# STATEWIDE FOREIGN NATIONAL TAX COMPLIANCE PROGRAM

FNIS Set Up and Data Entry
For
State Agencies



# Office of the State Controller State of North Carolina

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#### **Foreign National Overview**

#### **Background**

As a result of the Foreign National Initiative, all North Carolina State Governmental Agencies have been tasked with the responsibility of withholding, when applicable, the correct amounts from payments to Foreign Nationals (individuals) in accordance with the IRS regulations (IRS code section 1441) and policies established by the Office of the State Controller in August 2004. These policies and procedures are posted on the State Information Guide (SIG) website (<a href="http://www.osc.nc.gov/">http://www.osc.nc.gov/</a>). Failure to comply with any of these regulations could result in stiff penalties from the IRS.

To comply with this initiative, new software was purchased from the Windstar Technologies, Incorporated. There are two components to the software:

- FNIS Foreign National Information System
- Tax Navigator

This software serves as the work horse for this project since it calculates all applicable withholding for Foreign Nationals, plus, completes any necessary tax forms for each record. Tax Navigator is recognized by the IRS as a valid software package for tracking withholdings for Foreign Nationals. This software is currently housed on a separate and secure server at the Office of the State Controller.

One of the components of the Tax Navigator software is the **Foreign National Information System (FNIS)** web based application. This application gives agencies the ability to automate the information gathering process for each Foreign National record. Once the information is gathered in FNIS and submitted to the OSC with the appropriate documentation, the information is uploaded into the Tax Navigator system so withholdings can be calculated and applicable tax forms prepared for signatures.

#### **Agency Responsibilities**

To show compliance with the Foreign National Initiative, all agencies have been asked to develop internal policies and complete two forms. A copy of all of the internal policies and forms should be sent to the OSC for documentation purposes in the event of an audit. Receipt of this information demonstrates an agency is in compliance with this initiative.

 Authorized Signature Form: Individuals assigned to serve as authorized signatures will be responsible for signing the FNIS Data Gathering Form, located on the OSC's website, along with the Foreign National to certify that the information has been reviewed and verified for accuracy. The agency's authorized signer will then sign the Immigration Status Data Sheet that is printed from FNIS. In addition, these individuals will be responsible for signing any applicable tax forms to be submitted to the IRS. The Authorized signatures for each agency should be the Human Resources Director and the Chief Financial Officer, along with appropriate backups for both areas.

- NOTE: The *original* of the **Authorized Signature Form** must to be sent to the **OSC Foreign National Team at 1410 MSC, Raleigh, NC 27699-1410** for documentation purposes in the event of an audit.
- 2. **Agency Contacts Form:** The individuals represented on this form will manage the data gathering process for any Foreign National within an agency. Each agency may designate contacts in the areas of human resources, payroll, accounts payable, and purchasing. Agencies can designate as many contacts in each area as needed.
- 3. **Internal Policies and Procedures:** Based on each agency's internal business flow and structure, policies and procedures should be developed by all agencies to document how the Foreign National information will be gathered and tracked to ensure accurate processing in the Central Payroll System, Beacon System or the NCAS accordingly.

All documentation (visa, passport information, etc.) for Foreign Nationals should be housed in a secure location at each agency. The OSC does not need this information since the agency has established the relationship with the individual (Foreign National) and certifies all the information that is entered into FNIS is true, complete and correct.

#### What is a Foreign National

A Foreign National is an *individual*, who is not a citizen of the United States and does <u>not</u> pay income taxes in the US. These persons are in the US with visas. This visa documentation determines whether or not the individual is permitted to work/accept payments in the US. Accordingly, with valid documentation, a Foreign National can be a state employee or contractor and paid through the Central Payroll System or Beacon System. This individual can also serve as an individual vendor or contractor that is being paid for *services only* through the NCAS.

## **Identifying Foreign Nationals (Non-Resident Aliens)**

These factors are mainly used in Accounts Payable procedures.

- Individual does not have SSN: Will have to withhold at 28% backup withholding or 30% NRA tax rate.
- If the ID number furnished starts with a 9 they are probably a NRA and subject to the 30% withholding.
- If the remit-to address is outside the US and services are provided inside the U.S. they are probably a NRA and subject to the 30% withholding. Further inquiry must be made.
- If they voluntarily identify themselves as an NRA withhold 30%.

