



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.** We incorporate all significant changes to forms posted with 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 are subject to OMB approval before they can be officially released, so we post drafts of them until they are approved. Drafts of instructions and pubs usually have some additional 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). Also see [IRS.gov/Forms](https://www.irs.gov/Forms).

Most forms and publications have a page on IRS.gov: [IRS.gov/Form1040](https://www.irs.gov/Form1040) for Form 1040; [IRS.gov/Pub501](https://www.irs.gov/Pub501) for Pub. 501; [IRS.gov/W4](https://www.irs.gov/W4) for Form W-4; and [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA) for Schedule A (Form 1040), for example, and similarly for other forms, pubs, and schedules for Form 1040. When typing in a link, type it into the address bar of your browser, not a Search box on IRS.gov.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or pubs at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). Include “NTF” followed by the form or pub number (for example, “NTF1040”, “NTFW4”, “NTF501”, etc.) in the body of the message to route your message properly. 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, but we will review each “NTF” message. 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](#).

Instructions for Form 8862



(Rev. December 2025)

Information To Claim Certain Credits After Disallowance

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

Future Developments

For the latest information about developments related to Form 8862 and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form8862](https://www.irs.gov/Form8862).

What's New

Social security number (SSN) required to claim the child tax credit (CTC) and additional child tax credit (ACTC). Beginning in tax year 2025, you must have a valid SSN to claim the CTC or ACTC. If you are filing a joint return, only one filer must have a valid SSN. The other filer must have either an SSN or an individual taxpayer identification number (ITIN). For more information, see [Child tax credit \(CTC\) or additional child tax credit \(ACTC\)](#), later.

Reminders

Age requirements for taxpayers claiming the earned income credit (EIC) without a qualifying child. Filers without a qualifying child must be at least age 25 but under age 65 at the end of the year. For details, see [Line 10](#).

Qualifying child age requirement for the child tax credit (CTC) and additional child tax credit (ACTC). A qualifying child for purposes of the CTC and ACTC must be under age 17 at the end of the year.

How to appeal the disallowance period. If you want to appeal the 2- or 10-year disallowance period preventing you from taking the EIC, CTC, ACTC, ODC, or AOTC, see [How to appeal the disallowance period](#), later.

Delayed refund for returns claiming certain credits. The IRS cannot issue refunds before mid-February for returns that claim the EIC or the ACTC. This applies to the entire refund, not just the portion associated with these credits.

Earned income credit (EIC). If you haven't been issued a valid SSN on or before the due date of your return (including extensions), you can't claim the EIC on either your original or amended return. An SSN is not valid to claim the EIC if it was issued solely to apply for or receive a federally funded benefit and does not authorize you to work. Also, if your qualifying child hasn't been issued a valid SSN on or before the due date of your return (including extensions), you can't count that child in figuring the amount of your EIC on either your original or amended return.

Child tax credit (CTC) or additional child tax credit (ACTC). Beginning in 2025, if you haven't been issued a valid SSN, which means it must be valid for employment and issued before the due date of your return (including extensions), you can't claim the CTC or ACTC on either your original or amended return. If you are filing a joint return, only one filer (you or your spouse) must have a valid SSN. The other spouse must have either an SSN or ITIN, and it must have been issued on or before the due date of the return (including extensions).

Your child must have a valid SSN to be a qualifying child for the CTC or ACTC. If your qualifying child hasn't been issued an SSN that is valid for employment before the due date of your return (including extensions), you can't claim the CTC or ACTC for that child on either your original or amended return. Children identified by an ITIN or adoption taxpayer identification number (ATIN) are not qualifying children for the CTC or ACTC.

Credit for other dependents (ODC). You (if filing a joint return, you and your spouse) must have an SSN or ITIN issued on or before the due date of your return (including extensions) to claim the ODC. If you haven't been issued an SSN or ITIN on or before the due date of your return (including extensions), you cannot claim the ODC on either your original or amended return.

Dependents you use to claim the ODC must have been issued an SSN, ITIN, or ATIN on or before the due date of your return (including extensions).

American opportunity tax credit (AOTC). You must have an SSN or ITIN to claim the AOTC. If you haven't been issued an SSN or ITIN on or before the due date of your return (including extensions), you cannot claim the AOTC on either your original or amended return. Also, the AOTC is not allowed on either your original or amended return for a student who hasn't been issued an SSN, ITIN, or ATIN on or before the due date of your return (including extensions).

