



## The Tax Practice of the Law Firm of Figeroux & Associates

# Tax Planning Guide for Immigrants



### INSIDE:

- *Immigrants and Taxes*
- *Filing an Amended Return*
- *2021 Child Tax Credit and Advance Child Tax Credit Payments and Commonly Asked Shared-Custody Questions*
- *Taxes and Unemployment: What You Need to Know*
- *Six Ways to Get Out of Debt and Resolving Tax Debt*
- *2021 Child Tax Credit, Advance Child Tax Credit Payments and Commonly Asked Immigration-Related Questions*
- *Why Hire Us?*

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1040 U.S. Individual Income Tax Return

# Immigrants and Taxes

Do immigrants pay taxes? The basic answer: yes. Immigrants, including those without documentation, pay billions of dollars in taxes to federal, state and local governments every year. Immigrants paid \$492.4 billion in taxes in 2020, including an estimated \$30.6 billion in taxes paid by undocumented immigrants.

Immigrants have always been, and continue to be vital, to the United States — a country made up of immigrants. Immigrant taxes support local schools, Social Security, and Medicaid, among other programs. However, immigrants are unable to benefit from programs such as Social Security and Medicaid, which are only accessible to permanent residents and U.S. citizens.

Immigrant tax contributions help establish a robust tax base, which means that mass-deporting immigrants from the U.S. or preventing new migrants from coming would have disastrous effects on the economy.

The data from the New American Economy puts numbers to the important role immigrants play in the U.S. economy. here are some of the highlights:

## All Immigrants

There are some 44.4 million immigrants in the U.S., making up 13.6 percent of the total population. They paid \$92.4 bil-



lion in taxes in 2020 and deployed \$1.3 trillion in spending power. Some 8.5 million people are employed by businesses owned by immigrants. 15.2 percent of nurses in the U.S. are foreign-born, while 25.9 percent of health aides are foreign-born. These are both critical professions for the aging population of the U.S. — especially in less-populated places.

## Undocumented Immigrants

Undocumented immigrants paid \$30.6 billion in taxes in 2020, \$11.7 billion of which went to state and local governments, and had a total spending power of \$214.8 billion. In 2013, Stephen Goss, the chief actuary of the Social Security Administration said, “we estimate that earnings by unauthorized immigrants result in a net positive effect on Social Security financial status generally.”

## The ITIN for Undocumented Immigrants

An ITIN, or Individual Taxpayer Identification Number, is a tax processing number that is only available to certain nonresident and resident aliens, their spouses and dependents who cannot obtain a Social Security Number (SSN). It is a 9-digit number, beginning with the number “9”, formatted like an SSN.

## What is the difference between a social security number and an ITIN?

The main difference between an SSN and an ITIN is that the SSN is issued to U.S. citizens and authorized non-citizens, while the ITIN is issued to residents with alien status or undocumented immigrants. The latter cannot be issued an SSN, but if they are allowed to stay in the U.S., then they have to pay their taxes.

## What an ITIN is NOT used for:

It is essential to understand that obtaining an ITIN number does not change your immigration status, which means that you will not be able to obtain a permanent resident card. In addition, the ITIN is NOT a Social Security number.

## Who can apply for an ITIN?

- A person who resides in the United States for a period of six months or more and who cannot obtain a Social Security number.
- An investor or entrepreneur from other countries who has money invested in a business in the United States.
- Foreign nationals, non-residents of the United States who can apply for a tax benefit.

## What documents do I need to apply for an ITIN?

To apply for an ITIN, the applicant's identity and foreign nationality must be proven. The documents are as follows: Passport, identity card, U.S. or home country driver's license, official birth certificate for children under 18, visa, U.S. or foreign military ID, or foreign flyer's card.

## How do I apply?

To apply for an ITIN, you must use Form W-7.

## How long does the process take?

The process to receive an ITIN takes about 7 weeks after filing the application. If you need help applying for an ITIN, call 855-768-8845. ●

# Filing an Amended Return



There are a few reasons you might need to file an amended tax return. You might have made a mistake on your return, need to update information or take advantage of a tax credit, deduction or other benefit.

In fact, each year, about 3 million Americans file an amended return. Here are some tips from the IRS about when and how to amend your return.

## Correcting Mistakes

The IRS recommends filing an amended tax form 1040-X in order to correct your filing status, the number of dependents you claimed or your total income. You might realize your mistake on your own or receive a notice of an error from the IRS.

