

# Individual Taxpayer Identification Number (ITIN)

## A Powerful Tool for Immigrant Taxpayers

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### **What is an ITIN?**

An Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the U.S. Internal Revenue Service (IRS). An ITIN consists of nine digits, beginning with the number nine (i.e., 9XX-XX-XXXX).<sup>1</sup> Since 1996, the IRS has issued ITINs to taxpayers and their dependents who are not eligible to obtain a Social Security number (SSN).

### **Why does the IRS issue ITINs?**

All wage earners—regardless of their immigration status—are required to pay federal taxes. The IRS provides ITINs to people who are ineligible for an SSN so that they can comply with tax laws.

### **Who uses an ITIN?**

Taxpayers who file their tax return with an ITIN include undocumented immigrants and their dependents as well as some people who are lawfully present in the U.S., such as certain survivors of domestic violence, Cuban and Haitian entrants, student visa–holders, and certain spouses and children of individuals with employment visas. As of January 2021, the IRS reported that there were 5.4 million active ITINs.<sup>2</sup>

*Once a person who has been issued an ITIN is eligible to apply for an SSN, the person may no longer use the ITIN.*

### **What is an ITIN used for?**

ITINs are issued by the IRS specifically as a means to pay federal taxes. While the IRS issues them solely for this purpose, ITINs may sometimes be accepted for other purposes, such as for opening an interest-bearing bank account, in employment dispute settlements, or for obtaining a mortgage.

### **Why do undocumented immigrants need an ITIN?**

In addition to being required to pay taxes, immigrants benefit from filing income tax returns because:

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<sup>1</sup> Although all ITINs begin with the number “9,” not all taxpayer identification numbers (TINs) starting with the number “9” are ITINs. For example, when a taxpayer files taxes without any TIN (i.e., without an SSN or ITIN), the IRS will issue a temporary IRS number (IRSN) for the taxpayer, which also begins with the number “9,” that is used for internal identification purposes until the taxpayer provides a permanent TIN. Unlike IRSNs and other TINs beginning with the number “9,” the fourth and fifth numbers in a 9-digit ITIN will always range from 70-88, 90-92, or 94-99. This is important to verify in cases where a taxpayer may mistakenly believe they are using an ITIN.

<sup>2</sup> Treasury Inspector General for Tax Administration, “Administration of the Individual Taxpayer Identification Number Program.” Report Number: 2022-40-013. January 26, 2022. <https://www.tigta.gov/sites/default/files/reports/2022-02/202240013fr.pdf>.

- It demonstrates that they are complying with federal tax laws.
- Filing federal taxes is a way for immigrants to further contribute to the economy.
- It is one way that people who may have an opportunity to legalize their immigration status and become U.S. citizens can prove that they have “good moral character.”
- Immigrants can use tax returns to document their work history and physical presence in the U.S. In order to be eligible for legal immigration status under any future immigration reform, people who currently are unauthorized to be in the U.S. most likely will have to be able to prove that they have been employed and have lived continuously in the U.S. for a certain number of years.
- People who file tax returns can claim crucial economic supports, such as the Child Tax Credit, including the refundable portion (also known as the Additional Child Tax Credit).
- Filing a tax return is required in order to be able to claim insurance-premium tax credits for family members—often U.S. citizen children—who are eligible for health care coverage under the Affordable Care Act (ACA, or “Obamacare”).<sup>3</sup> These tax credits are necessary to help make health insurance affordable to people who otherwise would not be able to buy it.
- Individuals who are eligible to file their taxes with an ITIN can establish that they are eligible for an exemption from the ACA’s individual mandate, which requires that people have health insurance. Undocumented immigrants are excluded from all ACA benefits, so they are not eligible to buy health insurance through the ACA’s health care marketplace, even at full cost.<sup>4</sup>
- Immigrant workers who receive settlement payments as a result of an employment-related dispute will be subject to the maximum tax withholding rate, unless they have an ITIN. For example, for a worker with an ITIN, the withholding on back wages paid to the worker because of a settlement will be based on the worker’s family status and the number of exemptions the worker can claim. By contrast, if the worker did *not* have an ITIN, the withholding would be figured as if the worker were single with no exemptions. Similarly, for workers without ITINs, the withholding on payments *other than* wages, e.g., on payments for punitive damages, is figured at the “backup withholding” rate of 28 percent, whereas workers who have ITINs ordinarily would have *no* withholding on such nonwage payments.

### **What is an ITIN *not* used for?**

An ITIN does not authorize a person to work in the U.S. or provide eligibility for Social Security benefits. An ITIN does not provide a person with immigration status.