#### Other points to consider when identifying Foreign Nationals

Resident aliens, refugees, and persons with Green Cards all pay income taxes as if they were a US citizen and receive W-2s. Therefore, no special withholdings are necessary in these cases. Agencies must track the expiration dates for Green Cards outside of the FNIS system.

If an individual refuses to share information/documentation (visa, work authorization, etc.) you may not be able to continue the relationship with the person since your agency may not be in compliance with the IRS regulations if payments are made to this person.



**Note:** Any person (Foreign National) who is in the US with a work authorization may not continue to work past this document's expiration date. This date should be tracked by the agency. If a payment is made to a person with an expired work authorization, stiff penalties can be levied against the agency making payment.

**All** documentation gathered will remain at your agency level, in your files. The only documentation that will be sent to the OSC is the "Immigration Status Data" sheet that is printed from the last screen in the FNIS application. This form contains the Foreign National's and the agency's representative's signature verifying the data submitted is true, complete, and correct.

#### **Foreign National Information System (FNIS)**

Once an agency has identified an individual, the following information must be sent to the *Foreign.National.Team@osc.nc.gov* email address to be entered into the FNIS system:

- Individual's Full Name
- Date of Birth

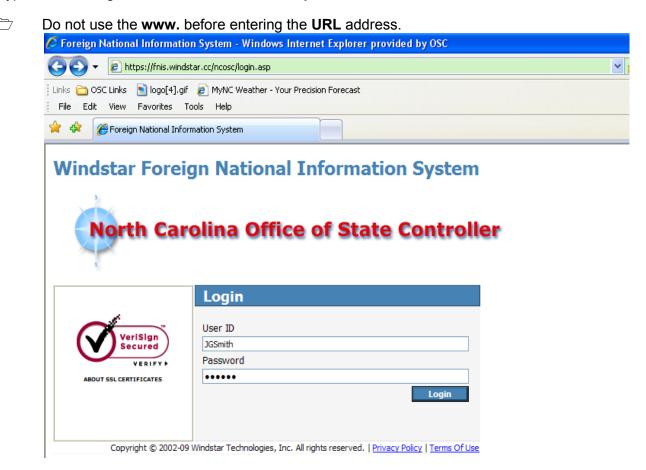
Using the above information, the OSC will establish a FNIS record for the individual and email the ID and password to the designated agency contact.

Please note that your agency will either provide the Foreign National with the log-in information or the agency representative will enter the information into FNIS for the Foreign National. Access to the FNIS system is specific to the Foreign National and does not provide global access. Once you have checked the box for confirmation on step 6, the file will be locked and you will only be allowed to view the Foreign National's data. Any updates to the data will require the agency to contact the OSC to unlock the record.

#### **Logging into FNIS:**

After receiving the **User ID** and **Password** from the OSC for the Foreign National, follow the steps below to enter the person's information into the FNIS System.

- 1. Open the Browser on your machine. (i.e., Netscape or Internet Explorer).
- 2. Type the following **URL** in the address line: https://fnis.windstar.cc/ncosc/



3. On the Login Screen, enter the **User ID** and **Password** (case sensitive) provided in the email notification for the record to be entered.

#### For example:

Foreign National's Name: John Smith
 User ID: JGSmith
 Password: FIN\_78

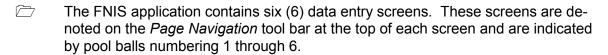
Each agency contact will be assigned a specific password to be used. Once the Foreign National's record is created by the OSC, the user ID and password will be provided.

After logging in to FNIS, the **Welcome to Windstar Foreign National Information System** screen appears.



Three options are available to you.

