov/IRSVideos)) contains video and audio presentations for individuals, small businesses, and tax professionals.

Online tax information in other languages. You can find information on [IRS.gov/MyLanguage](https://www.irs.gov/MyLanguage) if English isn't your native language.

Free Over-the-Phone Interpreter (OPI) Service. The IRS is committed to serving our multilingual customers by offering OPI services. The OPI service is a federally funded program and is available at Taxpayer Assistance Centers (TACs), other IRS offices, and every VITA/TCE return site. OPI service is accessible in more than 350 languages.

Accessibility Helpline available for taxpayers with disabilities.

Taxpayers who need information about accessibility services can call 833-690-0598. The Accessibility Helpline can answer questions related to current and future accessibility products and services available in alternative media formats (for example, braille, large print, audio, etc.).

Getting tax forms and publications. Go to [IRS.gov/Forms](https://www.irs.gov/Forms) to view, download, or print all of the forms, instructions, and publications you may need. Or, you can go to [IRS.gov/OrderForms](https://www.irs.gov/OrderForms) to place an order.

Getting tax publications and instructions in eBook format. You can also download and view popular

tax publications and instructions (including the Instructions for Form 1040) on mobile devices as eBooks at [IRS.gov/eBooks](https://www.irs.gov/eBooks).

Note. IRS eBooks have been tested using Apple's iBooks for iPad. Our eBooks haven't been tested on other dedicated eBook readers, and eBook functionality may not operate as intended.

Access your online account (individual taxpayers only). Go to [IRS.gov/Account](https://www.irs.gov/Account) to securely access information about your federal tax account.

- View the amount you owe and a breakdown by tax year.
- See payment plan details or apply for a new payment plan.
- Make a payment or view 5 years of payment history and any pending or scheduled payments.
- Access your tax records, including key data from your most recent tax return, your EIP amounts, and transcripts.
- View digital copies of select notices from the IRS.
- Approve or reject authorization requests from tax professionals.
- View your address on file or manage your communication preferences.

Tax Pro Account. This tool lets your tax professional submit an authorization request to access your individual taxpayer [IRS.gov/TaxProAccount](https://www.irs.gov/TaxProAccount).

Using direct deposit. The fastest way to receive a tax refund is to file electronically and choose direct deposit, which securely and electronically transfers your refund directly into your financial account. Direct deposit also avoids the possibility that your check could be lost, stolen, or returned undeliverable to the IRS. Eight in 10 taxpayers use direct deposit to receive their refunds. If you don't have a bank account, go to [IRS.gov/DirectDeposit](https://www.irs.gov/DirectDeposit) for more information on where to find a bank or credit union that can open an account online.

Getting a transcript or copy of a return. The quickest way to get a copy of your tax transcript is to go to [IRS.gov/Transcripts](https://www.irs.gov/Transcripts). Click on either "Get Transcript Online" or "Get Transcript by Mail" to order a free copy of your transcript. If you prefer,

you can order your transcript by calling 800-908-9946.

Reporting and resolving tax-related identity theft issues.

- Tax-related identity theft happens when someone steals your personal information to commit tax fraud. Your taxes can be affected if your SSN is used to file a fraudulent return or to claim a refund or credit.
- The IRS doesn't initiate contact with taxpayers by email, text messages, telephone calls, or social media channels to request personal or financial information. This includes requests for personal identification numbers (PINs), passwords, or similar information for credit cards, banks, or other financial accounts.
- Go to [IRS.gov/IdentityTheft](https://www.irs.gov/IdentityTheft), the IRS Identity Theft Central webpage, for information on identity theft and data security protection for taxpayers, tax professionals, and businesses. If your SSN has been lost or stolen or you suspect you're a victim of tax-related identity theft, you can learn what steps you should take.
- Get an Identity Protection PIN (IP PIN). IP PINs are six-digit numbers assigned to taxpayers to help prevent the misuse of their SSNs on fraudulent federal income tax returns. When you have an IP PIN, it prevents someone else from filing a tax return with your SSN. To learn more, go to [IRS.gov/IPPIN](https://www.irs.gov/IPPIN).

Ways to check on the status of your refund.

- Go to [IRS.gov/Refunds](https://www.irs.gov/Refunds).
- Download the official IRS2Go app to your mobile device to check your refund status.
- Call the automated refund hotline at 800-829-1954.

Note. The IRS can't issue refunds before mid-February 2022 for returns that claimed the additional child tax credit (ACTC). This applies to the entire refund, not just the portion associated with this credit.

Making a tax payment. Go to [IRS.gov/Payments](https://www.irs.gov/Payments) for information on how to make a payment using any of the following options.

- **IRS Direct Pay:** Pay your individual tax bill or estimated tax payment directly from your checking or savings account at no cost to you.

- **Debit or Credit Card:** Choose an approved payment processor to pay online or by phone.

- **Electronic Funds Withdrawal:** Schedule a payment when filing your federal taxes using tax return preparation software or through a tax professional.

- **Electronic Federal Tax Payment System:** Best option for businesses. Enrollment is required.

- **Check or Money Order:** Mail your payment to the address listed on the notice or instructions.

- **Cash:** You may be able to pay your taxes with cash at a participating retail store.

- **Same-Day Wire:** You may be able to do same-day wire from your financial institution. Contact your financial institution for availability, cost, and time frames.

Note. The IRS uses the latest encryption technology to ensure that the electronic payments you make online, by phone, or from a mobile device using the IRS2Go app are safe and secure. Paying electronically is quick, easy, and faster than mailing in a check or money order.

What if I can't pay now? Go to [IRS.gov/Payments](https://www.irs.gov/Payments) for more information about your options.

- Apply for an **online payment agreement** ([IRS.gov/OPA](https://www.irs.gov/OPA)) to meet your tax obligation in monthly installments if you can't pay your taxes in full today. Once you complete the online process, you will receive immediate notification of whether your agreement has been approved.
- Use the **Offer in Compromise Pre-Qualifier** to see if you can settle your tax debt for less than the full amount you owe. For more information on the Offer in Compromise program, go to [IRS.gov/OIC](https://www.irs.gov/OIC).

Filing an amended return. You can now file Form 1040-X electronically with tax filing software to amend 2019 or 2020 Forms 1040 and 1040-SR. To do so, you must have e-filed your original 2019 or 2020 return. Amended returns for all prior years must be mailed. Go to [IRS.gov/Form1040X](https://www.irs.gov/Form1040X) for information and updates.

Checking the status of an amended return. Go to [IRS.gov/WMAR](https://www.irs.gov/WMAR) to track the status of Form 1040-X amended returns.

Note. It can take up to 3 weeks from the date you filed your amended return for it to show up in our system, and processing it can take up to 16 weeks.

Understanding an IRS notice or letter you have received. Go to [IRS.gov/Notices](https://www.irs.gov/Notices) to find additional information about responding to an IRS notice or letter.

You can use Schedule LEP, Request for Change in Language Preference, to state a preference to receive notices, letters, or other written communications from the IRS in an alternative language, when these are available. Once your Schedule LEP is processed, the IRS will determine your translation needs and provide you translations when available. If you have a disability requiring notices in an accessible format, see Form 9000.

Contacting your local IRS office.

Keep in mind, many questions can be answered on [IRS.gov](https://www.irs.gov) without visiting an IRS TAC. Go to [IRS.gov/LetUsHelp](https://www.irs.gov/LetUsHelp) for the topics people ask about most. If you still need help, IRS TACs provide tax help when a tax issue can't be handled online or by phone. All TACs now provide service by appointment, so you'll know in advance that you can get the service you need without long wait times.

Before you visit, go to [IRS.gov/TACLocator](https://www.irs.gov/TACLocator) to find the nearest TAC and to check hours, available services, and appointment options.

Or, on the IRS2Go app, under the Stay Connected tab, choose the Contact Us option and click on "Local Offices."

Taxpayer assistance outside the United States. If you are outside the United States and have tax questions:

- Go to [IRS.gov](https://www.irs.gov) and type "nonresident alien" in the search box, or
- Call 267-941-1000 (English-speaking only). This number is not toll free.

Interest and Penalties

See *Interest and Penalties* in the Instructions for Form 1040 for more details.

Refund Information

See *Refund Information* in the Instructions for Form 1040 for more details.

Exception. The processing of refund requests of tax withheld and reported on a Form 1042-S, Form 8805, or Form 8288-A may require additional time. Allow up to 6 months for these refunds to be issued.

Instructions for Schedule 1 (Form 1040)—Additional Income and Adjustments to Income

General Instructions

As noted in [Form 1040-NR Helpful Hints](#), earlier, you may need to use Schedule 1 (Form 1040) if you have additional income, such as business or farm income or loss, unemployment compensation, prize or award money, or gambling winnings or any deductions to claim, such as the student loan interest deduction, self-employment tax, or educator expenses.

When completing a line on Schedule 1 (Form 1040), look to the instructions below for that line, which may direct you to the **Schedule 1 instructions found in the Instructions for Form 1040** for guidance.



See the specific line instructions below for any **Exceptions**. For example, see Line 1 below, which has three exceptions. Also, only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance under Instructions for Schedule 1 in the Instructions for Form 1040 will apply to you.

Additional Income

Line 1—Taxable Refunds, Credits, or Offsets of State and Local Income Taxes

See *Line 1* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details.

Exception 1. The state or local income tax must be of a U.S. state or local government.

Exception 2. Ignore the TIP. The only reason none of your refund would be taxable is, if in the year you paid the state or local income tax, you did not itemize deductions on Schedule A (Form 1040-NR); or you were a student or business apprentice eligible for the benefits of the United States-India Income Tax Treaty, Article 21(2), and you elected to use the standard deduction.

Exception 3. Use *Itemized Deduction Recoveries* in Pub. 525

instead of the State and Local Income Tax Refund Worksheet—Schedule 1, Line 1 in the Instructions for Form 1040.

Lines 2a and 2b—Alimony Received

Leave lines 2a and 2b of Schedule 1 (Form 1040) blank. Do not follow the instructions in *Lines 2a and 2b—Alimony Received* under *Instructions for Schedule 1* in the Instructions for Form 1040. A person filing Form 1040-NR does not report alimony on lines 2a and 2b. You will report any alimony received on Schedule NEC (Form 1040-NR).

Line 3—Business Income or (Loss)

See *Line 3* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on business income or (loss).

Exception 1. Report only your effectively connected income and expenses from Schedule C (Form 1040).

Exception 2. Include any income you received as a dealer in stocks, securities, and commodities through your U.S. office or dependent agent. If you dealt in these items through an independent agent, such as a U.S. broker, custodian, or commissioned agent, your income may not be considered effectively connected with a U.S. business.

