



FOREIGN ACCOUNT TAX COMPLIANCE ACT (FATCA) GUIDELINES AND PROCEDURES SAINT LUCIA

Version 9.0

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1 Table of Contents

- 2 Abbreviations 6
- 3 Glossary of Terms..... 7
- 4 FATCA FACT SHEET 13
- 5 Introduction 14
- 6 Saint Lucia Financial Institutions..... 16
- 6.1 What Entities Should Register with the IRS?..... 17**
- 6.2 What Entities are not Required to Register with the IRS?..... 17**
- 6.2.1 **Deemed Compliant Small or Limited Scope Financial Institutions 17**
- 6.2.1.1 A Financial Institution with a Local Client Base 17
- 6.2.1.2 A Local Bank 18
- 6.2.1.3 A Saint Lucia Financial Institution with only Low Value Accounts 19
- 6.2.1.4 Investment Advisors or Investment Managers..... 19
- 6.2.1.5 Collective Investment Vehicle..... 19
- 6.2.1.6 Saint Lucia Qualified Credit Card Issuer 20
- 6.2.2 **Investment Entities That Qualify as Deemed Compliant Foreign Financial Institutions and Other Special Rules 20**
- 6.2.2.1 A Trustee Documented Trust 20
- 6.2.2.2 Sponsored Investment Entity..... 20
- 6.2.2.3 A Sponsored Controlled Foreign Corporation..... 20
- 6.2.2.4 Sponsored Closely Held Investment Vehicle..... 21
- 6.2.3 **Exempt Beneficial Owners 22**
- 6.2.3.1 Government entities 22
- 6.2.3.2 International organizations..... 22
- 6.2.3.3 Central Bank..... 23
- 6.2.4 **Funds which qualify as Non-Reporting Saint Lucia Financial Institutions and Exempt Beneficial Owners..... 23**
- 6.2.4.1 Broad Participation Retirement Fund 23
- 6.2.4.2 Narrow Participation Retirement Fund 23
- 6.2.4.3 Pension Fund of an Exempt Beneficial Owner 24
- 6.2.4.4 Investment Entity Wholly Owned by Exempt Beneficial Owner 24

6.3	What types of accounts are non-reportable?	24
6.3.1	Accounts Excluded from the Definition of Financial Accounts	24
6.3.1.1	Retirement and Pension Accounts	24
6.3.1.2	Non-Retirement Savings Account	24
6.3.1.3	Certain Term Life Insurance Contracts	25
6.3.1.4	Account Held by Estate	25
6.3.1.5	Escrow Accounts	25
6.3.1.6	Partner Jurisdiction Accounts	26
6.4	Registered in Error/Cancellation of Registration	26
7	What Should Be Reported	27
7.1	Types of Financial Accounts	27
7.2	Due Diligence Procedures	27
7.2.1	Pre-existing Individual Accounts not required to be Reviewed, Identified or Reported	27
7.2.2	Lower Value Pre-existing Individual Accounts	28
7.2.3	New Individual Accounts (opened after July 1st, 2014)	30
7.2.4	Pre-existing Entity Accounts not required for Reviewing, Identifying or Reporting	30
7.2.5	Pre-existing Entity Accounts	30
7.2.6	New Entity Accounts (opened on or after July 1st 2014) not required to be reviewed, identified or reported	31
7.2.7	Other New Entity Accounts	32
7.3	Special Rules	33
7.3.1	Aggregation Rules	33
7.3.2	Currency Rules	34
7.4	Required Information	34
7.4.1	Revised Guidelines Related to Obtaining US TIN	35
7.4.1.1	Foreign Financial Institution Temporary U.S. Taxpayer Identification Number Relief	37
7.4.2	Treatment of entity account with missing TIN DATA	38
8	When Should Information Be Reported?	39
9	Reporting and Certification	39
9.1	Registration on IRS website	39
9.2	Certification on IRS Website	40
9.3	Registration with the Inland Revenue Department (IRD)	41

9.4	Registration /Enrolment for FATCA	42
9.5	Document Type Classifications	47
9.6	Document Reference ID (DocRefID)	47
9.7	Preparing for data submission	48
9.8	Deleting a Filing.....	51
9.9	US FATCA XML Upload Filing.....	53
9.10	Correcting US FATCA XML Upload	56
9.11	US FATCA Manual Entry Filing.....	57
9.11.1	Entering Manual Data	62
9.11.2	Reporting Substantial Owners	63
9.11.3	Submitting a US FATCA Manual Report	66
9.12	Correcting a US FATCA Manual Filing	69
10	Special Reporting	75
10.1	Nil Reporting	75
10.2	Sponsoring Entity Report	77
10.3	Non-Participating Financial Institutions.....	79
11	Report Status	80
12	Legal Requirements	80
12.1	Penalties.....	80
13	References	81