Note: If you apply for an ITIN (or ATIN) on or before the due date of your 2025 return (including extensions) and the IRS issues the ITIN (or ATIN) as a result of the application, the IRS will consider the ITIN (or ATIN) as issued on or before the due date of your return. This applies whether you apply for yourself or for a dependent.

See your tax return instructions for more information.

General Instructions

Purpose of Form

You must complete Form 8862 and attach it to your tax return to claim the EIC, CTC, ACTC, ODC, or AOTC if you meet the following criteria for any of the credits.

IF...	AND...	THEN...
your EIC for a year after 1996 was reduced or disallowed for any reason other than a math or clerical error	you now meet all the requirements for and want to take the EIC	you must file Form 8862.
your CTC, RCTC,* ACTC, or ODC for a year after 2015 was reduced or disallowed for any reason other than a math or clerical error	you now meet all the requirements for and want to take the CTC, ACTC, or ODC	you must file Form 8862.
your AOTC for a year after 2015 was reduced or disallowed for any reason other than a math or clerical error	you now meet all the requirements for and want to take the AOTC	you must file Form 8862.
* The refundable child tax credit (RCTC) was only available for 2021.		



CAUTION You must attach the applicable schedules and forms to your return for each credit you claim. You may be asked to provide other information before any refund claimed is issued.

Exceptions. Do not file Form 8862 if:

- After your EIC, CTC/ACTC/ODC, or AOTC was reduced or disallowed in an earlier year (a) you filed Form 8862 (or other documents) and your credit was then allowed, and (b) your credit

has not been reduced or disallowed again for any reason other than a math or clerical error.

- You are claiming the EIC without a qualifying child and the only reason your EIC was reduced or disallowed in the earlier year was because it was determined that a child listed on Schedule EIC was not your qualifying child.

In either of these cases, you can take the credit(s) without filing Form 8862 if you meet all the credit's eligibility requirements.

Do not file Form 8862 for the:

- 2 years after the most recent tax year for which there was a final determination that your EIC, CTC/ACTC/ODC, or AOTC claim was due to reckless or intentional disregard of the rules; or
- 10 years after the most recent tax year for which there was a final determination that your EIC, CTC/ACTC/ODC, or AOTC claim was due to fraud.

In either of these cases, the final determination means that you cannot take the credit(s). However, if you disagree with the final determination, and want to appeal the imposition of the 2- or 10-year disallowance period (sometimes called a ban), you should file Form 8862 and follow the instructions next.

How to appeal the disallowance period. You can request reconsideration of the ban if you send us documentation proving that you are entitled to the credits for the year the ban was imposed or documentation that shows your claim wasn't due to reckless or intentional disregard of the rules and regulations (2-year ban) or due to fraud (10-year ban).

You can contest the ban in the U.S. Tax Court but, because the ban impacts your eligibility for the credit in years after it is imposed, you must wait until you file your return for a later tax year in the ban period when you would otherwise be eligible for the credit (as if the ban was never applied). When claiming the credit during the ban, you must attach Form 8862 and the applicable schedules and forms to your tax return. You must mail this tax return to the IRS because we will reject an e-filed return that attempts to claim a credit during a ban period.

Example. You claimed the EIC on your 2024 tax return filed in March 2025. The IRS determined that you were not entitled to the EIC. The IRS also determined that the error was due to reckless or intentional disregard of the EIC rules. In September 2025, you received a statutory notice of deficiency telling you that an adjustment would be made and tax assessed unless you filed a petition with the U.S. Tax Court within 90 days. You didn't act on this notice within 90 days. Therefore, your EIC was denied in December 2025. You received a CP79A notice in January 2026 notifying you that you can't claim the EIC for tax years 2025 and 2026. If you would be eligible for the EIC for tax year 2025 if not for the ban, you must claim the EIC on your 2025 return with an attached Form 8862 to appeal the ban.

After filing your return, you will receive a notice disallowing the credit due to the ban. Follow the instructions in the notice to challenge the ban and the disallowance of the credit. You must respond within the time frames listed in that notice and any subsequent notice we may send you. The notice will describe other steps that will allow you to appeal the ban to the U.S. Tax Court, U.S. District Court, or the U.S. Court of Federal Claims.