Line 4—Other Gains or (Losses)

See *Line 4* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on other gains or (losses).

Exception. The assets must have been used in a U.S. trade or business.

Line 5—Rental Real Estate, Royalties, Partnerships, S Corporations, Trusts, etc.

Form 1040-NR filers can't be shareholders in S corporations. Even though the text for line 5 on Schedule 1 (Form 1040) mentions S corporation, the reference to S corporations doesn't apply to Form 1040-NR filers.

Report income or loss from rental real estate, royalties, partnerships, estates, trusts, and residual interests

in real estate mortgage investment conduits (REMICs) on Schedule 1 (Form 1040), line 5. Use Schedule E (Form 1040) to figure the amount to enter on Schedule 1 (Form 1040), line 5, and attach Schedule E (Form 1040) to your return. For more information, see the Instructions for Schedule E (Form 1040).



*If you are electing to treat income from real property located in the United States as effectively connected with a U.S. trade or business, report the rental income or loss on Schedule 1 (Form 1040), line 5. See [Income You Can Elect To Treat as Effectively Connected With a U.S. Trade or Business](#), earlier, for more details on how to make the election. If you have not made or do not make the election, report the rental income on Schedule NEC (Form 1040-NR), line 6. See *Income From Real Property* in chapter 4 of Pub. 519 for more details.*

Line 6—Farm Income or (Loss)

Report farm income and expenses on line 6. Use Schedule F (Form 1040) to figure the amount to enter on line 6 and attach Schedule F (Form 1040) to your return. For more information, see the Instructions for Schedule F (Form 1040). Also see Pub. 225, *Farmer's Tax Guide*, for a list of important dates that apply to farmers.

Line 7—Unemployment Compensation

See *Line 7* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on unemployment compensation.

Lines 8a Through 8z—Other Income

See *Lines 8a Through 8z* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on other income, but see *Line 8a* through *Line 8z* below for exceptions.

Line 8a—Net operating loss (NOL) deduction

See *Line 8a* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on net operating losses.

Line 8b—Gambling income

See *Line 8b* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on gambling income.

Exception. Income from gambling entered on line 8b must be from an effectively connected U.S. trade or business. If it is not from an effectively connected U.S. trade or business, but is U.S. sourced, enter the income on Schedule NEC (Form 1040-NR).

Line 8c—Cancellation of debt

See *Line 8c* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on cancellation of debt.

Exception. For Form 1040-NR filers, canceled debts in box 2 of Form 1042-S should be included on Schedule 1 (Form 1040), line 8c.

Line 8d—Foreign earned income exclusion and housing exclusion from Form 2555

Leave Schedule 1 (Form 1040), line 8d, blank. The foreign earned income exclusion and housing exclusion from Form 2555 do not apply to Form 1040-NR filers.

Line 8e—Taxable Health Savings Account distribution

See *Line 8e* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on taxable HSA distributions.

Line 8f—Alaska Permanent Fund dividends

Leave Schedule 1 (Form 1040), line 8f, blank. Alaska Permanent Fund dividends do not apply to Form 1040-NR filers.

Line 8g—Jury duty pay

Leave Schedule 1 (Form 1040), line 8g, blank. Jury duty pay does not apply to Form 1040-NR filers.

Line 8h—Prizes and awards

See *Line 8h* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on prizes and awards.

Exception. The prizes and awards must be from your trade or business.

Line 8i—Activity not engaged in for profit income

Leave Schedule 1 (Form 1040), line 8i, blank. Form 1040-NR filers do not include income on this line because this income is not from a trade of business. Include this income on Schedule NEC (Form 1040-NR) on the applicable line.

Line 8j—Stock options

See *Line 8j* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on stock options.

Line 8k—Income from the rental of personal property if you engaged in the rental for profit but were not in the business of renting such property

Leave line 8k blank. Include this income on Schedule NEC (Form 1040-NR), line 6.

Line 8l—Olympic and Paralympic medals and USOC prize money

See *Line 8l* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on Olympic and Paralympic medals and USOC prize money.

Exception. The medals and prize money must be from your U.S. trade or business.

Line 8m—Section 951(a) inclusion

Leave Schedule 1 (Form 1040), line 8m, blank. The section 951(a) inclusion does not apply to Form 1040-NR filers.

Line 8n—Section 951A(a) inclusion

Leave Schedule 1 (Form 1040), line 8n, blank. The section 951A(a) inclusion does not apply to Form 1040-NR filers.

Line 8o—Section 461(l) excess business loss adjustment

See *Line 8o* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on section 461(l).

Line 8p—Taxable distributions from an ABL account

See *Line 8p* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on taxable distributions from an ABL account.

Line 8z—Other income

See *Line 8z* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on other income.

Exception 1. The bullet discussing “reimbursements or other amounts received for items deducted on an earlier year” only applies to items deducted on a Schedule A (Form 1040-NR). The items listed as examples in the bullet in the *Instructions for Schedule 1* are only deductible on Schedule A (Form 1040).

Exception 2. You will not have Medicaid waiver payments that you chose to include in earned income unless you are a student or business apprentice eligible for the benefits in Article 21(2) of the United States-India Income Tax Treaty.

Exception 3. Gifts or bequests you receive from a foreign person are not taxable regardless of the amount.

Adjustments to Income**Line 11—Educator Expenses**

See *Line 11* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on educator expenses.

Line 12—Certain Business Expenses of Reservists, Performing Artists, and Fee-Basis Government Officials

See *Line 12* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on these business expenses.

Exception 1. The expenses must be related to your effectively connected income.

Exception 2. Do not include performing-arts-related expenses as a write-in on line 8z of Schedule 1 (Form 1040). In 2019, these expenses were a write-in on the line that is now line 8z of Schedule 1 (Form 1040).

Line 13—Health Savings Account (HSA) Deduction

See *Line 13* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the HSA deduction.

Line 14—Moving Expenses of Members of the Armed Forces

See *Line 14* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on these moving expenses.

Line 15—Deductible Part of Self-Employment Tax

See *Line 15* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the deductible part of self-employment tax.

Line 16—Self-Employed SEP, SIMPLE, and Qualified Plans

See *Line 16* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on self-employed SEP, SIMPLE, and qualified plans.

Line 17—Self-Employed Health Insurance Deduction

See *Line 17* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the self-employed health insurance deduction.

Exception 1. The rules for a shareholder in an S corporation do not apply to you. Nonresident aliens cannot be shareholders in an S corporation.

Exception 2. The discussion of the Schedule A medical expense deduction on line 3 of the Self-Employed Health Insurance Deduction Worksheet does not apply to you. Your Schedule A (which is called Schedule A (Form 1040-NR)) does not have a line for medical expense deductions.

Exception 3. Form 2555 discussions do not apply to you. You are not eligible for the foreign earned income and foreign housing benefits on Form 2555.

Exception 4. You can claim the premium tax credit for dependents

only if you are a U.S. national; resident of Canada, Mexico, or South Korea; or a student or a business apprentice eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty. If your filing status at the top of page 1 on Form 1040-NR is Married filing separately, you cannot claim the premium tax credit unless you also meet the criteria of one of the exceptions under *Married taxpayers* in the Instructions for Form 8962.

Line 18—Penalty on Early Withdrawal of Savings

See *Line 18* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the penalty on early withdrawal of savings.

Lines 19a, 19b, and 19c—Alimony Paid

Leave lines 19a, 19b, and 19c blank on Schedule 1 (Form 1040). You are not eligible for an alimony deduction if you are filing Form 1040-NR.

Line 20—IRA Deduction

See *Line 20* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the IRA deduction.

Exception 1. When reading that section, including when completing the IRA Deduction Worksheet, follow only the guidance for the filing status you checked at the top of page 1 of Form 1040-NR.

Exception 2. Do not use your spouse's earned income, or your or your spouse's alimony and separate maintenance payments, when determining whether you can take the IRA deduction.

Exception 3. Do not apply Form 2555, Foreign Earned Income, discussions to your situation. You cannot file that form.

Exception 4. You must have taxable compensation effectively connected with a U.S. trade or business.

Line 21—Student Loan Interest Deduction

See *Line 21* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the student loan interest deduction.

Exception 1. When reading that section including when completing the Student Loan Interest Deduction Worksheet in that section, follow only the guidance for the filing status you checked at the top of page 1 of Form 1040-NR.

Exception 2. If you checked the Married filing separately box at the top of page 1 of Form 1040-NR, you cannot take the student loan interest deduction.

Line 22—Reserved for future use.

Leave line 22 blank.

Line 23—Archer MSA Deduction

See *Line 23* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the Archer MSA deduction.

Line 24

See *Line 24a* through *Line 24z* below for details and exceptions.

Line 24a—Jury duty pay

Leave Schedule 1 (Form 1040), line 24a, blank. Jury duty pay does not apply to Form 1040-NR filers.

Line 24b—Personal property rental expenses

Leave Schedule 1 (Form 1040), line 24b, blank unless the expenses arise from a U.S. trade or business. Form 1040-NR filers cannot deduct expenses from the rental of personal property engaged in for profit, but not as part of a U.S. trade or business.

Line 24c—Nontaxable amount of the value of Olympic and Paralympic medals and USOC prize money reported on line 8I

See *Line 24c* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on the nontaxable amount of the value of Olympic and Paralympic medals and USOC prize money.

Line 24d—Reforestation amortization and expenses

See *Line 24d* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on

reforestation amortization and expenses.

Line 24e—Repayment of supplemental unemployment benefits under the Trade Act of 1974

See *Line 24e* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on repayment of supplemental unemployment benefits under the Trade Act of 1974.

Line 24f—Contributions to section 501(c)(18)(D) pension plans

See *Line 24f* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on contributions to section 501(c)(18)(D) pension plans.

Line 24g—Contributions by certain chaplains to section 403(b) plans

See *Line 24g* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on contributions by certain chaplains to section 403(b) plans.

Line 24h—Attorney fees and court costs for actions involving certain unlawful discrimination claims

See *Line 24h* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on attorney fees and court costs for actions involving certain unlawful discrimination claims.

Exception. Do not include on line 24h attorney fees and court costs for actions involving certain unlawful discrimination claims to the extent the gross income from such actions is not effectively connected.

Line 24i—Attorney fees and court costs you paid in connection with an award from the IRS for information you provided that helped the IRS detect tax law violations

See *Line 24i* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on attorney fees and court costs you paid in connection with an award from the IRS for information you provided that helped the IRS detect tax law violations.

Line 24j—Housing deduction from Form 2555

Leave Schedule 1 (Form 1040), line 24j, blank. Housing deduction from Form 2555 does not apply to Form 1040-NR filers.