List of Tables

Table 1	Withholdable Payments	14
Table 2	Pre-existing Individual Accounts not required for reviewing, identification or reporting.....	27
Table 3	Review Procedures for Pre-existing Individual Lower Value Accounts.....	28
Table 4	<i>Pre-existing Individual High Value Accounts</i>	29
Table 5	<i>Review Procedures for Pre-existing Entity Accounts</i>	31
Table 6	<i>Treatment of Account</i>	32
Table 7	<i>Account Balance Aggregation</i>	33
Table 8	Payments to be reported with respect to various account types.....	35

Table 9 TINS TO USE IN LIEU OF ACTUAL US TIN	36
Table 10 Types of Entities	40
Table 11 Reporting members of financial group XYZ.....	41

List of Diagrams

Diagram 1 Reporting Saint Lucia Financial Institutions	16
Diagram 2 Financial Institution XYZ	41
Diagram 3 Financial Group ABC	42
Diagram 4 Enrolment for FATCA.....	42
Diagram 5 Financial Institution Information Requirements	43
Diagram 6 Sponsored Entity Information Requirements	43
Diagram 7 Primary User Information Requirements	44
Diagram 8 Creating a User	45
Diagram 9 Creating a Secondary User	46
Diagram 10 Users Accounts on the System	46
Diagram 11 Format of Document Reference ID (DocRefID)	48
Diagram 12 Selection of Financial Institution	48
Diagram 13 View of Company and User	49
Diagram 14 Create a Filing 1	49
Diagram 15 Select the Type of filing	50
Diagram 16 Go to Draft Filings.....	50
Diagram 17 Selecting a Draft Filing.....	51
Diagram 18 Deleting a Filing 1	52
Diagram 19 Deleting a Filing 2	52
Diagram 20 Deleting a Filing 3	52
Diagram 21 Create a US FATCA XML Upload Filing.....	53
Diagram 22 Uploading an FATCA XML Upload Filing 1	53
Diagram 23 Uploading an FATCA XML Upload Filing 2	54
Diagram 24 Uploading an FATCA XML Upload Filing 3	54
Diagram 25 View Report Status	55
Diagram 26 View Upload History of FATCA XML Upload Filing	55
Diagram 27 Reviewing Errors is US FATCA XML Upload Filing.....	56
Diagram 28 Sample Summary of File Upload Issues.....	56
Diagram 29 Create a US FATCA Manual Filing	57
Diagram 30 Draft Filing 1	58
Diagram 31 Draft Filing 2	58
Diagram 32 Verifying/Inserting Financial Institution Information.....	59
Diagram 33 Entering Manual Data 1.....	60
Diagram 34 Entering Manual Data 2.....	60
Diagram 35 Verifying Reporting FI Information 1	61

Diagram 36 Verifying Reporting FI Information 2.....	61
Diagram 37 Entering Account Information.....	62
Diagram 38 Information Required for Individual Accounts.....	63
Diagram 39 Entering Entity Account Information.....	63
Diagram 40 Entering Specified US Person information for a Passive NFE Account.....	64
Diagram 41 Entering Financial Account Number and Balance.....	64
Diagram 42 Entering Payments Made to an Account.....	65
Diagram 43 Entering Payment type.....	65
Diagram 44 FATCA Manual Submission Option 1A.....	66
Diagram 45 FATCA Manual Submission Option 1B.....	67
Diagram 46 US FATCA Manual Submission 1.....	67
Diagram 47 US FATCA Manual Submission 2.....	68
Diagram 48 US FATCA Manual Submission 3.....	68
Diagram 49 US FATCA Manual Submission 4.....	68
Diagram 50 US FATCA Manual Submission 5.....	69
Diagram 51 Select Original File to be Corrected.....	70
Diagram 52 Copy Message Reference.....	70
Diagram 53 Copy Document Reference ID.....	71
Diagram 54 Selecting the Correction File.....	71
Diagram 55 Correcting US FATCA Manual Submission 1.....	72
Diagram 56 Correcting US FATCA Manual Submission 2.....	72
Diagram 57 Correcting US FATCA Manual Submission 3.....	73
Diagram 58 Correcting US FATCA Manual Submission 4.....	73
Diagram 59 Correcting US FATCA Manual Submission 5.....	74
Diagram 60 Correcting US FATCA Manual Submission 6.....	74
Diagram 61 Filing a Nil Report 1.....	75
Diagram 62 Filing a Nil Report 2.....	76
Diagram 63 Filing a Nil Report 3.....	76
Diagram 64 Sponsoring Entity 1.....	78
Diagram 65 Sponsoring Entity 2.....	78

