



Do International students need to file taxes?

All nonimmigrants are required to file some sort of tax form, **even if they owe no taxes or earn no income in the U.S. during their stay**. Foreign nationals in the United States are required to comply with all laws governing them during their stay in the U.S., including the filing of appropriate tax forms. While the immigration regulations are the laws that first come to mind, the tax regulations cannot be ignored.

In general there are two times when you must be concerned about tax-related issues:

1. When you begin any sort of employment and
2. Each year during "tax season" when everyone is required to either pay taxes owed or to file forms demonstrating why they are not required to pay the U.S. government taxes.

The Huntington University staff cannot offer tax advice. They are not experts in tax law. They will not assist you in completing your tax forms. The information below is intended to serve as a guide only and is not meant to be considered legal advice for your specific situation.

There are local agencies that offer help with completing tax forms. Please be aware that ultimately it is your responsibility to file the proper tax forms.

Completing tax forms when employment starts

If you work in the United States, your employer is required to report your earnings to the Internal Revenue Service. The employer is also responsible for withholding certain taxes from your pay and forwarding them to the U.S. government on your behalf. At the start of your employment, you are required to complete certain tax forms to help the employer determine how much should be taken out of your paycheck for taxes. It is important to work with the payroll office when completing these forms.

Tax Filing Obligations

All foreign nationals are required to file some sort of tax form for each year they are present in the U.S. In addition to the federal government, state and local governments may also impose tax obligations. States have the authority to impose their own taxes on income.

The Internal Revenue Service website <http://www.irs.gov/Individuals/International-Taxpayers/Foreign-Students-and-Scholars> has information available for your review and

<http://www.irs.gov/pub/irs-pdf/p515.pdf> is a comprehensive website for IRS tax filing.

Decide which federal forms to file

- [Form 1040 NR](#)
- [Form 1040 NREZ](#)
- [Form 8843](#)
- [Form 8233](#)

I do not have any US earned income, why should I file a tax form?

If you did not have any US earned income at all, or did not receive a scholarship or fellowship, then you do not have to file taxes. **HOWEVER**, you still need to file form 8843! If they have no tax liability, the IRS will not penalize students' and scholars' visas for not filing (although they must still file Form 8843), however, the terms of a student's and scholar's visa is that they stay in compliance with all laws in the US, including income tax filing. If they want to apply for residency at a later date, they may be asked to show proof of tax compliance. Instructions on how to file form 8843 <http://www.irs.gov/publications/p519/ch01.html#d0e494>.

What do I need to file my taxes?

Generally, as a non-resident for tax purposes, you will need the following:

- **W-2 form:** a form issued by your employer that states how much money you earned and how much taxes were withheld. You should get one from each employer. If you did not have a job during the tax year, you will not receive this form.
- **1040NR or 1040NR-EZ:** Federal Tax forms. Once at this site in the advanced search box type in 1040NR.

I am only here for one semester. How can I file US taxes outside the US?

If you will not be in the US when taxes are due, then you can file outside the US. Make sure that your employer knows your new address so that they can send you a W-2 form.

What is a W-2 form?

The W-2 form is a statement from your employer that indicates how much money you were paid in the year and how much money was withheld from you in federal, state, and local taxes.

Who must file?

In general, nonresident aliens must file tax returns if they engage in any trade or business in the US (Studying, teaching and doing research are all considered to be activities in which the taxpayer is engaged in a trade or business.)

Student and Scholar Exception Nonresident aliens who are students, teachers, or trainees and are temporarily present in the US under an F or J visa, must file a return only if they have income that is subject to withholding, even if no tax is withheld; however, a form 8843 must be filed regardless if income was earned or not.

What is the difference between a non-resident alien and a resident alien for tax purposes?

Resident aliens for tax purposes are taxed like US Citizens. Generally, students are non-residents for tax purposes for four years and after four years, become residents for tax purposes. Since resident aliens and nonresident aliens are taxed differently, it is important for you to determine your status. You are considered a nonresident alien for any period that you are neither a U.S. citizen nor a U.S. resident alien, unless you make a first-year choice to be treated as a resident alien. You are considered a resident alien if you met one of two tests for the calendar year. For specific information, refer to Tax Topic 851, Resident and Nonresident Aliens, or Publication 519, U.S. Tax Guide for Aliens.

Where can I get the Federal tax forms (1040NR, 1040NR-EZ, 8843)?

You can download them from the [IRS website](#)

What is a 1042-S and will I receive one?

The 1042-S is a form used by the University to report non-employee type earnings (such as a grant or scholarship) of a non-resident alien for tax purposes, many of whom are claiming an exemption due to a US Tax Treaty. Contact the business office x-4003 or calling off campus 260-359-4003, if you have any questions. If you have received a scholarship or a grant that is not a part of your employment and that did not go to cover your tuition or other "qualified" expenses, you will receive a 1042-S. In some cases the 1042-S will show the amount of funds that are exempt from tax withholding due to a tax treaty.

What are "qualified expenses"?

Income in the form of a scholarship or fellowship is treated in one of three ways:

1. Excludable- which means that a student who is a candidate for a degree may be able to exclude from income some or all amounts received under a "qualified" scholarship (both residents and non-residents). A qualified scholarship is any amount received as a scholarship or fellowship grant and used for tuition, fees, books, supplies, and equipment that the student is required to buy.
2. Exempt by a tax treaty
3. Taxable - scholarships that pay for room and board, travel, are taxable, for example.

Can I claim any dependents?

Only students from India, Canada, Japan, South Korea and Mexico are eligible to claim dependents on the federal and state forms.

My dependents do not have SSN numbers, what do I do?

F-2s are not eligible for SSN numbers. Those dependents not eligible must file for an Individual Tax Identification Number (ITIN) with the tax return.

How can I get an Individual Tax Identification Number (ITIN)?

Use form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN. You can get form W-7 by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676). If you filed State Tax forms last year and have already completed your Federal tax forms, then you may be able to file Indiana State Taxes online. You can also address your questions to ictaxes@indiana.edu.

What if I worked in another state other than Indiana?

Then you should file taxes for the state that you worked in. Chances are that you can find these NON-Resident Individual tax forms on the State Government websites. If you worked in Indiana as well, then you can claim a credit on Schedule E for certain states that you paid taxes to. Please click [here](#) for state tax directory.

I received form 1098 T, what should I do with it?

You should keep it with your tax records, but you do not need to send it with your return or mention it on the return. The purpose of the form is to let you know that you were a student of the college or university that issued it. It usually contains information on how much tuition and fees you paid. Contact the business office x-4003 or calling off campus 260-359-4003, if you have any questions.

I am married and have a child who was born in the US. Can I take a deduction for my wife and child?

Generally, no. Students and scholars from Canada, Mexico, Japan, Korea, and India, may be able to claim exemptions for his/her spouse and children if certain conditions are met. Students and scholars from all other countries are not permitted to take a deduction as long as they are non-resident aliens for tax purposes.

What if I forgot to file in previous years?

Many students and scholars who are required to file returns either don't file, or file incorrectly. Many of them would be eligible for a refund if they filed the required forms. If you had no tax liability, the IRS will not penalize you for not filing (although you must still file form 8843!). However, the terms of students' and scholars' visas require that they stay in compliance with all laws of the US, including income tax filing. If you forgot to file in the past, you can still file from previous years using old forms found at the [IRS website](#).

Is my country eligible for tax treaty benefits?

Not all treaties include benefits for all types of income. Please refer to Publication 901 on the [IRS website](#). For a current list of countries that have tax treaties with the U.S. see the IBFD website.