

Sample letter

[Your Name]

[Your Address]

[Email Address]

[Phone Number]

[Date]

Internal Revenue Service
3651 South I-H 35
Stop 6063 AUSC
Attn: Streamlined Foreign Offshore
Austin, TX 78741

Re: Streamlined Foreign Offshore Procedures Submission

Taxpayer(s): [Your Full Name]

Taxpayer Identification Number (TIN/SSN): [Your SSN]

Tax Years: [List the years you are amending, e.g., 2020, 2021, 2022]

To Whom It May Concern:

This statement is submitted in connection with my submission under the IRS Streamlined Foreign Offshore Procedures. I am filing [amended?] federal tax returns, Form 14653, and related information returns (e.g., FBARs, Forms 8938, 3520, 5471, etc.) for the tax years listed above.

I certify, under penalties of perjury, that my failure to report all income, pay all tax, and submit all required information returns, including Foreign Bank and Financial Accounts Reports (FBARs), was due to **non-willful conduct**.

1. Explanation of Non-Willful Conduct

My conduct was non-willful because it resulted from negligence, inadvertence, mistake, or a good-faith misunderstanding of the law, not from a conscious disregard of a known legal duty. I have always sought to be compliant with my tax obligations.

Specifically, the reasons for my previous non-compliance include:

- **Residence Abroad and Lack of Awareness:** I have been a bona fide resident of **[Country of Residence]** since **[Month, Year]**. Living outside the United States, I was not fully aware of the extensive U.S. reporting requirements for foreign financial accounts and assets. I mistakenly believed that because my income was earned and taxed abroad, or fell below the foreign earned income exclusion threshold, I did not have additional filing obligations.
- **Reliance on Misinformation:** I did not seek advice from a U.S. tax professional during this period. I relied on general information from local financial advisors/colleagues/friends who were not knowledgeable about U.S. tax law, who informed me that no U.S. filings were required for my foreign accounts.
- **Complexity and Misunderstanding:** I found the U.S. tax rules for expatriates and foreign assets to be complex and confusing. I misunderstood the requirements related to the FBAR (FinCEN Form 114) and FATCA (Form 8938), not realizing they were separate from the tax return and applied at lower thresholds.

2. Facts and Circumstances

- I have no U.S. tax professional preparer history during the non-compliant years.
- I have now retained a qualified U.S. tax advisor who has explained my obligations.
- I have reviewed the amended returns and information reports attached to this submission and confirm they are complete and accurate to the best of my knowledge.
- I have no financial interest in or signature authority over any foreign financial accounts beyond those disclosed in the attached FBARs.
- The source of funds in all my foreign accounts is my legitimate personal savings and employment income from my work with **[Your Employer's Name]** in **[Country]**.

3. High-Level Risk Factors Not Present

I confirm that the IRS has not initiated a civil examination or criminal investigation regarding my tax liabilities for any year. I have never been contacted by the IRS regarding an offshore account or asset. There is no indication of willful behavior, such as using offshore structures to conceal assets, moving funds to evade detection, or having unreported income from illegal sources.

I am using the Streamlined Foreign Offshore Procedures to come into compliance.

I declare under penalties of perjury that the representations made in this statement and the information provided in the accompanying documentation are true, correct, and complete.

Respectfully submitted,

[Your Signature]

Printed Name: [Your Printed Name]

Date: [Date of Signing]

Key Considerations for Use:

- **Customization is Critical:** You **must** replace all bracketed [] information with your specific personal, financial, and factual details. The explanation in Section 1 must be your own truthful narrative.
- **Non-Willful Standard:** The entire letter must convincingly support a "non-willful" standard (negligence, mistake, misunderstanding). Any hint of intentional concealment ("willful" conduct) makes you ineligible for this program.
- **Supporting Documents:** This letter **must** be attached to a complete and accurate **Form 14653** and accompanied by the required amended tax returns, FBARs, and any other delinquent international information returns for the last three years.
- **Professional Review:** Given the high stakes and complexity, having your entire submission package reviewed by a tax professional before filing is strongly advised. Although most of our clients write their own letter, we can recommend tax lawyers that specialize in drafting these letters. Their fees start at US\$5000 upwards.