

International Tax FAQ

W-8 Forms for Non-U.S. Individuals & Entities

The university requires that nonresident individuals and entities submit a valid and complete W-8 for the approval of payments issued through Accounts Payable (AP) and the CU Marketplace.

Q. What is a W-8 form?

A. W-8 forms are federal tax forms completed by nonresident individuals and entities to:

- identify a payee as the 'beneficial owner' of a payment
- declare a payee's non-U.S. taxpayer status under U.S. tax laws and principles
- provide a U.S. taxpayer ID number when one has been issued
- provide information the university requires to ensure proper tax treatment of payments
- provide information the university requires for supplier registration and issue of payment

There are different versions of the W-8 which include forms W-8BEN, W-8BEN-E, W-8EXP, W-8ECI and W-8IMY. Information specific to each version of the form can be found in this guide.

Q. Why do I need to complete a W-8 form?

A. There are several reasons the university requires a W-8 form for the approval of payments to non-U.S. persons and entities. Most importantly, CU requires the form to document a payee's non-U.S. tax status. This is necessary because IRS tax reporting and withholding requirements for nonresident taxpayers differ from those that apply to U.S. taxpayers.

Other reasons to complete a W-8 form include:

- claiming tax treaty benefits to reduce or eliminate U.S. tax withholding on various types of income
- claiming tax-exempt status as a foreign government or other foreign organization
- reporting U.S. tax filing obligations for income effectively connected to U.S. trade or business

Q. Does completing a W-8 mean that payment will be subject to tax withholding?

A. Whether a payment issued to a nonresident taxpayer is subject to tax withholding in the U.S. depends on several factors. In addition to the tax residency status of the payee, the nature of the payment, location of equipment or activity, location of the payer, eligibility for tax treaty exemption and tax-exempt organization status must all be considered to determine the university's withholding requirement.

Many payments issued to nonresidents are not subject to tax withholding or reporting but others are subject at rates as high as 30%. Departments are encouraged to consult the International Tax Office *in advance* when engaging the services of a non-U.S. individuals and entities to avoid unexpected tax requirements at the time of payment.

Q. Do W-8 forms expire?

A. In general, W-8 forms are valid for three calendar years following the year the form was signed, unless any of the details on the previously submitted W-8 have changed.

For example, a form signed and dated in 2019 will expire on December 31, 2022.

Q. Which W-8 form is most appropriate for me?

A. The University of Colorado's International Tax Office reviews W-8 forms to ensure all required fields are completed but is unable to determine which W-8 revision is applicable or advise on an entity's Chapter 3 status. The International Tax Office can assist with general questions, but suppliers should refer to the official IRS instructions for the forms for authoritative guidance. When the International Tax Office has questions or concerns about a submitted W-8, they will reach out to the department contact for resolution.

| W-8 Form Version Descriptions* | |
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| W-8BEN | <p>Individual beneficial owners who are nonresident alien taxpayers in the U.S. should complete this form.</p> <ul style="list-style-type: none"> • A valid form must include at minimum: • Part 1: Lines 1, 2, & 3 • Part III: Signature, date and printed name of signer • Part II must be completed to claim tax treaty benefits on income from royalties or scholarship/fellowship grants. • Single owners of disregarded entities should complete Form W-8BEN, even if payment is being made to their company. • Resident aliens, permanent residents, and U.S. citizens should not submit Form W-8BEN but should, instead, complete Form W-9 (PDF). |
| W-8BEN-E | <p>Beneficial owners who are <i>not</i> individuals but are, instead, non-U.S. <i>entities</i> most often complete this form. The form typically applies to entities that do not conduct trade or business in the U.S. and do not file income taxes with the U.S. The form also applies to non-U.S. entities who wish to claim tax treaty benefits.</p> <ul style="list-style-type: none"> • A valid form must include, at minimum, lines 1-2, 4 and 6, along with an authorized signature and date. • Claims for reduction of, or exemption from, tax through a tax treaty are submitted on Form W-8BEN-E, regardless of an entity's Chapter 3 status. • Treaty claims must include either a US or Foreign TIN in Part I of the form, as well as lines 14 and 15, in addition to all other required fields. • The submission of a valid and complete treaty claim on Form W-8BEN-E will only facilitate an upfront tax reduction or exemption on future payments made by CU; it is not applicable to payments that have already been issued. |
| W-8EXP | <p>Beneficial owners with a Chapter 3 status of foreign government, international organization, foreign tax-exempt organization, or government of a U.S. possession generally complete this form to establish exemption from U.S. tax and withholding for Chapter 3 purposes.</p> <ul style="list-style-type: none"> • A Chapter 3 status claim of 'International organization' is uncommon. This status refers to entities included under the International Immunities Act of 1945 and granted international organization status by executive order of the U.S. President. • Organizations identifying as a 'Foreign tax-exempt organization' must provide a U.S. TIN, along with either an official IRS letter of determination or formal opinion of U.S. legal counsel, in addition to a completed W-8EXP. • Claims for reduction of/exemption from tax under a tax treaty should be made, instead, on Form W-8BEN-E |
| W-8ECI | <p>This form is less common than the W-8BEN-E and is generally completed by foreign individuals and entities receiving income that is effectively connected with trade or business in the U.S.</p> <ul style="list-style-type: none"> • The effectively connected income is includable in the beneficial owner's taxable income and must reported on the taxpayers annual U.S. income tax return. • A non-U.S. individual or entity having both effectively connected and non-effectively connected income must submit both the W-8ECI and alternative applicable version of Form W-8. • Line 11 must specify the items of relevant income that are effectively connected. |
| W-8IMY | <p>This form is for use by foreign intermediaries, such as a flow-through entity, agent, or non-U.S. individual accepting payment on behalf of a beneficial owner. When a W-8IMY is submitted, the appropriate W-8 form should also be submitted identifying the beneficial owner of the payment. In cases where payment is issued to an intermediary, reporting will be in the name of the beneficial owner, not the intermediary.</p> |

*This table contains a brief description of each version of the W-8. All versions of Form W-8, and their instructions, can be found at [IRS.gov](#).