Line 24k—Excess deductions of section 67(e) expenses from Schedule K-1 (Form 1041)

See *Line 24k* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on excess deductions of section 67(e) expenses from Schedule K-1 (Form 1041).

Line 24z—Other Adjustments. List type and amount

See *Line 24z* under *Instructions for Schedule 1* in the Instructions for Form 1040 for details on other adjustments.

Instructions for Schedule 2 (Form 1040)—Additional Taxes

General Instructions

As noted in [Form 1040-NR Helpful Hints](#), earlier, you may need to use Schedule 2 (Form 1040) if you owe the alternative minimum tax (AMT) or need to make an excess advance premium tax credit repayment, or you owe other taxes, such as self-employment tax, household employment taxes, or additional tax on IRAs or other qualified retirement plans and tax-favored accounts.

For guidance when completing a line on Schedule 2 (Form 1040), look to the instructions below for that line, which may direct you to the **Schedule 2 instructions found in the Instructions for Form 1040 for guidance**. Also see *General Instructions* under *Instructions for Schedule 2* in the Instructions for Form 1040 for an overview.



See the specific line instructions below for any **Exceptions**. For example, see *Line 1 below*, which has four exceptions. Also, only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance under Instructions for Schedule 2 in the

Instructions for Form 1040 will apply to you.

Specific Instructions

Line 1—Alternative Minimum Tax (AMT)

See *Line 1* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on the alternative minimum tax.

Exception 1. For estates and trusts only. If you are filing for an estate or trust, do the following.

- Use Schedule I (Form 1041) and its instructions to find out if you owe the alternative minimum tax. Do not use the Instructions for Form 1040 to figure whether you owe the alternative minimum tax.

- If you disposed of a U.S. real property interest at a gain, you must make a special computation to see if you owe this tax. For details, see *Nonresident Aliens* in the Instructions for Form 6251.

Exception 2. Only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance in *Line 1, Alternative Minimum Tax*, in the *Instructions for Schedule 2* found in the Instructions for Form 1040 will apply to you.

Exception 3. The following in the list under *Exception* in *Line 1* under *Instructions for Schedule 2* in the Instructions for Form 1040 do not apply to you.

- The reference to income (or loss) from S corporations. Nonresident aliens cannot be shareholders in an S corporation.
- Investment interest expense reported on Form 4952 cannot apply to you. Nonresident aliens do not file Form 4952.
- Net qualified disaster loss **unless** you are a student or business apprentice eligible for benefits under Article 21(2) of the United States-India Income Tax Treaty and you reported a standard deduction on Schedule A (Form 1040-NR), line 7.

Exception 4. On line 2 of the Worksheet To See if You Should Fill in Form 6251—Schedule 2, Line 1, enter the amount from Schedule A (Form 1040-NR), line 1b. Do **not** enter the amount from line 7.

Line 2—Excess Advance Premium Tax Credit Repayment

See *Line 2* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on the excess advance premium tax credit repayment.

Exception. You can claim the premium tax credit for dependents only if you are a U.S. national; resident of Canada, Mexico, or South Korea; or a student or a business apprentice eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty. If your filing status at the top of page 1 on Form 1040-NR is Married filing separately, you cannot claim the premium tax credit unless you meet the criteria of one of the exceptions under *Married taxpayers* in the Instructions for Form 8962.

Line 4—Self-Employment Tax

Enter the amount of any taxes from Schedule SE (Form 1040). See the Instructions for Schedule SE (Form 1040) for more information.

If you are a self-employed nonresident alien, you must pay self-employment tax only if an international social security agreement (often called a totalization agreement) in effect determines that you are covered under the U.S. social security system. See the Instructions for Schedule SE (Form 1040) for information about international social security agreements. Information about totalization agreements is available at IRS.gov. Enter “totalization agreement” in the search box there. You can also find information at SSA.gov/international under “International Agreements.”



If you are not required to pay self-employment tax but do so anyway, you will not be eligible to receive social security benefits.

Line 5—Social Security and Medicare Tax From Form 4137

See *Line 5* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on social security and Medicare tax on unreported tip income from Form 4137.

Line 6—Uncollected Social Security and Medicare Tax From Form 8919

See *Line 6* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on uncollected social security and Medicare tax on wages from Form 8919.

Exception. Enter the amount from line 6 of Form 8919 on Form 1040-NR, line 1a, as Form 8919, line 6, says.

Line 8—Additional Tax on IRAs, Other Qualified Retirement Plans, etc.

See *Line 8* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on additional tax on IRAs, other qualified retirement plans, etc.

Line 9—Household Employment Taxes

See *Line 9* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on household employment taxes.

Line 10—First-Time Homebuyer Credit Repayment

See *Line 10* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on first-time homebuyer credit repayment.

Line 11—Additional Medicare Tax

See *Line 11* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on the Additional Medicare Tax from Form 8959.

Line 12—Net Investment Income Tax

See *Line 12* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on the net investment income tax from Form 8960.

Exception. You are only liable for the net investment income tax if you are a dual-status taxpayer (see *Dual-Status Taxpayers*, earlier). You may owe this tax for the part of the year you were a U.S. resident (see Form 8960 and its instructions).

Line 13—Uncollected Social Security and Medicare or RRTA Tax on Tips or Group-Term Life Insurance

See *Line 13* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on uncollected social security and Medicare or RRTA tax on tips or group-term life insurance from Form W-2, box 12.

Line 14—Interest on Tax Due on Installment Income From the Sale of Certain Residential Lots and Timeshares

See *Line 14* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on interest on tax due on installment income from the sale of certain residential lots and timeshares.

Line 15—Interest on The Deferred Tax on Gain From Certain installment Sales With a Sales Price Over \$150,000

See *Line 15* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on interest on the deferred tax on gain from certain installment sales with a sales price over \$150,000.

Line 16—Recapture of Low-Income Housing Credit From Form 8611

See *Line 16* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on recapture of low-income housing credit from Form 8611.

Lines 17a Through 17z—Other Additional Taxes

See *Line 17a* through *Line 17z* below for details and exceptions.

Line 17a—Recapture of other credits

See *Line 17a* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on recapture of other credits.

Line 17b—Recapture of federal mortgage subsidy

See *Line 17b* under *Instructions for Schedule 2* in the Instructions for

Form 1040 for details on recapture of federal mortgage subsidy.

Line 17c—Additional tax on HSA distributions

See *Line 17c* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on additional tax on HSA distributions.

Line 17d—Additional tax on an HSA

See *Line 17d* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on additional tax on an HSA.

Line 17e—Additional tax on Archer MSA distributions from Form 8853

See *Line 17e* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on additional tax on Archer MSA distributions from Form 8853.

Line 17f—Additional tax on Medicare Advantage MSA distributions from Form 8853

See *Line 17f* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on additional tax on Medicare Advantage MSA distributions from Form 8853.

Line 17g—Recapture of a charitable contribution deduction related to a fractional interest in tangible personal property

See *Line 17g* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on recapture of a charitable contribution deduction related to a fractional interest in tangible personal property.

Line 17h—Income you received from a nonqualified deferred compensation plan that fails to meet the requirements of section 409A

See *Line 17h* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on income you received from a nonqualified deferred compensation plan that fails to meet the requirements of section 409A.

Line 17i—Compensation you received from a nonqualified deferred compensation plan described in section 457A

See *Line 17i* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on compensation you received from a nonqualified deferred compensation plan described in section 457A.

Line 17j—Section 72(m)(5) excess benefits tax

See *Line 17j* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on the section 72(m)(5) excess benefits tax.

Line 17k—Golden parachute payments

See *Line 17k* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on golden parachute payments.

Line 17l—Tax on accumulation distribution of trusts

See *Line 17l* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on tax on accumulation distribution of trusts.

Line 17m—Excise tax on insider stock compensation from an expatriated corporation

See *Line 17m* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on excise tax on insider stock compensation from an expatriated corporation.

Line 17n—Look-back interest under section 167(g) or 460(b) from Form 8697 or 8866

See *Line 17n* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on look-back interest under section 167(g) or 460(b) from Form 8697 or 8866.

Line 17o—Tax on non-effectively connected income for any part of the year you were a nonresident alien from Form 1040-NR

Leave Schedule 2, line 17o, blank, unless you are a dual-status taxpayer. If you are not a dual-status taxpayer, enter the tax on your noneffectively

connected income (that is, your income not effectively connected with a U.S. trade or business) on Form 1040-NR, line 23a. See [Instructions for Schedule NEC \(Form 1040-NR\)](#), later.

Line 17p—Any interest from Form 8621, line 16f, relating to distributions from, and dispositions of, stock of a section 1291 fund

Leave Schedule 2, line 17p, blank. Persons filing Form 1040-NR do not file Form 8621.

Line 17q—Any interest from Form 8621, line 24

Leave Schedule 2, line 17q, blank. Persons filing Form 1040-NR do not file Form 8621.

Line 17z—Any other taxes

See *Line 17z* under *Instructions for Schedule 2* in the Instructions for Form 1040 for details on other taxes.

Line 19—Additional Tax From Schedule 8812 (Form 1040)

See the Instructions for Schedule 8812 (Form 1040).

Exception. Schedule 8812 (Form 1040) can only be filed by residents of Canada, Mexico, and South Korea, and business apprentices and students who are eligible for the benefits of Article 21(2) of the United States-India income Tax Treaty.

Line 20—Section 965 Net Tax Liability Installment From Form 965-A

Leave Schedule 2 (Form 1040), line 20, blank. Persons filing Form 1040-NR cannot have a section 965 net tax liability installment from Form 965-A.

Instructions for Schedule 3 (Form 1040)—Additional Credits and Payments

General Instructions

As noted in [Form 1040-NR Helpful Hints](#), earlier, you may need to use Schedule 3 (Form 1040) if you can claim a nonrefundable credit (other than the nonrefundable child tax credit

or the credit for other dependents), such as the foreign tax credit or general business credit; or a refundable credit (other than the refundable child tax credit or the additional child tax credit), such as the net premium tax credit, health coverage tax credit, or qualified sick and family leave credits from Schedule H or Schedule SE. You may also need Schedule 3 (Form 1040) if you have other payments, such as an amount paid with a request for an extension to file, excess social security tax withheld, or have a deferral of payments of tax (for certain Schedule H and Schedule SE filers).

When completing a line of Schedule 3 (Form 1040), look to the instructions below for that line, which may direct you to the **Schedule 3 instructions found in the Instructions for Form 1040** for guidance. Also see *General Instructions* under *Instructions for Schedule 3* in the Instructions for Form 1040 for an overview.



See the specific line instructions below for any **Exceptions**. For example, see Line 1 below, which has five exceptions. Also, only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance under Instructions for Schedule 3 in the Instructions for Form 1040 will apply to you.