See Pub. 5, Your Appeal Rights and How To Prepare a Protest if You Disagree, for a discussion on filing an appeal with the courts.

Have an ITIN instead of an SSN? You must have a valid SSN to claim the EIC. An SSN is valid for the EIC unless it was issued after the due date of the tax return for which you are filing this form (including extensions) or it was issued solely to apply for or receive a federally funded benefit and does not authorize you to work.

Beginning in 2025, you must also have a valid SSN to claim the CTC or ACTC. An SSN is valid for the CTC or ACTC if it is valid for employment and issued before the due date of your return (including extensions). If you are filing a joint return, only one filer (you or your spouse) must have a valid SSN to claim the CTC or ACTC. The other spouse must have either an SSN or an ITIN issued on or before the due date of your return (including extensions).

You can have an ITIN instead of an SSN to claim the ODC or AOTC, or if you are using this form to claim the CTC or ACTC for a 2024 or earlier return. The ITIN must have been issued on or before the due date of the tax return for which you are filing this form (including extensions). If you have an ITIN, enter your ITIN in the "social security number" space on the form.

Need more space for an item? If you need more space for an item, attach a statement to the end of your return that includes your name and SSN (or ITIN). Number each entry on the statement to correspond with the line number on Form 8862.

Specific Instructions

Part I—All Filers

Line 1. Enter the year for which you are filing this form to claim the credit(s) (for example, 2025). Do not enter the year the credit(s) was disallowed.

Line 2. Check the box(es) that applies to the credit(s) you are now claiming. You can check a box for each credit that was previously reduced or disallowed.

Part II—Earned Income Credit

Line 4. If you (or your spouse if filing jointly) were a qualifying child of another taxpayer for the year shown on line 1, you cannot claim the EIC. Check "Yes" on line 4. This is true even if the taxpayer for whom you (or your spouse if filing jointly) are a qualifying child does not claim the EIC or meet all of the rules to claim the EIC. For more information, see Pub. 596, Earned Income Credit.

Check "No" on line 4 if you could be claimed as a qualifying child of another taxpayer for the year shown on line 1 but the other taxpayer is not required to file and is not filing a tax return for that year or is filing it only to claim a refund of withheld income tax or estimated tax paid.

Section A: Filers With a Qualifying Child or Children

If you are married but not filing a joint return and you have a qualifying child, you may qualify to claim the EIC. For more information, see *Lines 27a, 27b, and 27c* in the Instructions for Form 1040 and Schedule EIC (Form 1040).

Line 6. A qualifying child for the EIC is a child who:

1. Is your son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a descendant of any of them (for example, your grandchild, niece, or nephew);
2. Was (a) under age 19 at the end of the year on line 1 and younger than you (or your spouse if filing jointly), (b) under age 24 at the end of the year on line 1, a student, and younger than you (or your spouse if filing jointly), or (c) any age and permanently and totally disabled;
3. Lived with you in the United States for more than half the year on line 1; and
4. Meets the joint return test. Your child meets the joint return test if they are not filing a joint return with their spouse for the year on line 1 or are filing a joint return only to claim a refund of withheld income tax or estimated tax paid.

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.

For more information on who is a qualifying child, see your tax return instructions or Pub. 596.

Line 7. You cannot take the credit for a child who lived with you for half of the year or less, even if you paid most of the child's living expenses. The IRS may ask you for documents to show you lived with each qualifying child. Documents you might want to keep for

this purpose include school and child care records and other records that show your child's address.

Temporary absences by you or the child for special circumstances such as school, vacation, business, medical care, military service, or detention in a juvenile facility count as time the child lived with you.

If your child was born or died during the year entered on line 1 and your home was the child's home for more than half the time your child was alive during that year, enter "365" ("366" if the year is a leap year) on line 7 and complete line 8.

For more information, see your tax return instructions or Pub. 596.

Section B: Filers Without a Qualifying Child or Children

Line 9. Enter the number of days that your main home (and your spouse's if filing jointly) was in the United States during the year on line 1.

Temporary absences for special circumstances such as for business, medical care, school, or military service count as time lived at your main home.

Members of the military. If you were on extended active duty outside the United States, your main home is considered to be in the United States during that duty period. Extended active duty is military duty ordered for an indefinite period or for a period of more than 90 days. Once you begin serving extended active duty, you are considered to be on extended active duty even if you do not serve more than 90 days.

