

1042-S FAQ for Foreign National Students/Employees

What is a Form 1042-S, and when should I receive it?

A 1042-S is a year-end federal tax document given to a non-resident alien who

- received wages exempted from federal and state tax withholding by a tax treaty
- received a non-qualified taxable scholarship
 - Any amounts received for incidental expenses or by a non-degree candidate are taxable scholarships
 - Incidental expenses include room and board, travel, and expenses for equipment and other items that are not required for either enrollment or for attendance, or in a course of instruction

The 1042-S has an income code, which describes the type of income being reported.

- In certain cases, you may receive a W-2 in addition to a 1042-S
- The form is typically mailed at the same time as the W-2
- The 1042-S will be postmarked no later than March 15

I did not receive my 1042-S. How do I get a copy?

If you know that you should have received Form 1042-S but have not received it, please contact HR Compliance and Immigration Services (HRCIS) at immigration@virginia.edu or 434.924.1377.

Am I considered a “nonresident alien” or a “resident alien” for tax purposes?

- U.S. tax law categorizes people as residents or nonresident aliens for tax purposes, which is not necessarily the same as residency, according to immigration law
- People considered “residents” for tax purposes follow the same rules as U.S. citizens, but there are special rules for nonresident aliens for tax purposes
- There are also special rules that apply specifically to F-1 students, J-1 students and scholars, and H-1 employees who are nonresident aliens for tax purposes
- For more information, please check the HRCIS section of the HR website or contact HRCIS at immigration@virginia.edu or 434.924.1377.

Why is my residency status for federal income tax purposes important?

- For tax purposes, U.S. residents and non-U.S. residents are taxed differently, so it is important for you to determine your residency status
- Non-U.S. residents are only taxed for income acquired during their stay in the U.S.

I am a foreign student at UVA on an F-1 visa. I work for my department part-time and also receive monthly scholarship payments. Do I receive a W-2 for these payments?

- UVA will issue you a W-2 and/or Form 1042-S
- If your home country has a tax treaty with the U.S. that is unlimited in the amount exempted from withholding and no taxes are deducted from your payroll checks, you will receive only a 1042-S
- If your tax treaty is limited in the amount that is exempted from withholding, and you were paid more than that tax treaty limit with taxes deducted, you will receive both a Form W-2 and a Form 1042-S
- If there is no tax treaty, all of your wages are reported on a Form W-2
- Your scholarship payments are reported on the Form 1042-S rather than Form W-2

I am a foreign national on a J-1 visa employed at UVA as a Research Associate. Why don't I have any Social Security or Medicare wages reported on my Form W-2?

Nonresident alien employees visiting the U.S. for a limited period on an F-1, J-1, M-1, or Q-1 visa and performing services for which such visas have been issued are exempt from Social Security and Medicare tax withholding.

I am a researcher with H-1B status. My colleagues are also researchers, but they are not paying Social Security taxes. Why do I have to?

- U.S. Social Security and Medicare taxes apply to all compensation for employment services in the United States unless an exception is available
- There are exceptions for nonresidents in F-1, J-1, M-1, or Q-1/Q-2 status under Section 3121(b)(19) of the Internal Revenue Code
- Your research colleagues qualify for this NRA FICA exception if they are J-1 researchers and are still nonresidents for tax purposes

- There is no Code exception for H-1B status individuals

I have been in the United States for more than five years as a student. Am I exempt from FICA?

- A student in F-1 or J-1 Student status will become a resident alien in their 6th and subsequent calendar years if they meet the 183-day residency formula
- Resident aliens do not qualify for the NRA FICA exception
- Foreign students are eligible for the Student FICA Exception under the same rules that apply to U.S. citizen students

Who do I call if I have questions regarding Form 1042-S?

Please contact HR Compliance and Immigration Services at immigration@virginia.edu or 434.924.1377.