Specific Instructions

Line 1—Foreign Tax Credit

See *Line 1* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the foreign tax credit.

Exception 1. The TIP, requiring you to see the instructions for Schedule 3 (Form 1040), line 3, does not apply to you. You cannot make a section 962 election.

Exception 2. If you meet all five requirements in *Line 1* under *Instructions for Schedule 3* in the Instructions for Form 1040 and the income for which you are taking the foreign tax credit is income taxed by the United States, enter on Schedule 3 (Form 1040), line 1, the smaller of (a) your total foreign taxes, or (b) the total of the amounts on Form 1040-NR, line 16, and Schedule 2

(Form 1040), line 2. Otherwise, see Form 1116 to see whether you can take the credit. For details on foreign income taxed by the United States, see [Foreign Income Taxed by the United States](#), earlier.

Exception 3. If you are an estate or trust taking the foreign tax credit, you must complete Form 1116. *Exception 2* above is only for individual taxpayers.

Exception 4. Only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance in *Line 1* under *Instructions for Schedule 3* in the Instructions for Form 1040 will apply to you.

Exception 5. The discussion of Form 4563 and Puerto Rico sourced income does not apply to you.

Line 2—Credit for Child and Dependent Care Expenses

See *Line 2* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the credit for child and dependent care expenses.

Line 3—Education Credits

Leave Schedule 3 (Form 1040), line 3, blank. Persons filing Form 1040-NR cannot claim education credits.

Line 4—Retirement Savings Contributions Credit (Saver's Credit)

See *Line 4* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the retirement savings contributions credit (saver's credit).

Exception. Only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance in *Line 4* under *Instructions for Schedule 3* in the Instructions for Form 1040 will apply to you.

Line 5—Residential Energy Credits

See *Line 5* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the residential energy credits: the nonbusiness energy property credit and the residential energy efficient property credit.

Lines 6a Through 6z—Other Nonrefundable Credits

See *Line 6a* through *Line 6z* below for details and exceptions.

Line 6a—General business credit from Form 3800

See *Line 6a* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the general business credit.

Line 6b—Credit for prior year minimum tax from Form 8801

See *Line 6b* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the credit prior year minimum tax from Form 8801.

Line 6c—Adoption credit from Form 8839

See *Line 6c* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the adoption credit from Form 8839.

Line 6d—Credit for the elderly or disabled from Schedule R (Form 1040)

Leave Schedule 3 (Form 1040), line 6d, blank. The credit for the elderly or disabled from Schedule R does not apply to Form 1040-NR filers.

Line 6e—Alternative motor vehicle credit from Form 8910

See *Line 6e* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the alternative motor vehicle credit from Form 8910.

Line 6f—Qualified plug-in motor vehicle credit from Form 8936

See *Line 6f* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the qualified plug-in motor vehicle credit from Form 8936.

Line 6g—Mortgage interest credit from Form 8396

See *Line 6g* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the mortgage interest credit from Form 8396.

Line 6h—District of Columbia first-time homebuyer credit from Form 8859

See *Line 6h* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the District of Columbia first-time homebuyer credit from Form 8859.

Line 6i—Qualified electric vehicle credit from Form 8834

See *Line 6i* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the qualified electric vehicle credit from Form 8834.

Line 6j—Alternative fuel vehicle refueling property credit from Form 8911

See *Line 6j* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on alternative fuel vehicle refueling property credit from Form 8911.

Line 6k—Credit to holders of tax credit bonds from Form 8912

See *Line 6k* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on credit to holders of tax credit bonds from Form 8912.

Line 6l—Amount on Form 8978, line 14

See *Line 6l* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the amount from Form 8978.

Exception. If you use the Negative Form 8978 Adjustment Worksheet—Schedule 3 (Line 6l), you will use the same line of Form 1040-NR that is used for Form 1040 or 1040-SR.

Line 6z—Other nonrefundable credits

See *Line 6z* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on other nonrefundable credits.

Exception. The discussion of the section 962 election does not apply to you. You cannot make that election.

Line 9—Net Premium Tax Credit

See *Line 9* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the net premium tax credit.

Exception. You can claim the premium tax credit for dependents only if you are a U.S. national; resident of Canada, Mexico, or South Korea; or a student or a business apprentice eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty.

If your filing status at the top of page 1 on Form 1040-NR is Married filing separately, you cannot claim the net premium tax credit unless you meet the criteria of one of the exceptions under *Married taxpayers* in the Instructions for Form 8962.

Line 10—Amount Paid With Request for Extension To File

See *Line 10* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the amount paid with a request for extension to file.

Exception. The discussion of Form 2350 does not apply to you. That form is for U.S. citizens and resident aliens abroad.

Line 11—Excess Social Security and Tier 1 RRTA Tax Withheld

See *Line 11* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on excess social security and tier 1 RRTA tax withheld.

Exception. Only use the guidance for the filing status you checked at the top of page 1 of Form 1040-NR. No other guidance in *Line 11* under *Instructions for Schedule 3* in the Instructions for Form 1040 will apply to you. You cannot claim excess social security or tier 1 RRTA tax withheld for your spouse.

Line 12—Credit for Federal Tax on Fuels

See *Line 12* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the credit for federal tax on fuels.

Lines 13a Through 13z—Other Payments and Refundable Credits

See *Line 13b* through *Line 13z* below for details and exceptions.

Line 13b—Qualified sick and family leave credits from Schedule(s) H and Form(s) 7202 for leave taken before April 1, 2021

See *Line 13b* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on qualified sick and family leave credits from Schedule(s) H and Form(s) 7202 for leave taken before April 1, 2021.

Line 13d—Credit for repayment of amounts included in income from earlier years

See *Line 13d* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the credit for repayment of amounts included in income from earlier years.

Line 13e—Reserved for future use

Leave Schedule 3 (Form 1040), line 13e, blank.

Line 13f—Net section 965 inclusions

Leave Schedule 3 (Form 1040), line 13f, blank. Net section 965 inclusions do not apply to Form 1040-NR filers.

Line 13g—Credit for child and dependent care expenses from Form 2441, line 10

See *Line 13g* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on the credit for child and dependent care expenses from Form 2441, line 10.

Exception 1. The discussion regarding Married filing jointly doesn't apply to Form 1040-NR filers. Form 1040-NR filers don't have a Married filing jointly filing status.

Exception 2. The credit for child and dependent care expenses from Form 2441, line 10, is only available to nonresident aliens whose principal place of abode was within the United States for more than one half of 2021. Such individuals include teachers and trainees present in the United States

under non-student “J”-visas and “Q”-visas, and members of their immediate families, as well as most foreign students on “F”-visas, “J”-visas, “M”-visas, and “Q”-visas. (In each case, the individual must comply with the terms of their visa to avoid having days of presence counted for purposes of meeting the substantial presence test.) The days of presence in the United States of foreign government-related individuals (a term which includes employees of international organizations such as the United Nations) and members of their immediate families are similarly excluded from counting towards the substantial presence test for the duration of their qualifying appointments. Further, under section 7701(b)(6), an individual who is a resident of a foreign country having an income tax treaty with the United States and who elects for 2021 to be treated as a nonresident of the United States under the so-called treaty “tie-breaker rule” may file as a nonresident alien on Form 1040-NR, even though they may have a permanent abode within the United States throughout 2021 and reside here for more than 183 days during the year. The individual does so by filing Form 8833 with their Form 1040-NR for that year in the time and manner provided in regulations. (The tie-breaker rule allows an alien who otherwise would be treated as a resident of the United States for all or part of the tax year to be treated for such year, for most purposes, as a nonresident alien.)

Line 13h—Qualified sick and family leave credits from Schedule(s) H and Form(s) 7202 for leave taken after March 31, 2021

See *Line 13h* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on qualified sick and family leave credits from Schedule(s) H and Form(s) 7202 for leave taken after March 31, 2021.

Line 13z—Other payments and refundable credits

See *Line 13z* under *Instructions for Schedule 3* in the Instructions for Form 1040 for details on other payments and refundable credits.

Exception. In *Line 13z* under *Instructions for Schedule 3* in the Instructions for Form 1040, the discussion of section 960 does not apply to you. Persons filing Form 1040-NR cannot claim that credit.

Instructions for Schedule A (Form 1040-NR)—Itemized Deductions



Before you begin:

- Do **not** use Schedule A (Form 1040-NR) with Form 1040 or Form 1040-SR. Use Schedule A (Form 1040-NR) only with Form 1040-NR. Use Schedule A (Form 1040) with Form 1040 or 1040-SR.
- Use only these instructions when completing Schedule A (Form 1040-NR). Do not use the instructions for any other Schedule A.
- Do not include on Schedule A (Form 1040-NR) items deducted elsewhere, such as on Form 1040-NR or Schedule C, E, or F (Form 1040).

Note. Except as provided in [Exception](#) next, include only deductions and losses properly allocated and apportioned to income effectively connected with a U.S. trade or business. Do not include deductions and/or losses that relate to exempt income or to income that is not effectively connected with a U.S. trade or business. See section 861(b).

Exception. You can deduct certain charitable contributions and casualty and theft losses even if they do not relate to your effectively connected income. See [Gifts to U.S. Charities](#) and [Casualty and Theft Losses](#), later.

State and Local Income Taxes

Line 1a. You can deduct state and local income taxes you paid or that were withheld from your salary during 2021 on income connected with a U.S. trade or business. If, during 2021, you received any refunds of, or credits for, income tax paid in earlier years, do not subtract them from the amount you deduct here. Also, do not reduce your deduction by any state or local income tax refund or credit you expect to receive for 2021. Instead,

see the instructions for [Schedule 1, line 1](#), earlier, in these instructions.

Safe harbor for certain charitable contributions made in exchange for a state or local income tax credit.

If you made a charitable contribution in exchange for a state or local income tax credit and your charitable contribution deduction must be reduced as a result of receiving or expecting to receive the tax credit, you may qualify for a safe harbor that allows you to treat some or all of the disallowed charitable contribution as a payment of state and local income taxes.

The safe harbor applies if you meet the following conditions.

1. You made a cash contribution to an entity described in section 170(c).
2. In return for the cash contribution, you received a state or local income tax credit.
3. You must reduce your charitable contribution amount by the amount of the state or local income tax credit you receive.

If you meet these conditions, and to the extent you apply the state or local income tax credit to this or a prior year's state or local income tax liability, you may include this amount on line 1a. To the extent you apply a portion of the credit to offset your state or local income tax liability in a subsequent year (as permitted by law), you may treat this amount as state or local income tax paid in the year the credit is applied.

For more information about this safe harbor and examples, see Notice 2019-12 at [IRS.gov/pub/irs-drop/n-19-12.pdf](https://www.irs.gov/pub/irs-drop/n-19-12.pdf).