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<sup>3</sup> *Frequently Asked Questions: The Affordable Care Act & Mixed-Status Families* (National Immigration Law Center, Dec. 2014), [www.nilc.org/issues/health-care/aca\\_mixedstatusfams](http://www.nilc.org/issues/health-care/aca_mixedstatusfams).

<sup>4</sup> *Id.*

## Do ITIN-filers pay taxes?

Yes! In 2019, over 2.5 million returns were filed that included ITIN filers as primary or secondary taxpayer, amounting to \$5.8 billion net in contributions to the U.S. economy.<sup>5</sup> ITIN filers also collectively contribute an estimated \$11.74 billion in state and local taxes each year.<sup>6</sup>

## Is it safe to use an ITIN?

Generally, yes. The IRS has strong privacy protections in place to ensure that immigrants who report their income and file their taxes are not at risk of having their information shared.<sup>7</sup> Under Internal Revenue Code section 6103, the IRS is generally prohibited from disclosing taxpayer information, including to other federal agencies. However, certain exceptions apply. For example, the IRS is required to disclose taxpayer information to certain U.S. Treasury Department employees when they request it for tax administration purposes or to other federal agencies if it's needed for a nontax criminal investigation and a federal court has ordered that it be provided.<sup>8</sup>

## What documents must a person present when applying for an ITIN?

ITIN applicants are required to provide proof of their identity, foreign nationality status, and residency. (Proof must be submitted that any applicant claimed as a dependent resides in the U.S., unless they are from Mexico or Canada or are a dependent of U.S. military personnel stationed overseas.) In 2015, Congress codified the severe restrictions that the IRS had put in place on the types of documents that new ITIN applicants may present.<sup>9</sup>

In order to apply for an ITIN, the applicant must

1. complete a Form W-7, Application for IRS Individual Taxpayer Identification Number, along with their federal income tax return,<sup>10</sup> and
2. prove their *identity* and *foreign nationality* status by providing a combination of original documents (see the table below) or certified copies of the documents. (A certified copy is one that the original issuing agency provides and certifies as an exact copy of the original document and that contains an official stamped seal from that agency. Notarized copies are *not* acceptable.)

The IRS will accept only a combination of the 13 documents listed in the table below as proof of identity and/or foreign nationality status. Applicants who can present a passport have to present only one document. Otherwise, they will need to present at least two documents or certified copies of at least two documents.

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<sup>5</sup> National Taxpayer Advocate. "Most Taxpayers Needing a New ITIN Are Prohibited from Filing Electronically, Causing Unnecessary Refund Delays." April 13, 2021. <https://www.taxpayeradvocate.irs.gov/news/nta-blog-most-taxpayers-needing-a-new-itin-are-prohibited-from-filing-electronically-causing-unnecessary-refund-delays/>.

<sup>6</sup> Institute on Taxation and Economic Policy, "Undocumented Immigrants' State & Local Tax Contributions." March 1, 2017. <https://itep.org/undocumented-immigrants-state-local-tax-contributions-2017/>.

<sup>7</sup> See 26 U.S.C. § 6103, [www.law.cornell.edu/uscode/text/26/6103](http://www.law.cornell.edu/uscode/text/26/6103).

<sup>8</sup> See 26 U.S.C. § 6103(i), [www.law.cornell.edu/uscode/text/26/6103](http://www.law.cornell.edu/uscode/text/26/6103). Although there are two known incidents in which these exceptions appear to have been violated, they are extremely isolated events. The IRS has reiterated its strong commitment to its confidentiality rules and has subsequently reiterated its commitment to its disclosure rules in an effort to mitigate any chilling effect on ITIN tax-filers.

<sup>9</sup> P.L. 114-113.

<sup>10</sup> With limited exceptions, ITINs may not be filed for on their own without a complete tax return. For a list of exceptions, such as opening an interest-bearing account, see the IRS Instructions for Form W-7, Application for Individual Taxpayer Identification Number (Rev. November 2021), <https://www.irs.gov/instructions/iw7>.

Supporting Documentation	Can be used to establish:	
	Foreign status	Identity
Passport (the only stand-alone document*)	x	x
U.S. Citizenship and Immigration Services (USCIS) photo identification	x	x
Visa issued by the U.S. Department of State	x	x
U.S. driver's license		x
U.S. military identification card		x
Foreign driver's license		x
Foreign military identification card	x	x
National identification card (must contain name, photograph, address, date of birth, and expiration date)	x	x
U.S. state identification card		x
Foreign voter's registration card	x	x
Civil birth certificate	x**	x
Medical records (valid only for dependents under age 6)	x**	x
School records (valid only for a dependent under age 18, if a student)	x**	x
<p>* Applicants claimed as dependents who need to prove U.S. residency must provide additional original documentation if the passport doesn't have a date of entry into the United States.</p> <p>** May be used to establish foreign status only if documents are foreign.</p>		

### How does an applicant file for an ITIN?

An applicant can apply for an ITIN by mail, in person through a designated IRS Taxpayer Assistance Center (TAC),<sup>11</sup> or with the help of an Acceptance Agent (AA) or a Certified Acceptance Agent (CAA) authorized by the IRS.<sup>12</sup> An applicant who resides outside the U.S. may apply by mail or in person to an IRS employee or a designated U.S. diplomatic mission or consular post.