**Data Entry:** This link takes users to the data entry screens to add information for a Foreign National record.



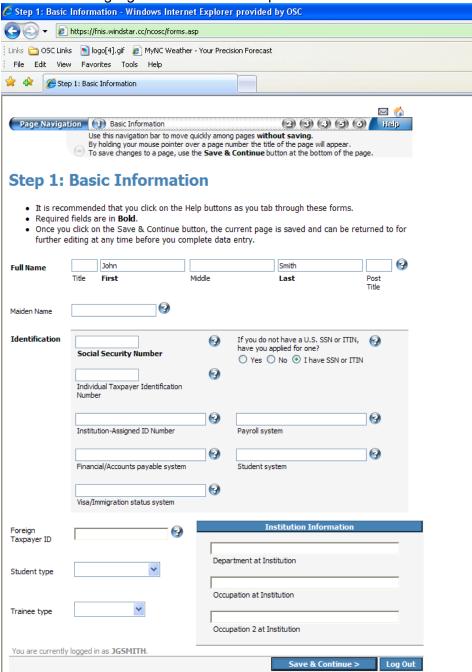
**IRS Form:** This link contains the applicable tax forms for the Foreign National. These tax forms are prepared in Tax Navigator after the FNIS data is uploaded into the system.

**Account Configuration:** This link is used to make changes to the account and to change the FNIS password. This step is not necessary since the username and password is specific to the Foreign National and does not provide global access.

4. To begin data entry, click on **Data Entry** from the list on the screen.

### **Step 1: Basic Information**

Pool Ball 1 is highlighted in blue at the top of the screen.



Note the information the agency provided (name and date of birth) has defaulted into the correct fields on the screen. Each page also has information on what an individual must

do to enter and save information. There's general help available for the navigation bar (at the top of the page) and clicking a field's Help icon, ②, provides specific help for that field.

- 1. **Enter** the Foreign National's information. Use the *Foreign National Information System Data Gathering Form* completed at the time of hire/agreement for payment for input into the FNIS system. *Keep copies of all documentation for your records.* 
  - Some agencies have the Foreign National complete the information in the FNIS system with supervision. *If this is the case, do NOT let the Foreign National complete Step 6. This step is for Agency Use Only.*
  - Entry fields identified in **Bold** are required fields. If a required field is not completed, the user may save the record with errors. Records saved with errors will be reviewed by the OSC and may be rejected due to additional information necessary to process the Foreign National's record.
  - Agencies using FNIS/Tax Navigator to track persons with Green Cards may skip many of the required fields. However, it is helpful to provide as much information as possible. It is OK to save these records with errors.

The following fields on this screen should be completed if applicable:

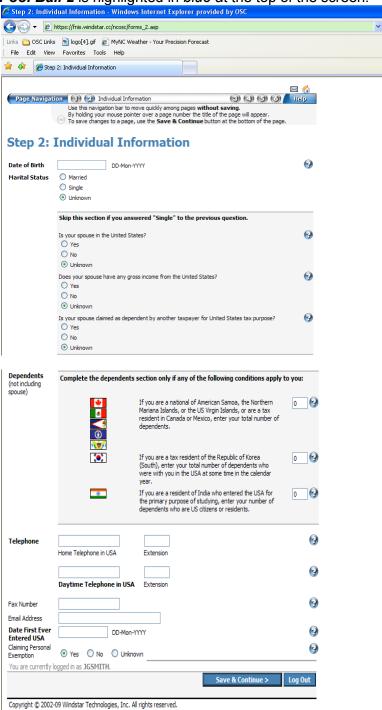
- Institution Assigned ID Number, Financial/Accounts payable system, Payroll System, Student System, Visa/Immigration Status System – DO NOT use these fields.
- **Department at Institution** Enter the division or section name where the Foreign National is working. For example, OSC/Financial Services Section.
- Occupation at Institution Once an Non-Resident Alien becomes a Resident Alien you should notify the OSC to change the status of the Foreign National to one of the following: Refugee, Green Card, US Immigrant, or Permanent Resident, etc.
- Once the employee is a Resident Alien, the agency should follow their policies and procedures for method of tracking the expiration of the Foreign National's Immigration Status.
- 2. Click on **Save & Continue**. The pool ball turns green for the completed screen and the Page Navigation pool ball 2 moves to the left side of the Navigation Tool bar and turns blue.
  - If the pool ball turns **RED**, one or more *Required Fields* have been left blank.

    These fields will be highlighted in red on the screen. Check your entries and make corrections, if applicable. If it is unnecessary to complete the field, click the **Save with Errors & Continue** button.

Be sure to Save & Continue before moving to the next pool ball. If you navigate using a pool ball before saving the information, the information may be lost. Pool balls should be used to navigate only after the information is saved.

#### Step 2: Individual Information

Pool Ball 2 is highlighted in blue at the top of the screen.