Line 10. To claim the EIC, either you (or your spouse if filing jointly) must be at least age 25 but under age 65 at the end of the year.

If neither you (nor your spouse if filing jointly) were at least age 25 but under age 65 at the end of the year entered on line 1, you cannot claim the EIC. For more information, see Pub. 596, Earned Income Credit.

If your spouse died during the year on line 1, or you are preparing a return for someone who died during the year on line 1, the age test is met if your spouse, or the deceased taxpayer, met the applicable minimum age at the time of death.

Your spouse, or the deceased taxpayer, is considered to reach the minimum age on the day before their birthday. However, the rule for reaching age 65 is different; your spouse, or the deceased taxpayer, reaches age 65 on their 65th birthday.

Example 1. You are married and filing a joint return for 2025 with your spouse who died in August 2025. You are age 67. Your spouse would have become age 65 in November 2025. Because your spouse was under age 65 when they died, you meet the age test.

Example 2. Your spouse was born on February 14, 2000, and died on February 13, 2025. Your spouse is considered age 25 at the time of death. However, if your spouse died on February 12, 2025, your spouse isn't considered age 25 at the time of death and isn't at least age 25 at the end of 2025.

Part III—Child Tax Credit/Additional Child Tax Credit/Credit for Other Dependents

Line 14. Generally, a child must live with you for more than half of the year for you to claim the credit. A child is considered to have lived with you for more than half of the year if the child was born or died during the year on line 1 and your home was this child's home for more than half the time the child was alive. Temporary absences by you or the child for special circumstances such as school, vacation, business, medical care, military service, or detention in a juvenile facility count as time the child lived with you.

However, there are exceptions for kidnapped children and children of divorced or separated parents. If you meet one of these

exceptions, answer "Yes" to question 14 for that child. For details, see your tax return instructions.

Line 15. A qualifying child for purposes of the CTC and ACTC is a child who:

1. Is your son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a descendant of any of them (for example, your grandchild, niece, or nephew);
 2. Was under age 17 at the end of the year;
 3. Did not provide over half of their own support for the year;
 4. Lived with you for more than half of the year;
 5. Is claimed as a dependent on your return;
 6. Does not file a joint return for the year (or files it only to claim a refund of withheld income tax or estimated tax paid); and
 7. Was a U.S. citizen, a U.S. national, or a U.S. resident alien.
- See Pub. 519 for the definition of a U.S. national or U.S. resident alien.

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.

For more information on who is a qualifying child, see your tax return instructions.

Line 16. You cannot claim the CTC/ACTC/ODC for a person who is not your dependent. See your tax return instructions for more information.

Part IV—American Opportunity Tax Credit

Line 19a. An eligible student for purposes of the AOTC is a student for whom you pay qualified education expenses and meets all of the following requirements.

1. The student did not have expenses that were used to figure an AOTC in any 4 earlier tax years. This includes any tax year(s) in which the Hope scholarship credit was claimed for the same student.
2. The student had not completed the first 4 years of post-secondary education (generally the freshman, sophomore, junior, and senior years of college) before the year on line 1.
3. For at least one academic period beginning in the year on line 1 (or the first 3 months of the following year if the qualified expenses were paid in the previous year), the student was enrolled at least half-time in a program leading to a degree, certificate, or other recognized educational credential.
4. The student has not been convicted of any federal or state felony for possessing or distributing a controlled substance as of the end of the year on line 1.

See Pub. 970 and the Instructions for Form 8863 for more information.

Line 19b. If the AOTC has been claimed for a student for any 4 tax years before the year on line 1 (including any year for which the Hope scholarship credit was claimed for the student), the AOTC cannot be claimed for this student for the year on line 1.

You cannot claim the AOTC based on qualified education expenses paid for a student by someone other than yourself or your spouse, unless you are claiming the student as a dependent.

Paperwork Reduction Act Notice. We ask for you to obtain the information on this form to carry out the Internal Revenue laws of the United States. You are required to obtain this information.

You are not required to obtain 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 Internal Revenue Code section 6103.

TREASURY/IRS AND OMB USE ONLY DRAFT

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be

happy to hear from you. See the instructions for the tax return with which this form is filed.

DRAFT

DRAFT