Applicants who apply for an ITIN by mail directly with the IRS must submit either the *original* of each supporting document or a *certified copy* of each supporting document.

### How can an ITIN applicant avoid submitting original documents?

Applicants who do not want or are unable to mail their original documents or certified copies to the IRS may take them in person to a TAC or CAA to have the documents (or certified copies) verified and immediately returned to them. Note that CAAs can review and certify original documents, whereas Acceptance Agents (AAs) simply review the original documents and must mail the documents with the ITIN application. Note that not all TACs provide ITIN-related services, or they may provide them only during restricted business hours. Because the number

<sup>11</sup> To find the TAC nearest you and learn about the services it offers, visit <https://www.irs.gov/help/contact-your-local-irs-office>.

<sup>12</sup> To learn more about the IRS's Acceptance Agent Program, visit <https://www.irs.gov/individuals/international-taxpayers/acceptance-agent-program>.

of TACs and CAAs is limited, many ITIN applicants simply aren't able to take their applications and documents to a TAC or CAA.

- To find a Certified Acceptance Agent (CAA), visit:  
<https://www.irs.gov/individuals/international-taxpayers/acceptance-agent-program>
- To schedule an appointment at IRS Taxpayer Assistance Center (TAC), visit:  
<https://apps.irs.gov/app/office-locator/>

As of 2016, CAAs are allowed to authenticate the passport and civil birth certificate for dependents (though not other forms of acceptable identity documents); however, they must send the original or certified copies of all other documents directly to the IRS. For primary and secondary applicants, CAAs are authorized to authenticate all 13 forms of acceptable identification documents.<sup>13</sup> TAC offices are authorized to authenticate only the passport, birth certificate, and foreign national ID cards for ITIN applicants (including for dependents).

### **How long does it take to receive an ITIN?**

At the time of publication, ITIN processing is taking approximately 9 to 11 weeks. Any original documents or certified copies submitted in support of an ITIN application should be returned within 14 weeks. People who do not receive their original and certified documents within 14 weeks of mailing them to the IRS may call 1-800-908-9982 to check on their documents' whereabouts.<sup>14</sup>

### **Who processes ITIN applications?**

All ITIN applications are processed by the ITIN unit in the IRS Submission Processing Center in Austin, Texas.<sup>15</sup> Tax returns attached to the ITIN applications are "sent for processing." Tax examiners in the ITIN unit review ITIN applications and supporting documentation. Based on the tax examiner's review, the application will be either:

- *assigned* — the IRS mails a notice with the assigned ITIN to the applicant;
- *rejected* — the IRS mails a notice informing the applicant (a) that the ITIN application was rejected, (b) the reason for the rejection and (c) that the applicant must file another application to reapply for an ITIN; or
- *suspended* — the ITIN application is suspended because of a procedural issue or because it has questionable information. (IRS guidelines define a questionable application as one for which the tax examiner identifies one or more discrepancies on the application. A procedural issue is one in which the applicant did not properly complete the application or did not attach the required documentation to the application.)

### **How long is an ITIN valid?**

ITINs previously were issued for an indefinite period. In 2015, Congress mandated that people who received ITINs prior to January 1, 2013, are required to renew their ITINs on a staggered schedule between 2017 and 2020.)<sup>16</sup> In addition, the new law states that an ITIN will expire if the person to whom it was issued fails to file a tax return for three consecutive years.

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<sup>13</sup> *New ITIN Acceptance Agent Program Changes* (Internal Revenue Service, Nov. 16, 2016), <https://www.irs.gov/individuals/new-itin-acceptance-agent-program-changes>.

<sup>14</sup> *ITIN Updated Procedures Frequently Asked Questions* (Internal Revenue Service, Nov. 10, 2016), <https://www.irs.gov/Individuals/ITIN-Updated-Procedures-Frequently-Asked-Questions>.

<sup>15</sup> For a description of the process, see *Tax Examiners Do Not Have the Tools or Expertise to Authenticate Documents Certified by a Foreign Issuing Agency* (Treasury Inspector General for Tax Administration, Ref. No. 2015-40-038, May 29, 2015), <https://www.tigta.gov/sites/default/files/reports/2022-02/201540038fr.pdf>.

<sup>16</sup> P.L. 114-113.

