Table of Contents

Introduction 1

Tax Treaties 1

Chart: What Foreign Asset Reporting Form Do I Need to File? 3

Potential Failure to File Penalties 4

Chart: Comparison of Form 8938 to Form FinCen114 Filing Rules 6

Form 926 11

Filing Requirements 12

Form 1040-C 13

Form 1042 and 1042-S 15

Form 1116 Foreign Tax Credit 17

Form 1116 Filing Exemption Election 17

Itemized Deduction Election 18

Eligible Foreign Taxes 18

Ineligible Foreign Taxes 18

Preparation Tips 20

Form 2555 Foreign Earned Income Exclusion 23

Non-Qualifying Earned Income 23

Exclusion of Employer Provided Meals and Lodging 24

Double-Dipping 24

Making the Exclusion Election 24

Form 3520 31

Note Regarding Mexican Land Ownership 32

Foreign Gifts 32

Canadian Retirement Accounts 33

Reporting Requirements 34

Penalties for Failure to File Form 3520 34

Form 3520-A 35

Mexican Land Trusts (Fedeiicomiso) 35

Canadian Retirement Accounts 36

Other Exemptions 36

Filing Requirements 36

Penalties 36

Form 5471 37

Form 8288 39

Exceptions 40

Form 8621 41

Qualifying Electing Fund Election (QEF) 43

No QEF Election 44

Mark to Market election 45

Tax Due with Form 8621 45

Penalties for Not Filing 46

Form 8854 47

Deferral of the Payment of Mark-to-Market Tax 47

Who Has to File? 48

Exemptions 49

Tax Liability 49

Form 8858 51

Filing Requirements 51

Penalties 52

Form 8865 53

Categories of Filers 53

Filing Requirements 54

Form 8938 Foreign Financial Assets 55

Form 8938, Statement of Specified Foreign Financial Assets 55

Filing Requirements 55

Specified Person 56

Specified Foreign Financial Assets 56

Reporting Requirement Exceptions 57

Asset Valuation 58

Penalties 59

Fin Cen 114 69

Filing Requirements 69

Delinquent Filings 70

Schedule B 70

Who is United States Person? 71

What is a Financial Account? 72

Financial Interest 74

Signature Authority 76

Reporting Jointly Held Accounts 76

Modified Reporting Requirements 77

Filing Exceptions 77

Recordkeeping 79

Penalties 80

Form BE-13 87

FinCen New Reporting Rules 92

Company Applicants 93

Beneficial Ownership Information Reports 94

Timing 94

Blank Forms 95

Form 926 95

Form 1040-C 99

Form 1042 103

Form 1042-S 105

Form 1116 107

Form 2555 109

Form 3520 113

Form 3520-A 119

Form 5471 125

Form 8288 131

Form 8621 133

Form 8854 137

Form 8858 143

Form 8865 147

Form 8938 153

SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN U.S. FORM BE-13A 155

SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN U.S. FORM BE-13B 169

SURVEY OF NEW FOREIGN DIRECT INVESTMENT IN U.S. FORM BE-13D 183