

SUPPORTING STATEMENT
Internal Revenue Service (IRS)
Information Regarding Request for Refund of Social Security
Tax Erroneously Withheld on Wages Received by a
Nonresident Alien on an F, J, or M Type Visa
Form 8316
OMB No. **1545-1862**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Certain foreign students and other nonresident visitors are exempt from the Federal Insurance Contributions Act (FICA) tax for services performed as specified in the Immigration and Naturalization Act. Title 26 USC 871(Tax on nonresident alien individuals) specifies what applicants are eligible for refund of this FICA tax withheld.

Form 8316 is used by the service center Document Perfection or Adjustment Branch personnel as an attachment to Letter 513(C). The form requires that taxpayers advise IRS whether the income from which taxes were withheld was directly related to their course of studies and will help expedite the processing of this type of claim.

2. USE OF DATA

The Internal Revenue Service (IRS) uses the information collected on Form 8316 to determine whether certain visa holders are eligible for a refund of erroneously withheld FICA taxes. IRS needs this information to ensure that the visa holder have not been issued a refund previously.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There are no plans to provide electronic filing because Form 8316 is a component of a claim and is submitted in follow up to Form 843, *Claim for Refund and Request for Abatement* (OMB No. 1545-0024).

4. EFFORTS TO IDENTIFY DUPLICATION

We have attempted to eliminate duplication within the agency whenever possible.

5. **METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

The collection of information requirement will not have a significant economic impact on a substantial number of small entities.

6. **CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES**

The consequences are that the IRS will have to spend more taxpayer assistance resources to collect this data through other means. This will compromise the Agency's ability to enforce tax compliance. Tax compliance is a vital part of the government's ability to meet its' mission and serve the public.

7. **SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)**

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

8. **CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS**

In response to the *Federal Register Notice* dated March 17, 2023 (88 FR 16522), we received no comments during the comment period regarding Form 8316.

9. **EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS**

No payment or gift has been provided to any respondents.

10. **ASSURANCE OF CONFIDENTIALITY OF RESPONSES**

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. **JUSTIFICATION OF SENSITIVE QUESTIONS**

No personally identifiable information (PII) is being collected.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Authority	Description	# of Respondents	# Responses per Respondent	Annual Responses	Hours per Response	Total Burden
	Form 8316	25,000	1	25,000	.25	6,250
Totals				25,000		6,250

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There is no annualized cost burden to respondents.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The primary cost to the government consists of the cost of printing the Form 8316. We estimate that the cost of printing the 25,000 forms at 4 cents per copy will be a total of \$1,000 (25,000 x .04=\$1,000). This form will primarily be printed from Service wide Electronic Research Program (SERP) and sent to taxpayers as an attachment to Letter 513(C).

15. REASONS FOR CHANGE IN BURDEN

There are no changes being made to this form at this time, however an adjustment of 2,500 in the estimated number of responses will result in a burden increase of 625 hours. The new estimated annual burden will be 6,250 hours. IRS is making this submission to renew the OMB approval.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	25,000	0	0	2,500	0	22,500
Annual Time Burden (Hr.)	6,250	0	0	625	0	5,625

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis, and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulation sunsets as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.

Note: The following paragraph applies to all the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.