## Tax Benefits

You can amend your return to claim tax deductions or tax credits that you did not claim when you filed your original return. This might be a mistake or new legislation may have created new tax benefits retroactively. In 2019, for example, three new federal laws provided tax relief to families affected by tragedies and disasters and other changes. Check with your tax preparer to see if you might qualify for any new programs.

## How to Amend

Talk to your tax preparer about how to amend your tax return. If you received a letter from the IRS, provide that letter to your tax professional, along with any requested information. You will likely have to pay a separate fee for this filing service. Amended returns are filed on form 1040-X. You will also need to refile any schedules to which you need to make changes.

If you are seeking a tax refund or credit, you must file Form 1040-X within three years after the date you timely filed your original return or within two years after the date you paid the tax, whichever is later, according to the IRS. It can take the IRS up to 16 weeks to process your amended return.

In the past, amended tax returns were required to be filed on paper. As of May 2020, they can be filed electronically. ●

**DON'T HAVE AN SSN? NO PROBLEM!  
GET YOUR TAX ID!**

**Did you know that if you reside in the United States for a period of six months or more and is not eligible for a Social Security number you can apply for an Individual TAX ID Number also known as an ITIN?**

**Applying for a TAX ID is easy.**

**You need to have one of the following documents:**

- Passport
- Identification card
- Driver's license from the United States or from the country of origin
- Official birth certificate for minors under 18 years old
- Visa
- American or foreign military card, or foreign steering wheel card

**You must complete the W-7 form. We can help you!  
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# 2021 Child Tax Credit and Advance Child Tax Credit Payments and Commonly Asked Shared-Custody Questions

When you're divorcing, there's a lot to comprehend, and emotions are running high. For many couples, working out child custody is one of the hardest—and most critical—parts of a divorce. When children are involved, either the court must decide, or the parents must agree on handling issues like whether and how custody will be shared, who will make decisions for the kids, and how visitation will work. Parents also must make decisions regarding tax issues. According to the Internal Revenue Service (IRS), here are the answers to the most asked questions dealing with shared custody as it relates to Child Tax Credit and Advance Child Tax Credit Payments:

**My child's other parent and I share custody of our child. How will the IRS decide which of us will receive Advance Child Tax Credit payments?**  
The IRS will determine who receives 2021 Advance Child Tax Credit payments based on the information on your



2020 tax return or your 2019 return if the IRS hasn't processed your 2020 return. In other words, if you claimed the Child Tax Credit for your child on your 2020 return, then you will receive the Advance Child Tax Credit payments. If your child's other parent claimed the Child Tax Credit on their 2020 tax return, then they will receive the Advance Child Tax Credit payments.

If you are not eligible to claim the Child Tax Credit on your 2021 return

(the one due in April of 2022), then you should go to the IRS website to unenroll from receiving monthly payments by using the Child Tax Credit Update Portal (CTC UP). Receiving monthly payments now could mean that you have to return those payments when you file your tax return next year. If things change again and you are entitled to the Child Tax Credit for 2021, you can claim the total amount on your tax return when you file next year.

**My child's other parent and I have agreed that I'll claim our child for each even-numbered year for federal income tax purposes, while the other parent will claim our child for each odd-numbered year. I claimed the Child Tax Credit for our child on my 2020 tax return. Will the IRS disburse the 2021 Advance Child Tax Credit payments to me even though I won't be claiming the Child Tax Credit on my 2021 tax return?**

Yes. Because you claimed your child on your 2020 tax return, the IRS will automatically disburse Advance Child Tax Credit payments to you even though you know you won't be claiming your child on your 2021 tax return. When you file your 2021 tax return (the one due in April of 2022), you could have to pay back the advance payments in excess of the Child Tax Credit you're entitled to claim on that return. If you qualify for repayment protection, you may be excused from repaying some or all of the excess amount.