Line 1b. The deduction for state and local taxes is generally limited to \$10,000 (\$5,000 if you checked Married filing separately under Filing Status on page 1 of Form 1040-NR). On Schedule A (Form 1040-NR), line 1b, enter the amount which is the smaller of state and local income taxes from line 1a and \$10,000 (\$5,000 if you checked Married filing separately under Filing Status on page 1 of Form 1040-NR).

Gifts to U.S. Charities



For 2021, you may be able to elect a temporary suspension of certain limitations that apply to cash contributions made during the year. See Pub. 526 for more information.

Lines 2 Through 4

You can deduct contributions or gifts you gave to U.S. organizations that are religious, charitable, educational, scientific, or literary in purpose. You can also deduct what you gave to U.S. organizations that work to prevent cruelty to children or animals. Certain whaling captains may be able to deduct expenses paid in 2021 for Native Alaskan subsistence bowhead whale hunting activities. See Pub. 526 for details.

If you itemize your deductions, you cannot claim the charitable deduction for cash contributions of certain residents of India on Form 1040-NR, line 12b, for a gift to a charity. Claim your charitable deduction on Schedule A (Form 1040-NR).

To verify an organization's charitable status, you can do the following.

- Check with the organization to which you made the donation. The organization should be able to provide you with verification of its charitable status.
- Use our online search tool at [IRS.gov/TEOS](https://www.irs.gov/TEOS) to see if an organization is eligible to receive tax-deductible contributions (Pub. 78 data). Click on [Tax Exempt Organization Search](#).

Examples of U.S. qualified charitable organizations. Examples of U.S. qualified charitable organizations include the following.

- Churches, mosques, synagogues, temples, and other religious organizations.
- Boy Scouts, Boys and Girls Clubs of America, CARE, Girl Scouts, Goodwill Industries, Red Cross, Salvation Army, United Way.
- Fraternal orders, if the gifts will be used for the purposes listed under [Lines 2 Through 4](#) above.
- Veterans' and certain cultural groups.
- Nonprofit hospitals and medical research organizations.

- Most nonprofit educational organizations, such as colleges, but only if your contribution is not a substitute for tuition or other enrollment fees.
- Federal, state, and local governments if the gifts are solely for public purposes.

Amounts you can deduct.

Contributions can be in cash, property, or out-of-pocket expenses you paid to do volunteer work for the kinds of organizations described earlier. If you drove to and from the volunteer work, you can take the actual cost of gas and oil or 14 cents a mile. Add parking and tolls to the amount you claim under either method. But do not deduct any amounts that were repaid to you.

Gifts from which you benefit. If you made a gift and received a benefit in return, such as food, entertainment, or merchandise, you can generally deduct only the amount that is more than the value of the benefit. But this rule does not apply to certain membership benefits provided in return for an annual payment of \$75 or less or to certain items or benefits of token value. For details, see Pub. 526.

Example. You paid \$70 to a charitable organization to attend a fund-raising dinner and the value of the dinner was \$40. You can deduct only \$30.

Gifts of \$250 or more. You can deduct a gift of \$250 or more only if you have a contemporaneous written acknowledgment from the charitable organization showing the information in (1) and (2) next.

1. The amount of any money contributed and a description (but not value) of any property donated.
2. Whether the organization did or did not give you any goods or services in return for your contribution. If you did receive any goods or services, a description and estimate of the value must be included. If you received only intangible religious benefits (such as admission to a religious ceremony), the organization must state this, but it does not have to describe or value the benefit.

In figuring whether a gift is \$250 or more, do not combine separate donations. For example, if you gave your church \$25 each week for a total of \$1,300, treat each \$25 payment as

a separate gift. If you made donations through payroll deductions, treat each deduction from each paycheck as a separate gift. See Pub. 526 if you made a separate gift of \$250 or more through payroll deduction.

To be contemporaneous, you must get the written acknowledgment from the charitable organization by the date you file your return or the due date (including extensions) for filing your return, whichever is earlier. Do not attach the contemporaneous written acknowledgment to your return. Instead, keep it for your records.

Limit on the amount you can deduct. See Pub. 526 to figure the amount of your deduction if any of the following applies.

1. Your cash contributions or contributions of ordinary income property are more than 30% of the amount on Form 1040-NR, line 11.
2. Your gifts of capital gain property are more than 20% of the amount on Form 1040-NR, line 11.
3. You gave gifts of property that increased in value or gave gifts of the use of property.

Amounts you cannot deduct.

- Certain contributions to charitable organizations, to the extent that you receive a state or local income tax credit in return for your contribution. See Pub. 526 for more details and exceptions.



See [Safe harbor for certain charitable contributions made in exchange for a state or local income tax credit](#), earlier, under Line 1a, if your cash contribution is disallowed because you received or expected to receive a credit.

- An amount paid to or for the benefit of a college or university in exchange for the right to purchase tickets to an athletic event in the college's or university's stadium.
- Travel expenses (including meals and lodging) while away from home performing donated services, unless there was no significant element of personal pleasure, recreation, or vacation in the travel.
- Political contributions.
- Dues, fees, or bills paid to country clubs, lodges, fraternal orders, or similar groups.

- Cost of raffle, bingo, or lottery tickets. But you may be able to deduct these expenses on line 7. See [Line 7](#), later, for more information on gambling losses.
- Value of your time or services.
- Value of blood given to a blood bank.
- The transfer of a future interest in tangible personal property. Generally, no deduction is allowed until the entire interest has been transferred.
- Gifts to individuals and groups that are operated for personal profit.
- Gifts to foreign organizations. But you may be able to deduct gifts to certain U.S. organizations that transfer funds to foreign charities and certain Canadian, Israeli, and Mexican charities. For details and exceptions, see Pub. 526.
- Gifts to organizations engaged in certain political activities that are of direct financial interest to your trade or business. See section 170(f)(9).
- Gifts to groups whose purpose is to lobby for changes in the laws.
- Gifts to civic leagues, social and sports clubs, labor unions, and chambers of commerce.
- Value of benefits received in connection with a contribution to a charitable organization. See Pub. 526 for exceptions.
- Cost of tuition.

Line 2—Gifts by Cash or Check

Enter on line 2 the total value of gifts you made in cash or by check (including out-of-pocket expenses) unless a limit on deducting gifts applies to you. For more information about the limits on deducting gifts, see [Limit on amount you can deduct](#), earlier. If your deduction is limited, you may have a carryover to next year. See Pub. 526 for more information.

Deduction for gifts by cash or check limited. If your deduction for the gifts you made in cash or by check is limited, see Pub. 526 to figure the amount you can deduct. Only enter on line 2 the deductible value of gifts you made in cash or by check.

Recordkeeping. For any contribution made in cash, regardless of the amount, you must maintain as a record of the contribution a bank record (such as a canceled check or credit card statement) or a written record from the charity. The written

record must include the name of the charity, date, and amount of the contribution. If you made contributions through payroll deduction, see Pub. 526 for information on the records you must keep. Do not attach the record to your tax return. Instead, keep it with your other tax records.

For contributions of \$250 or more, you must also have a contemporaneous written acknowledgment from the charitable organization. See [Gifts of \\$250 or more](#), earlier, for more information. You will still need to keep a record of when you made the cash contribution if the contemporaneous written acknowledgment does not include that information.

Qualified Contributions

In general, you can elect to treat gifts by cash or check as qualified contributions if the gift was paid in 2021 to a qualified charitable organization. This election isn't available for contributions to an organization described in section 509(a)(3) or for the establishment of a new, or maintenance of an existing, donor advised fund. For details, see Pub. 526.

Qualified contributions are not subject to a limitation based on a percentage of adjusted gross income; however, certain limits may apply if your qualified contributions are more than the amount on Form 1040-NR, line 11, minus all other allowable contributions. For details, see Pub. 526.

Include any contributions that you elect to treat as qualified contributions in the total amount reported on Schedule A (Form 1040-NR), line 2. Indicate the election by also entering the amount of your qualified contributions on the dotted line next to the Schedule A (Form 1040-NR), line 2, entry space.

Line 3—Other Than by Cash or Check

Enter on line 3 the total value of your contributions of property other than by cash or check unless a limit on deducting gifts applies to you. For more information about the limits on deducting gifts, see [Limit on amount you can deduct](#), earlier. If your

deduction is limited, you may have a carryover to next year. See Pub. 526 for more information.

Deduction for gifts other than by cash or check limited. If your deduction for the contributions of property other than by cash or check is limited, see Pub. 526 to figure the amount you can deduct. Only enter on line 3 the deductible value of your contributions of property other than by cash or check.

Valuing contributions of used items. If you gave used items, such as clothing or furniture, deduct their fair market value at the time you gave them. Fair market value is what a willing buyer would pay a willing seller when neither has to buy or sell and both are aware of the conditions of the sale. For more details on determining the value of donated property, see Pub. 561.

Deductions more than \$500. If the amount of your deduction is more than \$500, you must complete and attach Form 8283. For this purpose, the “amount of your deduction” means your deduction before applying any income limits that could result in a carryover of contributions.

Contribution of motor vehicle, boat, or airplane. If you deduct more than \$500 for a contribution of a motor vehicle, boat, or airplane, you must also attach a statement from the charitable organization to your paper return. The organization may use Form 1098-C to provide the required information.

If your total deduction is over \$5,000 (\$500 for certain contributions of clothing and household items (see below)), you may also have to get appraisals of the values of the donated property.


See Form 8283 and its instructions for details.

Contributions of clothing and household items. A deduction for these contributions will be allowed only if the items are in good used condition or better. However, this rule does not apply to a contribution of any single item for which a deduction of more than \$500 is claimed and for which you include a qualified appraisal and Form 8283 with your tax return.

Recordkeeping. If you gave property, you should keep a receipt or written statement from the organization you gave the property to, or a reliable written record, that shows the organization's name and address, the date and location of the gift, and a description of the property. For each gift of property, you should also keep reliable written records that include the following.

- How you figured the property's value at the time you gave it. If the value was determined by an appraisal, keep a signed copy of the appraisal.
- The cost or other basis of the property if you must reduce it by any ordinary income or capital gain that would have resulted if the property had been sold at its fair market value.
- How you figured your deduction if you chose to reduce your deduction for gifts of capital gain property.
- Any conditions attached to the gift.

If the gift of property is \$250 or more, you must also have a contemporaneous written acknowledgment from the charitable organization. See [Gifts of \\$250 or more](#), earlier, for more information. Form 8283 doesn't satisfy the contemporaneous written acknowledgment requirement, and a contemporaneous written acknowledgment is not a substitute for the other records you may need to keep if you gave property.