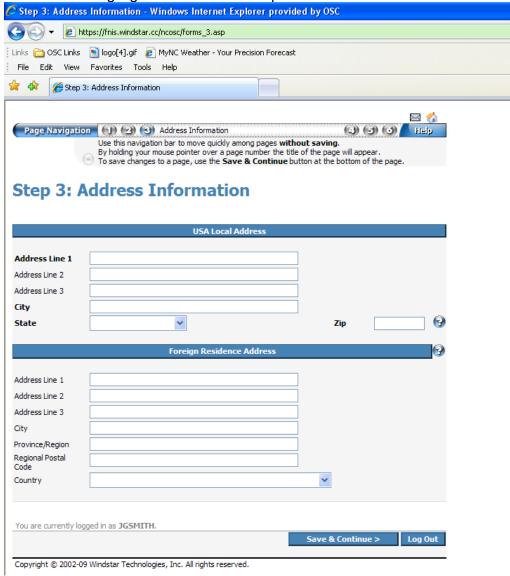


- 1. Enter the date of birth (if it was not already entered).
  - Pay special attention to entering dates. The system recognizes the European date format (day-month-year or dd/mm/yyyy).

- Marital Status: Enter the marital status if provided. This is only for information purposes. In most cases, the Foreign National will need to file <u>SINGLE</u> and <u>zero</u> on the W-4 form.
- 3. **Dependents:** Complete this section only if the Foreign National is from one of the countries (see flags) indicated in this section.
- 4. Enter **Telephone** numbers.
- 5. Enter the **Agency Contact's** email address in the **Email Address** field. Please do not provide the Foreign National's email address.
- 6. Enter the **First Date** <u>ever</u> entered the USA. Please note this date may not be the same date as the current visa. The Foreign National must provide the first date they stepped foot in the U.S. Double check the date format. Remember to use *dd/mm/yyyy* format.
- 7. Click **Save & Continue**.

#### **Step 3: Address Information**

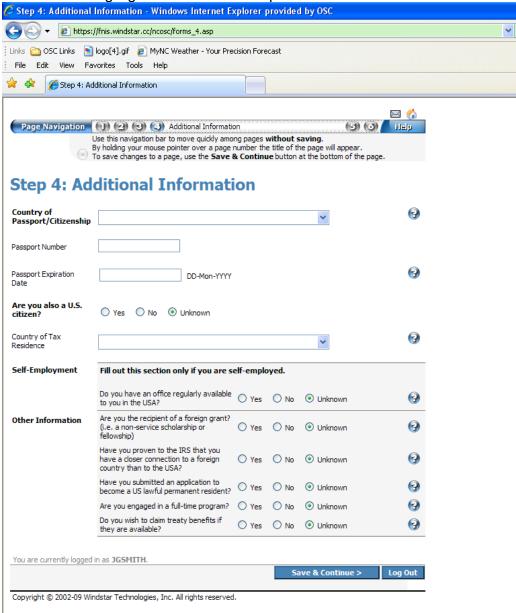
Pool Ball 3 is highlighted in blue at the top of the screen.



- 1. Enter the **USA Local Address**.
- 2. Enter the **Foreign Residence Address** if provided.
  - At the end of the year, Tax Navigator generates year-end tax forms for all Foreign Nationals (Form 1042S). If a Foreign National is only in the US for a brief period, a foreign address is necessary so the 1042S can be sent to the correct address.
- 3. Click on Save & Continue.

#### **Step 4: Additional Information**

**Pool Ball 4** is highlighted in *blue* at the top of the screen.

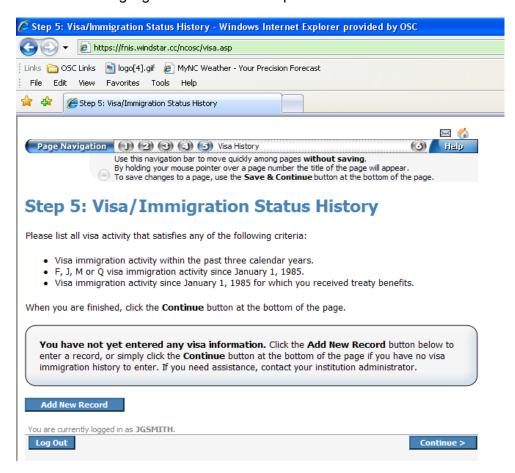


- 1. Enter **Country of Passport/Citizenship**. This field usually defaults from the previous screen.
- 2. Enter Passport Number.
- 3. Enter **Passport Expiration Date** (dd/mm/yyyy).
- 4. Select whether they are a citizen or not. Some Foreign Nationals may have dual citizenship.

