quantum leben

Glossary

These explanations merely serve as information and do not constitute any business, legal or tax advice. This information cannot replace individual advice from experts in the concrete case. Nobody may act on the basis of this information without suitable expert advice and a thorough analysis of the concrete situation. We do not accept any liability for decisions made by the user on the basis of this information.

Any other reason (for residence in the USA in terms of U.S. tax law) (only FATCA)
Other reasons for treatment as a U.S. resident in terms of U.S. tax law may be, for instance, dual residency, a spouse not resident in the USA who files a joint U.S. tax declaration with a U.S. spouse, or renunciation of U.S. citizenship, or long-term permanent residence in the USA **Please note** that ownership of U.S. property or participating interests in or accounts receivable from U.S. enterprises (for instance a U.S. business partnership) as such do not establish U.S. residency.

Account Holder (FATCA and AEOI)
The term Account Holder refers to the person maintained or identified by the Financial Institution at which the account is maintained as the holder of a financial account (in the case of life insurance: as the policyholder or the economic beneficiary of a policy). A person who is not a Financial Institution and maintains a financial account as representative, depository, appointee, signatory, investment advisor or intermediary on behalf or for the account of another person is not considered to be the Account Holder within the meaning of AEOI; in this case the other person is the Account Holder. In the context of the bank accounts of trusts, the trust itself and not the trustee is the Account Holder for AEOI purposes.

Reportable Account
The term Reportable Account refers to a financial account, the Account Holders of which are one or more Reportable Persons or a Passive NFE (or a professionally managed Investment Entity that is resident in a non-participating state) controlled by one or more Reportable Persons, if these have been identified as such in application of the AEOI duty of care.

Person subject to reporting
The term Reportable Person refers to a person who is a tax resident in a Reportable State in application of the local regulations, but not (i) a joint stock corporation, the shares of which are traded regularly on recognized stock exchanges, (ii) a joint-stock corporation that is an affiliated legal entity of a joint-stock corporation as in (i) above, (iii) a state-owned legal entity, (iv) an International Organization, (v) a Central Bank, or (vi) a Financial Institution.

Reportable State (only AEOI)
The term Reportable State refers to a state that has (i) signed an AEOI treaty with the Principality of Liechtenstein that obliges Liechtenstein to disclose information about persons who are tax resident in this state (Reportable Accounts), and (ii) that are included in the following list:
https://www.llv.li/files/stv/int-uebersicht-dba-tiea.pdf

State of Tax Residency (only AEOI)
Essentially, a natural person is considered to be tax resident in a state if it pays taxes or is obliged to pay taxes in accordance with the applicable regulations of this state (including international taxation treaties) because of his domicile, residence, or another similar criterion (i.e. full tax liability), and not only because of earnings from sources within this state. Persons who are resident in more than one state can - where applicable - determine their tax residence in accordance with the tie-breaker rules of the applicable double-taxation treaty. (“Main tax residence”?).

Substantial Presence Test (only FATCA)
To pass the Substantial Presence Test, a natural person must have been physically present in the USA for at least the following periods:

- 31 during the current year, and
- 183 during the three-year period comprising the current year and the two immediately preceding years. In order to meet the 183-day criterion:
    - all the days of your stay in the current year; and
    - one third of the days of your stay in the first year before the current year; and
    - one sixth of the days of your stay in the second year before the current year must be added up.

TIN (FATCA and AEOI)
The term TIN refers to a Taxpayer Identification Number or functionally equivalent number, if a TIN is not available. For tax purposes. For more information about admissible TINs, visit the AEOI portal of the OECD http://www.oecd.org/tax/automatic-exchange/.

U.S. Green Card (only FATCA)
A U.S. Green Card is the card for registration of U.S. foreigners as legal residents with permanent residence permit and is issued by the U.S. Citizenship and Immigration Service (USCIS). A natural person who is admitted as a legal resident with permanent residence permit in the USA at any time during the calendar year is a U.S.-resident foreigner in this calendar year. A natural person is no longer a legal resident with permanent residence permit if the status has been revoked or identified as renounced.

U.S. Territory (only FATCA)
The term U.S. Territory also includes the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico and the American Virgin Islands.