 *If your total deduction for gifts of property is over \$500, you gave less than your entire interest in the property, or you made a qualified conservation contribution, your records should contain additional information. See Pub. 526 for details.*

Line 4—Carryover From Prior Year

You may have contributions that you could not deduct in an earlier year because they exceeded the limits on the amount you could deduct. In most cases, you have 5 years to use contributions that were limited in an earlier year. The same limits apply this year to your carryover amounts as applied to those amounts in the earlier year. After applying those limits, enter the amount of your carryover that you are allowed to deduct this year. See Pub. 526 for details.

Casualty and Theft Losses

Line 6—Casualty or Theft Loss(es)

Complete and attach Form 4684 to figure the amount of your loss. Only enter the amount from Form 4684, line 18, on line 6.



Do not enter a net qualified disaster loss from Form 4684, line 15, on line 6. Instead, enter that amount, if any, on line 7. See [Line 7](#), later, for information about reporting a net qualified disaster loss.

You may be able to deduct part or all of each loss caused by theft, vandalism, fire, storm, or similar causes; car, boat, and other accidents; and corrosive drywall. You may also be able to deduct money you had in a financial institution but lost because of the insolvency or bankruptcy of the institution. See Pub. 547 for the limitations.

You can only deduct nonbusiness/ personal casualty or theft losses attributable to a federally declared disaster and only to the extent that:

1. The amount of each separate casualty or theft loss is more than \$100; and
2. The total amount of all losses during the year (reduced by the \$100 limit discussed in (1)) is more than 10% of the amount shown on Form 1040-NR, line 11.



An exception to the rule limiting the deduction for personal casualty and theft losses to disaster losses applies where you have personal casualty gains not attributable to a federally declared disaster. In this case, you may deduct personal casualty losses that are not attributable to a federally declared disaster to the extent they don't exceed your personal casualty gains.

See the Instructions for Form 4684, Casualties and Thefts, and Pub. 547, Casualties, Disasters, and Thefts, for more information.

Other Itemized Deductions

Line 7—Other

Increased standard deduction reporting for certain students and business associates from India. If you are a student or business

apprentice from India who is eligible for the benefits of Article 21(2) of the United States-India Income Tax Treaty, if you are electing the standard deduction, and if you have a net qualified disaster loss on Form 4684, line 15, you can claim an increased standard deduction using Schedule A (Form 1040-NR) by doing the following.

1. List the amount from Form 4684, line 15, as "Net Qualified Disaster Loss" on the dotted line next to line 7 of your Schedule A (Form 1040-NR), and attach Form 4684 to your Schedule A (Form 1040-NR).
2. List your standard deduction amount as "Standard Deduction Claimed With Qualified Disaster Loss" on the dotted line next to line 7.
3. Combine the two amounts on line 7 of your Schedule A (Form 1040-NR) and enter the sum on Form 1040-NR, line 12a.

Do not enter an amount on any other line of Schedule A (Form 1040-NR). For more information on how to determine your increased standard deduction, see Pub. 976.

Net qualified disaster loss reporting. If you have a net qualified disaster loss on Form 4684, line 15, of property located in the United States, list the amount from Form 4684, line 15, on the dotted lines next to line 7 as "Net Qualified Disaster Loss" and include with your other miscellaneous deductions on line 7. Also be sure to attach Form 4684.



Don't include your net qualified disaster loss on line 6.

Only certain expenses can be deducted on this line. List the type and amount of each such expense on the dotted lines next to line 7 and enter the total of these expenses on line 7. If you are filing a paper return and you cannot fit all your expenses on the dotted lines next to line 7, attach a statement instead showing the type and amount of each expense. Enter one total on line 7. Examples of these expenses follow.

- Gambling losses effectively connected with a U.S. trade or business (gambling losses include, but aren't limited to, the cost of non-winning bingo, lottery, and raffle tickets), but only to the extent of

gambling winnings reported on Schedule 1 (Form 1040), line 8b.

- Casualty and theft losses of income-producing property from Form 4684, lines 32 and 38b, or Form 4797, line 18a.
 - Deduction for repayment of amounts under a claim of right if over \$3,000. See Pub. 525 for details.
 - Certain unrecovered investment in a pension.
 - Impairment-related work expenses of a disabled person.
- For more details, see Pub. 529.

Total Itemized Deductions

Line 8

Enter the total of lines 1b, 5, 6, and 7 on line 8. Also enter this amount on Form 1040-NR, line 12a.

Instructions for Schedule NEC (Form 1040-NR)—Tax on Income Not Effectively Connected With a U.S. Trade or Business



Do not use Schedule NEC (Form 1040-NR) with Form 1040 or Form 1040-SR. Use Schedule NEC (Form 1040-NR) only with Form 1040-NR.

Enter your income in the row that lists the correct category of income and in the column that lists the correct tax rate under a tax treaty or the general U.S. tax rules. Use column (d) if the income is subject to a 0% rate. Include income only to the extent it is U.S. source and not effectively connected with the conduct of a trade or business in the United States.

Withholding of tax at the source.

Tax must be withheld at the source on income not effectively connected with a U.S. trade or business that is paid to nonresident aliens. The withholding is generally at a 30% rate. The tax must be withheld by the person who pays the income. For details, see Pub. 519, Pub. 515, and section 1441 and its regulations.

Certain amounts paid for guarantees of indebtedness issued after September 27, 2010, are U.S. source income. If the payments are not made in connection with a U.S. trade or business, tax must be withheld.

Exceptions. There are exceptions to the general rule. The withholding tax rate may be lower or the income may be exempt if your country of tax residence and the United States have a treaty setting lower rates. See Treaty Table 1, Tax Rates on Income Other Than Personal Service Income Under Chapter 3, Internal Revenue Code, and Income Tax Treaties, available at [IRS.gov/Individuals/International-Taxpayers/Tax-Treaty-Tables](https://www.irs.gov/Individuals/International-Taxpayers/Tax-Treaty-Tables).

The 30% tax applies only to amounts included in gross income. For example, the tax applies only to the part of a periodic annuity or pension payment that is subject to tax. It does not apply to the part that is a return of your cost.

Categories of Noneffectively Connected Income

The following list gives only a general idea of the types of income to include on Schedule NEC. The instructions for a specific line include more information and any exceptions to withholding. For more information, see Pub. 519 and Pub. 515.

1. Income that is fixed or periodic, such as interest (see below for original issue discount), dividends, rents, salaries, wages, premiums, annuities, other compensation, or certain alimony received (see the Caution below). Other items of income, such as royalties, may also be subject to the 30% tax.

2. Gains, other than capital gains, from the sale or exchange of patents, copyrights, and other intangible property.



Alimony you received pursuant to a divorce or separation agreement entered into on or before December 31, 2018, is income on your 2021 Form 1040-NR unless that agreement was changed after December 31, 2018, to expressly provide that alimony you received isn't included in your income. Alimony you received is not included in your income if you entered into the divorce or separation agreement after December 31, 2018.

3. Original issue discount (OID). If you sold or exchanged the obligation, include in income the OID that accrued while you held the obligation minus the amount previously included

in income. If you received a payment on an OID obligation, see Pub. 519.

4. Capital gains in excess of capital losses from U.S. sources during 2021. Include these gains only if you were in the United States at least 183 days during 2021.

5. Prizes, awards, and certain gambling winnings. Proceeds from lotteries, raffles, etc., are gambling winnings (see Pub. 519 for exceptions). You must report the full amount of your winnings unless you are a resident of Canada.



See [Lines 10a Through 10c—Gambling Winnings—Residents of Canada](#) and [Line 11—Gambling Winnings—Residents of Countries Other Than Canada](#), later.

Lines 1a, 1b, and 1c—Dividends

Except as provided next, include all dividends paid by U.S. corporations on line 1a. Include all U.S. source dividends paid by foreign corporations on line 1b. Include all dividend equivalent payments received with respect to section 871(m) transactions on line 1c. A dividend includes a substitute dividend payment made to the transferor of a security in a securities lending transaction or a sale-repurchase transaction that would be treated as a dividend if it were a distribution on the transferred security.

Dividend equivalent payments.

Dividends also include all dividend equivalent payments made after September 13, 2010. Currently, dividend equivalent payments include (1) substitute dividends, (2) payments made pursuant to a specified notional principal contract, and (3) payments made pursuant to a specified equity-linked instrument that are (directly or indirectly) contingent on, or determined by reference to, the payment of a dividend from U.S. sources.

A notional principal contract that is treated as a specified notional principal contract as of January 1, 2017, will remain a specified notional principal contract after January 1, 2017.

For payments made on or after January 1, 2017, a notional principal contract is a simple notional principal

contract under Regulations section 1.871-15(d)(2)(i) or a complex notional principal contract under Regulations section 1.871-15(d)(2)(ii). In 2017 and 2018, a simple notional principal contract that has a delta of one with respect to an underlying security when the notional principal contract is issued is a specified notional principal contract. Beginning in 2019, these rules will also apply to certain non-delta-one notional principal contracts. Similar rules apply to a complex notional principal contract; however, a complex notional principal contract is subject to the substantial equivalence test rather than the delta test. See Regulations section 1.871-15(h) for rules relating to the substantial equivalence test.

For more information on dividend equivalent payments, see Pub. 519 and Pub. 515. For information on payments with respect to notional principal contracts and equity-linked instruments, see Regulations section 1.871-15.

Exceptions. The following items of dividend income that you received as a nonresident alien are generally exempt from the 30% tax.

- Interest-related dividends received from a mutual fund.
 - Short-term capital gain dividends from a mutual fund only if you were present in the United States for less than 183 days during the tax year.
 - If a U.S. corporation in existence on January 1, 2021, received most of its gross income from the active conduct of a foreign business, and continues to receive most of its gross income from the active conduct of a foreign business, the part of the dividend attributable to the foreign gross income.
 - U.S. source dividends paid by certain foreign corporations.
- For more information, including other exceptions to withholding, see *Dividends* in Pub. 519 and Pub. 515.

Lines 2a Through 2c—Interest

Include all interest on the appropriate line 2a, 2b, or 2c.

Exceptions. The following items of interest income that you received as a nonresident alien are generally exempt from the 30% tax.

- Interest from a U.S. bank, savings and loan association, or similar

institution, and from certain deposits with U.S. insurance companies.

- Portfolio interest on obligations issued after July 18, 1984.



Interest payments on foreign bearer obligations (bonds not issued in registered format and held by non-U.S. holders) issued on or after March 19, 2012, are not eligible for the portfolio interest exception to withholding.

For more information, including other exceptions to withholding, see *Interest* in Pub. 519 and Pub. 515.