- 5. Enter **Country of Tax Residence**, if applicable. This is the country where the Foreign National currently pays taxes.
- 6. Enter **Other Information**, if applicable. Most of these questions relate to university employment/enrollment (professors and students).
  - If **Yes** is marked for any of these fields, obtain documentation for filing/tracking purposes.
- 7. Click Save & Continue.

#### **Step 5: Visa/Immigration Status History**

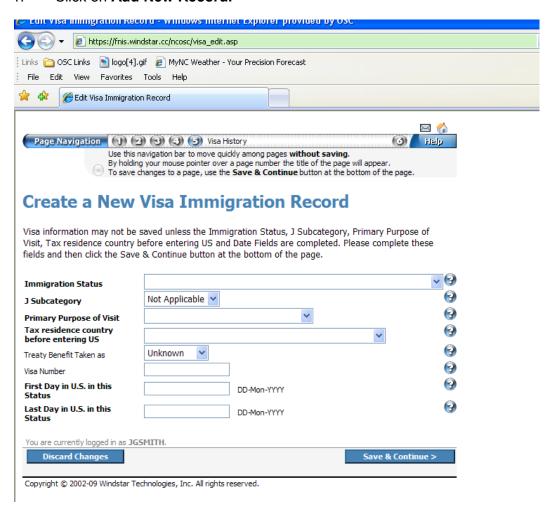
Pool Ball 5 is highlighted in blue at the top of the screen.



This screen is used to record all VISA immigration activity that satisfies any of the following criteria.

- VISA activity within the last three calendar years.
- F, J, M or Q VISA activity since January 1, 1985.
- Visa activity since January 1, 1985 for which a treaty benefit is received.

1. Click on Add New Record.



Enter all visa information for each time the Foreign National was in the US. There are no limits to the number of visa records that can be entered.

- 2. **Immigration Status:** Select the immigration status or select *Other* if the immigration status is not listed. The immigration status is on the Form I-94, Arrival/Departure document, which is typically stapled to the passport.
  - Note: An Employment Authorization Document (EAD) is not an immigration status.
- 3. **J Subcategory:** If the current visa status is **J** (Exchange Visitor), select the category that is checked on Form DS-2019 (formally Form IAP-66). If the Foreign National is in the US on a **J-2** (Derivative status, use the category from the primary visa holder's Form DS-2019.

4. **First Day in US:** This is the date the Foreign National first entered the US with this visa status. (This date is typically shown/printed after the INS/USCIS visa start date.) If the Foreign National is a tax resident of a country that has a tax treaty with the US, the Tax Navigator uses this date to determine the beginning of your treaty benefit period.

Enter the date in the format dd/mm/yyyy.

- 5. **Last Day in US:** For entering in this field, one of the following items should apply.
  - The status expiration is stamped on the Form I-94, Arrival/Departure Record. This information should be stapled on the passport.
  - This is the date the program ends if the status expiration date is D/S (Duration of Status).

If the Foreign National is a tax resident of a country with a tax treaty with the US, the Tax Navigator uses this date to determine whether the Foreign National is eligible for treaty benefits.

Note: If the treaty has a provision that causes a retroactive loss of benefits if the stay exceeds a specified period and the last day in the US indicates that the Foreign National will exceed that period, the Foreign National may not claim treaty benefits.

Enter the date using the format dd/mm/yyyy.

If the Foreign National is entering their own information in FNIS, they must stop after completing Screen 5 so the agency can review and obtain the Foreign National and Agency Authorized signatures on the printed copy of Screen 6 (Immigration Status Data).