*continued on page 14*

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# Taxes and Unemployment: What You Need to Know

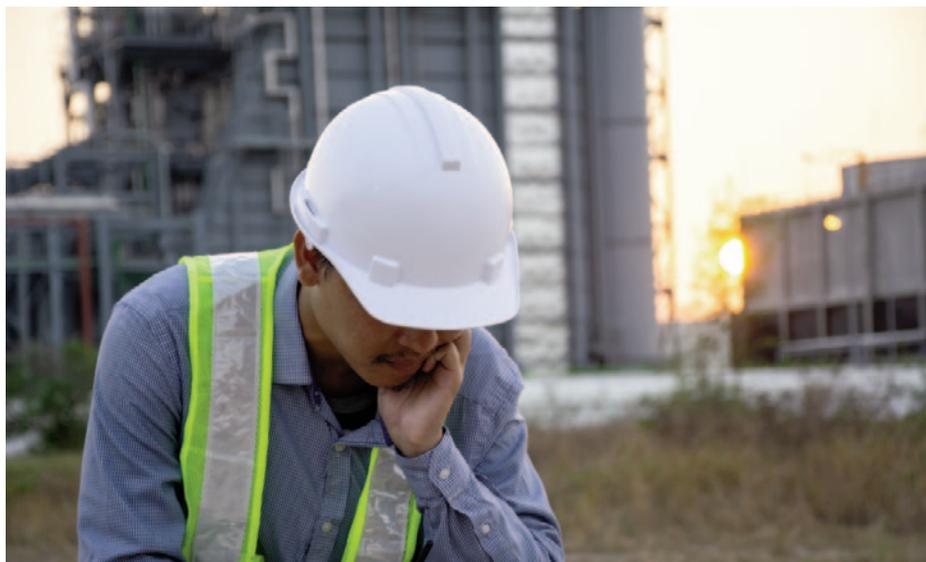
Unemployment payments are usually taxed as income by the federal government. That changed, however, in March 2021, when Congress passed the American Rescue Plan.

The law provided for people (including joint filers) making less than \$150,000 to exclude \$10,200 in unemployment benefits from their income when they file their income taxes for the 2020 tax year. Because the change was made in the middle of a tax filing season, the IRS pledged to recalculate the tax bills of most taxpayers who received unemployment benefits and send them refunds.

By late summer, however, many people were still waiting on their refunds. Other filers need to amend their tax returns on their own to get a refund. This applies to those who would qualify for additional deductions or credits not claimed on their original returns, according to Forbes.

## How to Take Advantage

If you think you might qualify for a refund based on the new law, first check to see if the IRS is already processing your refund. You can do this by visiting IRS.gov and requesting a transcript of your tax returns. If the refund is not already in the works, speak to your tax



preparer about filing an amended return to take advantage of the new tax benefits. Anyone who receives unemployment payments receives a Form 1099-G, Certain Government Payments, at tax time. You may need to request the form from your state if you did not receive it. Box 1 of the form will show the total dollar amount of unemployment payments you received. You may deduct \$10,200 from that amount when you file your tax return, if you qualify for the deduction.

## Fraud

Some tax filers during the pandemic have found that a criminal using their identity has received unemployment benefits using their name. If this happens to you, immediately contact the police and your state unemployment agency to report the fraud and request corrected forms. The IRS urges taxpayers not to report as income on their tax returns any fraudulent payments they did not receive. ●

Shared-Custody Questions/  
continued from page 3



**My child's other parent is receiving the Advance Child Tax Credit payments even though I will be claiming the Child Tax Credit for our child on my 2021 tax return. Will I still be able to claim the full Child Tax Credit?**

Yes. You will be able to claim the total amount of the Child Tax Credit for your child on your 2021 tax return even if the other parent is receiving Advance Child Tax Credit payments. The other parent should unenroll from receiving advance payments, but their decision will not affect your ability to claim the Child Tax Credit.

If you need assistance with this or other tax issues, call 855-768-8845 for a FREE consultation. ●

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# Six Ways to Get Out of Debt and Resolving Tax Debt

BY CHRIS TOBIAS

A significant percentage of people are dealing with different debts, including student loans, business loans, credit cards, mortgages, and auto loans. Sadly, it can be challenging to get out of these debts. Fortunately, with the right tools and knowledge, you can pay them without struggling. Here are six ways to get out of debt.

## Don't Add More Debts

If you add more debts, you can find yourself in a difficult financial spot. Therefore, you should try as much as possible not to take more debts. For instance, you can take periodical breaks from using credit cards.

## Reduce Your Expenses

It is essential to reduce your costs to save money. Hence, you should have a tight budget, guiding you monthly. This way, you won't spend without planning.

Moreover, you should substitute expensive habits with affordable ones. For example, instead of buying coffee every morning, you can make it at home and

carry it to work. This will give you extra coins to pay a few debts.

## Get a Side Hustle

If your salary can't clear your debts and still give you a comfortable life, you should get a side hustle. The chances are you have skills that you can monetize. This can be programming, coding, content writing, or web designing.