An ITIN issued after December 31, 2012, will remain valid unless the person to whom it was issued does not file a tax return—or is not included as a dependent on the return of another taxpayer—for three consecutive years.

### **Who needs to renew their ITIN?**

Two categories of ITINs have expired and need to be renewed:<sup>17</sup>

- Any ITIN that was wasn't included on a U.S. federal tax return at least once for the last three tax years (2018, 2019, and 2020) expired on December 31, 2021.
- All ITINs with middle digits (the fourth and fifth positions) "70," "71," "72," "73," "74," "75," "76," "77," "78," "79," "80," "81," "82," "83," "84," "85," "86," "87," or "88" have expired. In addition, ITINs with middle digits "90," "91," "92," "94," "95," "96," "97," "98," or "99," IF assigned before 2013, have expired.

### **What is the process for renewing an ITIN?**

The process for renewing an ITIN is the same as the process for applying for a new ITIN. Applicants are required to submit *identity* and *foreign nationality* status documents (see "[What documents must a person present when applying for an ITIN?](#)," above), and proof of U.S. residency must be included for applicants claimed as dependents. However, unlike new ITIN applications, renewal applications do not require that a tax return be attached.

To file for an ITIN renewal, fill out the [W-7 form](#) and check the "Renew Existing ITIN" box. If an individual has an expired ITIN but is not required to file taxes, they do not need to renew their ITIN. However, if in the future an individual with an expired ITIN is required to file a U.S. federal tax return using that ITIN (including for a dependent), they will need to renew the ITIN at that time.

### **What are the barriers to getting an ITIN?**

Because ITIN applicants face many difficulties obtaining certified copies of their identity documents, and because of the limited options for in-person verification of these documents, many ITIN applicants may be forced into the vulnerable position of going without valuable identity documents for weeks or months (or longer, if their documents are lost). For some, this has proven too risky and burdensome.

The ITIN rules that went into effect in 2012 caused a dramatic decline in the number of ITIN applications. In 2013, there were nearly 50 percent fewer ITIN applications than in each of the previous three years.<sup>18</sup> In addition, the IRS rejected over 50 percent of the applications that were submitted in 2013.<sup>19</sup> According to the National Taxpayer Advocate, dramatic declines in applications for ITINs continued in 2014 and 2015 as a result of these stricter application rules, which have now been codified into law.

### **What problems are created by the barriers to getting an ITIN?**

When the requirements for getting an ITIN are too hard to meet:

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<sup>17</sup> *ITIN Expiration Frequently Asked Questions* (Internal Revenue Service, Dec. 14, 2016), <https://www.irs.gov/individuals/itin-expiration-faqs>.

<sup>18</sup> "Individual Taxpayer Identification Numbers: ITIN Application Procedures Burden Taxpayers and Create a Barrier to Return Filing," *National Taxpayer Advocate 2013 Annual Report to Congress* (Taxpayer Advocate Service, Internal Revenue Service, 2013), [https://www.taxpayeradvocate.irs.gov/wp-content/uploads/2020/08/2013-ARC\\_VOL-1\\_S1-MSP-21.pdf](https://www.taxpayeradvocate.irs.gov/wp-content/uploads/2020/08/2013-ARC_VOL-1_S1-MSP-21.pdf) figure 1.21.5, p. 220. The full 2013 annual report to Congress is available from <https://www.taxpayeradvocate.irs.gov/reports/2013-annual-report-to-congress/>.

<sup>19</sup> *Id.*, figure 1.21.6, p. 221.

- Immigrants will not be able to get an ITIN and file income tax returns. As a result, they won't be able to comply with their obligations under federal tax laws.
- Immigrants who can't get an ITIN or file tax returns will face problems if they ever become eligible for immigration relief. Certain applications require proof that the applicant has filed tax returns to establish that they have "good moral character."
- Immigrants who can't get an ITIN or file tax returns will also find it harder to prove their work history and that they have been physically present in the U.S. for a certain amount of time, which is also relevant for immigration applications.
- Low-income immigrants will be prevented from claiming tax supports for which they are eligible, including the Child Tax Credit (CTC), the Additional Child Tax Credit (ACTC), and credits under the Affordable Care Act (ACA). Barriers to obtaining the CTC and ACTC can push low-income children deeper into poverty.
- If they can't file tax returns, mixed-immigration status families with members who are eligible for health insurance under the ACA will not be able to prove that they have complied with the individual mandate. And if they received a health insurance premium tax credit, they won't be able to provide the information about their health insurance and income that the IRS needs in order to reconcile the tax credit that was advanced to them with the tax credit for which they're actually eligible. This could prevent them from being able to renew their health insurance the following year.

FOR MORE INFORMATION, CONTACT  
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