

In the U.S. tax system, foreign nationals are considered either 'non-residents for tax purposes' or 'residents for tax purposes'. Your tax residency status depends on your current immigration status and/or how long you've been in the U.S. See below to determine whether or not you are considered a 'resident for tax purposes'.

Determining Tax Residency Status:

If you are not a U.S. citizen, you are considered a 'non-resident for tax purposes' unless you meet the criteria for one of the following tests:

1: The "Green Card" Test

You are a 'resident for tax purposes' if you were a legal permanent resident of the United States any time during the past calendar year.

2: The Substantial Presence Test.

You will be considered a 'resident for tax purposes' if you meet the Substantial Presence Test for the previous calendar year. To meet this test, you must be physically present in the United States for at least:

- 31 days during the current year, and 183 days during the 3-year period that includes the current year and the 2 years immediately before that, counting:
 - o All the days you were present in the current year, and
 - o 1/3 of the days you were present in the first year before the current year, and
 - o 1/6 of the days you were present in the second year before the current year.
- If total equals 183 days or more = Resident for Tax

If total equals 182 days or less = Nonresident for Tax

- Confused? Use the Substantial Presence Test Calculator to do the calculations for you. To use the calculator, you must know the number of days you were physically present in the U.S. over the last 3-4 years.

- EXCEPTIONS to the Substantial Presence Test:

- o F or J students receive 5 "exempt"*** years. Not exempt from tax, but of counting physical days of presence in the U.S. towards Substantial Presence Test. If you have been in the U.S. for fewer than 5 calendar years** (including any previous F-1/F-2/J-1/J-2 statuses at any point), then you are considered a 'Non Resident for Tax Purposes.'

- o J Non-Students (including Non-Degree Visiting Students) receive 2"exempt"*** years (of the past 6 years).

- o ***"Exempt" years are CALENDAR years, not years from date of arrival (e.g. if you arrived 9/23/2014, 2014 would be counted as one, total calendar year and you would have four calendar years remaining).

If you believe you are a resident for tax purposes or if you are unsure please contact me at the number below to schedule a tax appointment.

Thank you

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