You can also choose to sell your old clothes or list a spare bedroom on Airbnb. You can channel the earnings from these side hustles towards the debts, while your salary helps you attain your goals.

## Increase the Monthly Payments

Debts usually have a minimum amount that a debtor must pay monthly. However, paying the least amount means you will take longer to clear the debt, resulting in a higher interest. Thus, you should increase the monthly payments to speed up the completion. Make sure that you confirm if your loan has a prepayment penalty to avoid misunderstandings.

## Pick One Debt at a Time

Some people prefer distributing money equally towards all their debts monthly. This tactic works eventually, but you may feel burdened for some time. Therefore, you should resort to picking one debt at time, starting with the highest interest level, and giving it more attention.

You will still distribute money to the other debts, but the chosen one will get a significant payment. Consequently, you will notice progress within a short period. Once you finish paying the particular debt, you can move to the next one until they are all done.

## Apply the Debt Snowball Method

The debt snowball method entails paying debts from the smallest to the largest. Thus, you will list down your debts and start paying the smallest one. When it's done, you will put the extra cash in the next smallest debt. Eventually, all your minor debts will be settled, so you will have adequate money to clear the larger ones.

Paying debts is viewed as one of the most stressful experiences. However, it



doesn't have to be as you can use the tips discussed above to guide you. You should always work toward getting out of debt if you want to achieve financial freedom.

## Resolving Tax Debt

Having tax debt hanging over your head can be a source of stress and anxiety. The Internal Revenue Service (IRS) has immense power to collect monies owed, which can put a pinch on your financial resources. Resolving outstanding tax debt should be a top priority.

If your tax debt is large, you might feel discouraged about resolving it. The IRS, however, will negotiate your debt. It is advisable to get professional help when dealing with the IRS. ●



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# 2021 Child Tax Credit, Advance Child Tax Credit Payments and Commonly Asked Immigration-Related Questions

The Child Tax Credit is typically a credit parents with dependent children receive on their income tax return. In 2021, Congress passed the American Rescue Plan, which made a one-time in-increase in the credit for the 2021 tax year and provided for the IRS to pay half of the credit to taxpayers in equal monthly payments from July through December.

Children ages five and younger qualify for up to a \$3,600 credit, while children ages six to 17 qualify for up to \$3,000. The full credit is available to taxpayers who make less than \$150,000 for married filing jointly or qualified widows or widowers; \$112,500 for head of household, and \$75,000 for single and married filing separate. The credit phases out by \$50 for every \$1,000 over those limits.

The new law made the credits fully refundable, so even those who don't owe taxes can get the credit and receive a refund. Nearly 90% of children in the U.S. qualify for the advance payments, according to the IRS.



## The Catch

The payments could cause some confusion in 2022, because when taxpayers file their tax return for 2021, they will need to reconcile the advance payments with the actual credit they are entitled to receive. In addition, some upper-income families do not qualify for the increased credit, creating some confusion among taxpayers.

## Immigrants' Concerns

Immigrants have specific concerns. Here are answers to the frequently asked ques-

tions, according to the Internal Revenue Service (IRS):

## I don't have a Social Security Number (SSN), but I have an Individual Taxpayer Identification Number (ITIN) from the IRS. Am I eligible for the Child Tax Credit?

Yes. You — and your spouse, if married filing a joint return — must have a Social Security number (SSN) or an IRS Individual Taxpayer Identification Number (ITIN) to be eligible for the

Child Tax Credit. You would receive advance Child Tax Credit payments only if you used your correct SSN or ITIN when you filed a 2020 tax return or 2019 tax return. Advance Child Tax Credit payments will be made for each qualifying child who has an SSN that is valid for employment in the United States.

## Does my child need to have a Social Security Number (SSN) to qualify for the Child Tax Credit?

Yes. For your child to qualify you for the Child Tax Credit, your child must have a Social Security Number (SSN) that is valid for employment.

Therefore, if your child does not have an SSN that is valid for employment, you are not eligible to receive advance Child Tax Credit payments for that child.

## What does it mean for the Social Security Number (SSN) to be valid for employment?

For qualifying children, a valid Social Security Number (SSN) is one that is

*continued on page 7*

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*continued from page 6*

advance Child Tax Credit payments for that child.

**What does it mean for the Social Security Number (SSN) to be valid for employment?**

For qualifying children, a valid Social Security Number (SSN) is one that is valid for employment in the United States and is issued by the Social Security Administration (SSA) before the due date of your 2021 tax return (including extensions).