Line 6—Real Property Income and Natural Resources Royalties

Enter income from real property on line 6. Do not include any income that you elected to treat as effectively connected and included on Schedule 1 (Form 1040), line 5. For more information, see the instructions for [Schedule 1, line 5](#), earlier.

Line 8—Social Security Benefits (and Tier 1 Railroad Retirement Benefits Treated as Social Security)

85% of the U.S. social security and equivalent railroad retirement benefits you received are taxable. This amount is treated as U.S. source income not effectively connected with a U.S. trade or business. It is subject to the 30% tax rate, unless exempt or taxed at a reduced rate under a U.S. tax treaty. Social security benefits include any monthly benefit under title II of the Social Security Act or the part of a tier 1 railroad retirement benefit treated as a social security benefit. They do not include any Supplemental Security Income (SSI) payments.

You should receive a Form SSA-1042S showing the total social security benefits paid to you in 2021 and the amount of any benefits you repaid in 2021. If you received railroad retirement benefits treated as social security, you should receive a Form RRB-1042S.

Enter 85% of the total amount from box 5 of all of your Forms SSA-1042S and Forms RRB-1042S in the appropriate column of line 8 of Schedule NEC. Attach a copy of each Form SSA-1042S and RRB-1042S to the front of Form 1040-NR.

Social security information. Social security beneficiaries can now get a variety of information from the SSA website with a *my Social Security* account, including getting a replacement Form SSA-1099 or Form SSA-1042S if needed. For more information and to set up an account, go to [SSA.gov/myaccount](https://www.ssa.gov/myaccount).

Form RRB-1099 or Form RRB-1042S. If you need a replacement Form RRB-1099 or Form RRB-1042S, call the Railroad Retirement Board at 877-772-5772 or go to [RRB.gov](https://www.rrb.gov).

Line 9—Capital Gain

Enter the amount from Schedule NEC (Form 1040-NR), line 18.

Lines 10a Through 10c—Gambling Winnings—Residents of Canada

If you are a resident of Canada who is not engaged in the trade or business of gambling, enter all gambling winnings on line 10a. Include proceeds from lotteries and raffles. **Do not include** winnings from blackjack, baccarat, craps, roulette, or big-6 wheel. You can deduct your U.S. source gambling losses to the extent of your U.S. source gambling winnings. Enter your gambling losses on line 10b. Enter your net gambling income on line 10c, column (c). If line 10b is more than line 10a, enter -0- on line 10c. A net loss from gambling activities is not deductible.

Line 11—Gambling Winnings—Residents of Countries Other Than Canada

Residents of one of the following countries who are not engaged in the trade or business of gambling enter all gambling winnings on line 11, column (d), specifying 0%: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, Russia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Tunisia, Turkey, Ukraine, and the United Kingdom.

Residents of Malta who are not engaged in the trade or business of gambling enter all gambling winnings on line 11, column (a).

Example—John Maple

Schedule NEC Example—John Maple

Schedule NEC—Tax on Income Not Effectively Connected With a U.S. Trade or Business (see instructions)

Enter **amount of income** under the appropriate rate of tax. See instructions.

Nature of Income		(a) 10%	(b) 15%	(c) 30%	(d) Other (specify)	
					%	%
1 Dividends and dividend equivalents:						
a Dividends paid by U.S. corporations	1a		1,000			
b Dividends paid by foreign corporations	1b					
10 Gambling—Residents of Canada only. Enter net income in column (c). If zero or less, enter -0-						
a Winnings				5,000		
b Losses				4,500		
11 Gambling winnings—Residents of countries other than Canada. Note: Losses not allowed	11					
12 Other (specify) ▶	12					
13 Add lines 1a through 12 in columns (a) through (d)	13		1,000	500		
14 Multiply line 13 by rate of tax at top of each column	14		150	150		
15 Tax on income not effectively connected with a U.S. trade or business. Add columns (a) through (d) of line 14. Enter the total here and on Form 1040-NR, line 23a ▶	15					300

Residents of other countries who are not engaged in the trade or business of gambling enter all gambling winnings on line 11, column (c).

Include proceeds from lotteries and raffles. **Do not include** winnings from blackjack, baccarat, craps, roulette, or big-6 wheel. You cannot offset losses against winnings and report the difference unless the winnings and losses are from the same session.

TIP If you have winnings from blackjack, baccarat, craps, roulette, or big-6 wheel, and the casino gave you a Form 1042-S showing that tax was withheld, enter these winnings on line 11, column (d), and enter 0% as the tax rate. You can claim a refund of the tax.

Line 12—Other

Include all U.S. source income that has not been reported on another line or is not excluded from tax. This includes prizes and awards. It also includes the tax withheld pursuant to section 5000C on specified federal procurement payments.

Example. John Maple is a resident of Canada who purchased stock in XYZ, a U.S. corporation. In 2021, XYZ paid dividends of \$1,000 to John. The U.S. withholding tax rate on these dividends is 30%. However, Article X of the tax treaty between the United States and Canada limits the U.S. tax rate on these dividends to a maximum rate of 15%. John filed Form W-8BEN with XYZ to claim the

lower treaty rate, and XYZ correctly withheld \$150. In addition, John has U.S. source gross gambling winnings of \$5,000 and U.S. source gambling losses of \$4,500. These items would be reported on Schedule NEC as shown in the [example](#).

Lines 16 Through 18—Capital Gains and Losses From Sales or Exchanges of Property

Include these gains only if you were in the United States at least 183 days during 2021. They are not subject to U.S. tax if you were in the United States less than 183 days during the tax year. In determining your net gain, do not use the capital loss carryover. Losses from sales or exchanges of capital assets in excess of similar gains are not allowed. Enter the amount from line 18 on line 9. If you had a gain or loss on disposing of a U.S. real property interest, see [Dispositions of U.S. Real Property Interests](#), earlier.

Instructions for Schedule OI (Form 1040-NR) Other Information

CAUTION Do not use Schedule OI (Form 1040-NR) with Form 1040 or Form 1040-SR. Use Schedule OI (Form 1040-NR) only with Form 1040-NR.

Answer all questions.

Item A

List all countries of which you were a citizen or national during the tax year.

Item B

List the foreign country in which you claimed residence for tax purposes during the tax year.

Item C

If you have ever completed immigration Form I-485 and submitted the form to the U.S. Citizenship and Immigration Services, or have ever completed a Form DS-230 and submitted it to the Department of State, you have applied to become a green card holder (lawful permanent resident) of the United States.

Item D

If you checked “Yes” for D1 or D2, you may be a U.S. tax expatriate and special rules may apply to you. See *Expatriation Tax* in chapter 4 of Pub. 519 for more information.

Item E

If you had a visa on the last day of the tax year, enter your visa type. Examples are the following.

- B-1 Visitor for business.
- F-1 Students—academic institutions.
- H-1B Temporary worker with specialty occupation.
- J-1 Exchange visitor.

If you do not have a visa, enter your U.S. immigration status on the last day of the tax year. For example, if you entered under the visa waiver

program, enter “VWP” and the name of the Visa Waiver Program Country.

If you were not present in the United States on the last day of the tax year, and you have no U.S. immigration status, enter “Not present in U.S.—No U.S. immigration status.”

Item F

If you ever changed your visa type or U.S. immigration status, check the “Yes” box. For example, you entered the United States in 2020 on an F-1 visa as an academic student. On August 21, 2021, you changed to an H-1B visa as a teacher. You will check the “Yes” box and enter on the dotted line “Changed status from F-1 student to H-1B teacher on August 21, 2021.”

Item G

Enter the dates you entered and left the United States during 2021 on short business trips or to visit family, go on vacation, or return home briefly.

If you are a resident of Canada or Mexico and commute to work in the United States on more than 75% of the workdays during your working period, you are a regular commuter and do not need to enter the dates you entered and left the United States during the year. Commute means to travel to work and return to your residence within a 24-hour period. Check the appropriate box for Canada or Mexico and skip to item H. See *Days of Presence in the United States* in chapter 1 of Pub. 519.

If you were in the United States on January 1, enter 1/1 as the first date you entered the United States. If you were in the United States on December 31, do not enter any date departed.

Item H

Review your entry and passport stamps or other records to count the number of days you were actually present in the United States during the years listed. A day of presence is any day that you are physically present in the United States at any time during the 24-hour period beginning at 12:01 a.m. For the list of exceptions to the days you must count as actually present in the United States, see *Days of Presence in the United States* in chapter 1 of Pub. 519. If you were not in the United States on any day of the year, enter -0-.

Item I

If you filed a U.S. income tax return for a prior year, enter the latest year for which you filed a return and the form number you filed.

Item J

If you are filing this return for a trust, check the first “Yes” box. Check the second “Yes” box if you checked the first “Yes” box and at least one of the following statements applies to the trust.

- The trust (or any part of the trust) is treated as a **grantor trust** under the grantor trust rules (sections 671 through 679), whether or not the person who is treated as the owner of the trust is a U.S. person.
- The trust made a **distribution or loan** to a U.S. person during the tax year. A distribution (direct or indirect) or loan includes the uncompensated use of trust property (section 643(i)(2)(E)).
- The trust received a **contribution** from a U.S. person during the tax year.

See the Instructions for Form 3520.

A U.S. person is a U.S. citizen or resident alien, a domestic partnership, a domestic corporation, an estate other than a foreign estate, or a domestic trust. See Pub. 519 for more information.

Item K

If you received total compensation of \$250,000 or more for 2021, check the first “Yes” box. If you checked the first “Yes” box, check the second “Yes” box if you are using an alternative method to determine the source of the compensation. Total compensation includes all compensation from sources within and outside the United States.

If you check the second “Yes” box, you must attach a statement to your return. For details about the statement and the alternative method, see [Services Performed Partly Within and Partly Outside the United States](#), earlier.

Item L

If you are claiming exemption from income tax under a U.S. income tax treaty with a foreign country on Form 1040-NR, you must provide all the information requested in item L.

Line 1. If you are a resident of a treaty country (that is, you qualify as a resident of that country within the meaning of the tax treaty between the United States and that country), you must know the terms of the tax treaty between the United States and that country to properly complete item L. You can download the complete text of most U.S. tax treaties at IRS.gov. Enter “tax treaties” in the search box and click on *United States Income Tax Treaties - A to Z*. Technical explanations for many of those treaties are also available at that site.

Column (a), Country. Enter the treaty country that qualifies you for treaty benefits.

Column (b), Tax treaty article. Enter the number of the treaty article that exempts the income from U.S. tax.

Column (c), Number of months claimed in prior tax years. Enter the number of months in prior tax years for which you claimed an exemption from U.S. tax based on the specified treaty article.

Column (d), Amount of exempt income in current tax year. Enter the amount of income in the current tax year that is exempt from U.S. tax based on the specified treaty article.