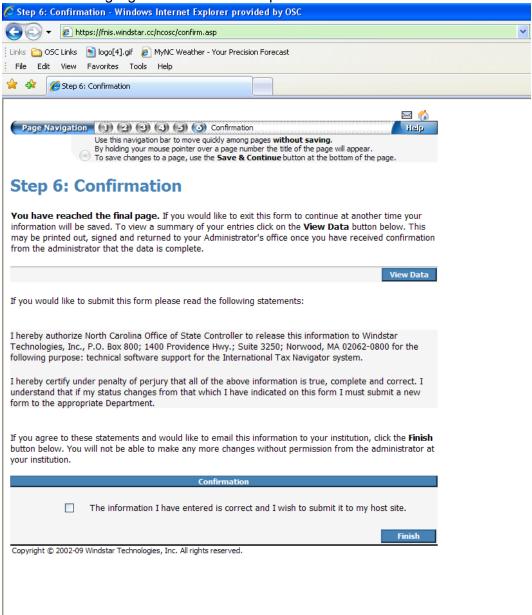
6. Click Continue.

If you would like to quit at this point, click **Log Out**. Your information will be saved.

#### **Step 6: Confirmation**

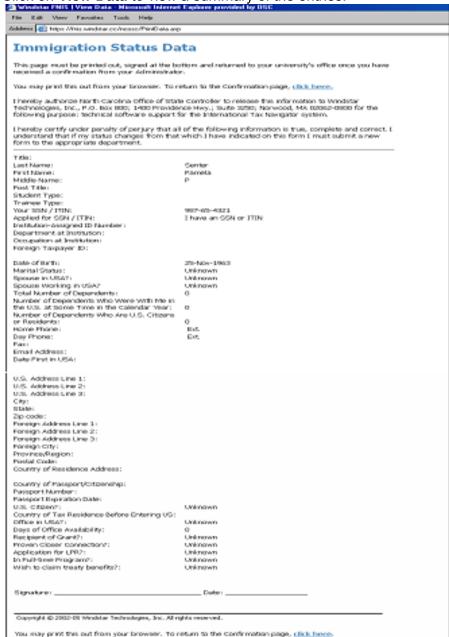
#### FOR AGENCY USE ONLY:

**Pool Ball 6** is highlighted in *blue* at the top of the screen.



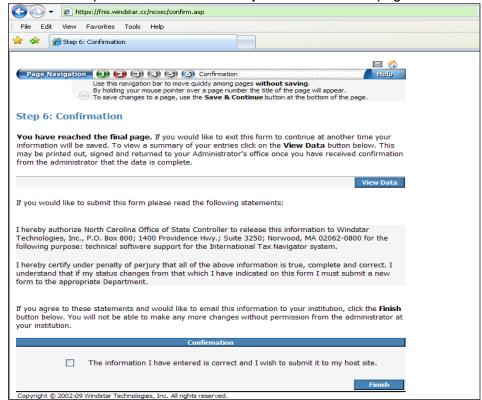
This is the final screen to be completed. **Prior** to checking the confirmation box, you will want to view the data you have entered.

Click on View Data to view a summary of the entries.



- 2. Review the data to ensure the accuracy of the input against the documentation gathered.
- 3. Print the **Immigration Status Data** sheet.
- 4. The **Foreign National** must review, sign, and date the form for accuracy.
- 5. The **Agency Authorized** representative must also sign the form to certify that the information has been reviewed for accuracy.
  - The **original** signed form **must** be sent to the **OSC Foreign National Team at 1410 MSC, Raleigh, NC 27699-1410** in order to finalize the data entry process.

Click the link provided to return to Step 6: Confirmation page.



- 7. Place a **checkmark** in the confirmation box at the bottom of the screen to verify the record has been completed and reviewed by the agency.
- 8. Click Finish.
- Click on the **EMail Link** to notify the Foreign National Team the record has been completed.

An email will be generated and sent to the OSC advising that the form has been submitted for approval and further processing.

The OSC will not upload the FNIS data in Tax Navigator until the original signed form has been received by the *OSC Foreign National Team at 1410 MSC, Raleigh, NC 27699-1410*.

FNIS is a helpful and key component with the information gathering process. Since FNIS is Web based, the application can be completed off site and anywhere in the world by a Foreign National. If this is done, the agency will still need to review the information and have the hard copy signed before the information can be uploaded in Tax Navigator.

**Reminder:** All documentation gathered will remain at your agency level, in your files. Each agency should either meet with the Foreign National in person or have an authorized agent review the original documents to ensure validity. The only documentation that will be sent to the OSC is the data sheet printed from the last screen in FNIS.