If an individual was a U.S. citizen when he or she received the SSN, then it is valid for employment in the United States. If "Not Valid for Employment" is printed on the individual's Social Security card and the individual's immigration status has changed so that he or she is now a U.S. citizen or permanent resident, ask the SSA for a new Social Security card.

However, if "Valid for Work Only With DHS Authorization" is printed on the individual's Social Security card, the individual has the required SSN only as long as the Department of Homeland Security authorization is valid.

**Will receiving the 2021 Child Tax Credit or Advance Child Tax Credit payments affect my immigration status or ability to get a Green Card?**

No. Under current law, receiving the Child Tax Credit or other Federal tax credits that you are eligible for will not affect your immigration status, your ability to get a green card, or your future eligibility for immigration benefits. Use of Federal tax credits is not considered for purposes of a "public charge" determination by U.S. Citizenship and Immigration Services.

**As a recipient of Deferred Action for Childhood Arrivals (DACA), am I prevented from claiming the 2021 Child Tax Credit or receiving Advance Child Tax Credit payments for my qualifying child?**

No. Having DACA does not affect your eligibility. If you and your child satisfy all eligibility requirements, you can claim your child for the 2021 Child Tax Credit and receive Advance Child Tax Credit payments.

**My child is a DACA recipient. Can I still claim my child for the Child Tax Credit and receive Advance Child Tax Credit payments?**

Yes. Your eligibility is not affected by your child being a DACA recipient. If your child has a Social Security Number (SSN) that is valid for employment, and you and your child satisfy all other eligibility requirements, you are eligible for the Child Tax Credit and advance Child Tax Credit payments. ●

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**Considerations**

Here are some things to consider:

**Time.** Filing your own taxes can be a time-intensive endeavor. If you own a small business, you could spend as much as 20 hours gathering receipts and other documentation and entering the information into an online platform. If you could use that time for something more important or valuable to you. Focus on running your business, we will take care of your taxes.

**Peace of mind.** What you get in exchange for the money you spend on your return is with us. When you pay someone to prepare your taxes, you are responsible for providing accurate information. We will do the work of checking for deductions, credits, and other tax programs you might qualify for, as well as filing your taxes properly and timely. If



Brian Figeroux, Esq.

you're afraid you will second-guess the accuracy of your filing if you do it yourself, we eliminate that fear. We have experience if you're audited or otherwise contacted by the IRS about your return.

**Complexity.** If you are a high earner, have multiple sources of income, investments, charitable contributions, and other complicated tax situations, hiring us is a smart decision. Knowing the specifics of the tax law is critical in filing a complex return.

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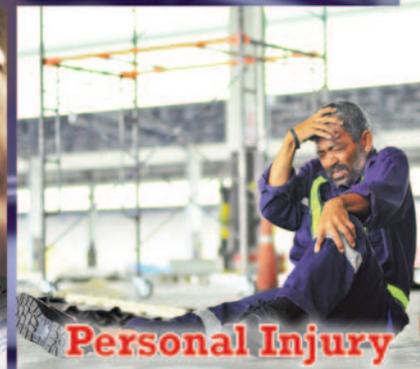
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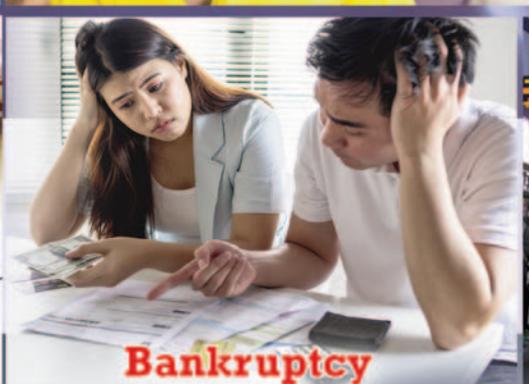
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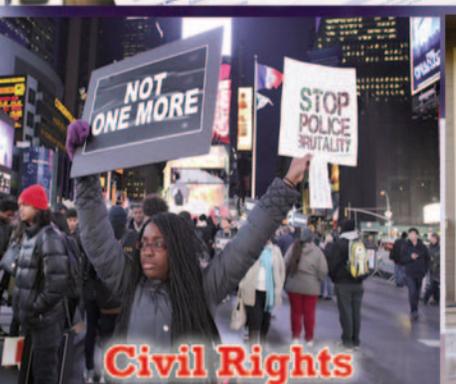
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