Line (e), Total. Add the amounts in column (d). Enter the total on Schedule OI (Form 1040-NR), item L, line 1e, and on Form 1040-NR, page 1, line 1c. Do not include this amount in the amount entered on Form 1040-NR, page 1, line 1a or 1b.

Attach any Form 1042-S you received for treaty-exempt income. If required, attach Form 8833. See [Treaty-based return position disclosure](#), later.

Example. Sara is a citizen of Italy and was a resident there until September 2020, when she moved to the United States to accept a position as a high school teacher at an accredited public school. Sara came to the United States on a J-1 visa (Exchange visitor) and signed a contract to teach for 2 years at this U.S. school. She began teaching in September 2020 and plans to continue teaching through May 2022. Sara’s salary per school year is \$40,000. She plans to return to Italy in June 2022 and resume her Italian


Example. Item L—Income Exempt From Tax by Treaty

(a) Country	(b) Tax treaty article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year
Italy	20	4	\$40,000
(e) Total. Enter this amount on Form 1040-NR, line 1c. Do not enter it on line 1a or line 1b			\$40,000

residence. For calendar year 2021, Sara earned \$40,000 from her teaching position. She completes the table in item L on her 2021 tax return as shown in the [example](#).

Line 2. Check “Yes” if you were subject to tax in a foreign country on any of the income reported in line 1, column (d).

Line 3. Check “Yes” if you are claiming tax treaty benefits pursuant to a Competent Authority determination allowing you to do so. You must attach to your tax return a copy of the Competent Authority determination letter.

 *If you are claiming tax treaty benefits and you failed to submit adequate documentation to a withholding agent, you must attach to your tax return all information that would have otherwise been required on the withholding tax document (for example, all information required on Form W-8BEN (Individuals), Form W-8BEN-E (Entities), or Form 8233).*

Treaty-based return position disclosure. If you take the position that a treaty of the United States overrides or modifies any provision of the Internal Revenue Code and that position reduces (or potentially reduces) your tax, you must generally report certain information on Form 8833 and attach it to Form 1040-NR.

If you fail to report the required information, you will be charged a penalty of \$1,000 for each failure, unless you show that such failure is due to reasonable cause and not willful neglect. For more details, see Form 8833 and its instructions.

Exceptions. You do not have to file Form 8833 for any of the following. See Pub. 519 for more items.

1. You claim a treaty that reduces the withholding tax on interest, dividends, rents, royalties, or other fixed or determinable annual or periodic income ordinarily subject to the 30% rate.
2. You claim a treaty that reduces or modifies the taxation of income from dependent personal services, pensions, annuities, social security and other public pensions, or income of artists, athletes, students, trainees, or teachers. This includes taxable scholarship and fellowship grants.
3. You claim an International Social Security Agreement, or a Diplomatic or Consular Agreement, reduces or modifies the taxation of income.
4. You are a partner in a partnership or a beneficiary of an estate or trust that reports the required information on its return.
5. The payments or items of income that are otherwise required to be disclosed total no more than \$10,000.

Item M

Line 1. Check the box if 2021 is the first year you are making an election to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). The election applies to all income from real property located in the United States and held for the production of income and to all income from any interest in that property.

The election will remain effective for all future tax years unless you revoke it. See chapter 4 of Pub. 519 for more details on how to make and revoke this election.

Line 2. Check the box if:

1. You have made an election in a previous tax year to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d), and
2. You haven’t revoked that election.

Tax Topics

All topics are available in Spanish (and most topics are available in Chinese, Korean, Vietnamese, and Russian).

You can read these Tax Topics at [IRS.gov/TaxTopics](https://www.irs.gov/TaxTopics).

Tax information for aliens.

- 851—Resident and nonresident aliens.
- 856—Foreign tax credit.
- 857—Individual taxpayer identification number (ITIN)—Form W-7.
- 858—Alien tax clearance.

Disclosure, Privacy Act, and Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. Sections 6001, 6011, and 6012(a) and their regulations require that you give us the information.

We need it to ensure that you are complying with these laws and to allow us to figure and collect the right

amount of tax. Section 6109 requires you to provide your identifying number. If you fail to provide the requested information in a timely manner, you may be charged penalties and interest and be subject to criminal prosecution. We may also have to disallow the exemptions, exclusions, credits, deductions, or adjustments; this could make the tax higher or delay any refund. Interest may also be charged.

This notice applies to all papers you file with us, including this tax return. It also applies to any questions we need to ask to complete, correct, or process your return; figure your tax; and collect tax, interest, or penalties. 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. However, section 6103 allows or requires the Internal Revenue Service to disclose or give the information shown on your tax return to others as described in the Code. For example, we may disclose your tax information to the Department of Justice, to enforce federal civil and criminal tax laws, and to cities, states, the District of Columbia, and U.S. commonwealths or possessions to carry out their tax laws. We may disclose your tax information to the Department of Treasury and contractors for tax administration purposes; and to other persons as necessary to obtain

information needed to determine the amount of or to collect the tax you owe. We may disclose your tax information to the Comptroller General of the United States to permit review of the Internal Revenue Service. We may disclose your tax information to committees of Congress; federal, state, and local child support agencies; and to other federal agencies for purposes of determining entitlement for benefits or the eligibility for and the repayment of loans. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. Keep this notice with your records. It may help you if we ask you for other information. If you have any questions about the rules for filing and giving information, call or visit any Internal Revenue Service office.

We Welcome Comments on Forms

We try to create forms and instructions that can be easily understood. Often, this is difficult to do because our tax laws are very complex. For some people with income mostly from wages, filling in the forms is easy. For others who have businesses, pensions, stocks, rental income, or other investments, it is more difficult.

We welcome your comments about these instructions and your suggestions for future editions. You can send us comments through [IRS.gov/FormComments](https://www.irs.gov/FormComments). Or you can write to the:

Internal Revenue Service
Tax Forms and Publications
1111 Constitution Ave. NW
IR-6526
Washington, DC 20224
U.S.A.

Don't send your Form 1040-NR to this address. Instead, see [Where To File](#), earlier.

Although we cannot respond individually to each comment received, we do appreciate your feedback and will consider your comments as we revise our tax forms and instructions.

Estimates of Taxpayer Burden

Reported time and cost burdens are national averages and do not necessarily reflect a "typical" case. The estimated average time burden for all taxpayers filing a Form 1040-NR is 12 hours, with an average cost of \$230 (see the amount in the table below), per return. This average includes all related forms and schedules, across all preparation methods and taxpayer activities. Within these estimates, there is significant variation in taxpayer activity.

Out-of-pocket costs include any expenses incurred by taxpayers to prepare and submit their tax returns. Examples include tax return preparation and submission fees, postage and photocopying costs, and tax preparation software costs. Tax preparation fees vary widely depending on the tax situation of the taxpayer, the type of professional preparer, and the geographic area.

If you have comments concerning the time and cost estimates, you can contact us at either one of the addresses shown under [We Welcome Comments on Forms](#), earlier.

Estimates of Taxpayer Burden

The table shows burden estimates as of November 2021 for taxpayers filing a 2021 Form 1040-NR tax return.

Form	Average Time Burden (Hours)	Average Cost*
1040-NR	13	\$240

* Dollars rounded to the nearest \$10.

Taxpayer Bill of Rights

All taxpayers have fundamental rights they should be aware of when dealing with the IRS. The Taxpayer Bill of Rights, which the IRS adopted in June of 2014, takes existing rights in the tax code and groups them into the following 10 broad categories, making them easier to understand. Explore your rights and our obligations to protect them.

The right to be informed. Taxpayers have the right to know what they need to do to comply with the tax laws. They are entitled to clear explanations of the laws and IRS procedures in all tax forms, instructions, publications, notices, and correspondence. They have the right to be informed of IRS decisions about their tax accounts and to receive clear explanations of the outcomes.

The right to quality service. Taxpayers have the right to receive prompt, courteous, and professional assistance in their dealings with the IRS, to be spoken to in a way they can easily understand, to receive clear and easily understandable communications from the IRS, and to speak to a supervisor about inadequate service.

The right to pay no more than the correct amount of tax. Taxpayers have the right to pay only the amount of tax legally due, including interest and penalties, and to have the IRS apply all tax payments properly.

The right to challenge the IRS's position and be heard. Taxpayers have the right to raise objections and provide additional documentation in response to formal IRS actions or proposed actions, to expect that the IRS will consider their timely objections and documentation promptly and fairly, and to receive a response if the IRS does not agree with their position.

The right to appeal an IRS decision in an independent forum. Taxpayers are entitled to a fair and impartial administrative appeal of most IRS decisions, including many penalties, and have the right to receive a written response regarding the Office of Appeals' decision. Taxpayers generally have the right to take their cases to court.

The right to finality. Taxpayers have the right to know the maximum amount of time they have to challenge the IRS's position as well as the maximum amount of time the IRS has to audit a particular tax year or collect a tax debt. Taxpayers have the right to know when the IRS has finished an audit.

The right to privacy. Taxpayers have the right to expect that any IRS inquiry, examination, or enforcement action will comply with the law and be no more intrusive than necessary, and will respect all due process rights, including search and seizure protections, and will provide, where applicable, a collection due process hearing.

The right to confidentiality. Taxpayers have the right to expect that any information they provide to the IRS will not be disclosed unless authorized by the taxpayer or by law. Taxpayers have the right to expect appropriate action will be taken against employees, return preparers, and others who wrongfully use or disclose taxpayer return information.

The right to retain representation. Taxpayers have the right to retain an authorized representative of their choice to represent them in their dealings with the IRS. Taxpayers have the right to seek assistance from a [Low Income Taxpayer Clinic](#) if they cannot afford representation.

The right to a fair and just tax system. Taxpayers have the right to expect the tax system to consider facts and circumstances that might affect their underlying liabilities, ability to pay, or ability to provide information timely. Taxpayers have the right to receive assistance from the [Taxpayer Advocate Service](#) if they are experiencing financial difficulty or if the IRS has not resolved their tax issues properly and timely through its normal channels.

Learn more at [IRS.gov/TaxpayerRights](https://www.irs.gov/TaxpayerRights).

2021 Tax Rate Schedule for Estates and Trusts

Estates or Trusts. Use Schedule W below to figure your tax.

Schedule W

Estates or Trusts—Use this schedule for a nonresident alien estate or trust

If line 15 is:

The tax is:

<i>Over—</i>	<i>But not over—</i>	<i>Of the amount over—</i>
\$0	\$2,650	\$0
\$2,650	\$9,550	\$265.00 + 24%
\$9,550	\$13,050	\$1,921.00 + 35%
\$13,050	-----	\$3,146.00 + 37%

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