2 Abbreviations

AML	Anti-Money Laundering
BR	An FI branch
GIIN	Global Intermediary Identification Number
EAG	Expanded Affiliate Group
FATF	Financial Action Task Force
FATCA	Foreign Account Tax Compliance Act
FATCA ID	Six-character code for creating account and logging into FATCA web portal
FFI	Foreign Financial Institution
FI	Financial Institution
HMRC	HM Revenue and Customs
IGA	Intergovernmental Agreement
IRD	Inland Revenue Department
IRS	Internal Revenue Service (US)
KYC	Know your client (customer)
LE	Lead Financial Institution
ME	Member Financial Institution
NFE	Non-Financial Entity
NFFE	Non-Financial Foreign Entity
QI	Qualified Intermediary
SB	Sponsored Subsidiary's Branch
SD	Sponsored Entity that is a Sponsored Direct Reporting NFFE
SF	Sponsored Entity that is a Sponsored Fund
SL	Single Financial Institution
SP	Sponsoring Entity
SS	Sponsored Entity that is a Sponsored Subsidiary
TIN	Taxpayer Identification Number
US	United States
USIRC	United States Internal Revenue Code (territory FI)
WFP	Withholding Foreign Partnership
WFT	Withholding Foreign Trust

3 Glossary of Terms

With respect to FATCA

Annuity contract means a contract where the issuer agrees to make periodic payments for a specific period in relation to the life expectancy of an individual. This contract must also be regarded as an annuity under the laws, practices and regulations of the jurisdiction in which it was issued.

Branch- is a unit, office or business which forms part of a financial institution and is treated as a branch under regulations. A branch should be registered as a part of the financial institution and not as a separate entity. (The GIIN of such entity should have BR).

Cash Value Insurance Contract means an insurance contract (**other than an indemnity insurance contract**) that has a cash value greater than USD 50,000.

Controlling Person is a natural person who has control over an entity. This may be the settlor, trustee, protector or beneficiary of a trust. In accordance with **FATF Recommendation 10, a controlling person should have at least 25% ownership in an entity.**

Custodial Accounts contain financial instruments or contracts for investments held for the benefit of others. Such financial instruments include, but are not limited to, shares and stocks of corporations, notes, bonds, debentures, evidence of indebtedness, currency or commodity transactions, credit default swaps, swaps based on non-financial instruments, notional principal contracts, insurance contracts, annuity contracts, and options and derivatives. (Insurance contracts and annuities are not deemed as financial instruments for this purpose.)

Custodial Institution- any entity which derives at least 20% of its gross income from holding the financial assets, or performing related financial services, for other entities. The 20% of gross income is calculated using the shorter of: (i) the three-year period ending December 31st, or non calendar year end, prior to the year the determination is being made or (ii) the lifespan of the entity.

Deemed compliant FFIs include small, limited scope financial institutions such as: financial institutions with local client base, local banks, financial institutions with only low value accounts, qualified credit card issuers, qualifying investment entities, trustee documented trusts, sponsored investment entities and controlled foreign corporations, sponsored closely held investment vehicles, investment advisors and investment managers, collective investment vehicles. (All of which must meet certain criteria. See Annex II, Section III of IGA).

Depository Accounts are maintained by financial institutions in the ordinary course of doing banking or similar business. Such accounts include (i) commercial, chequing, savings, time or thrift accounts (ii) accounts evidenced by a certificate of deposit, thrift certificate, insurance certificate and certificate of indebtedness or similar instruments. (iii) accounts held by an insurance company in relation to a guaranteed investment contract or similar agreement to pay to credit interests.

Dormant Account/Inactive Accounts- an account is deemed a dormant or inactive account in accordance with all applicable laws or regulations, or the normal operating procedures of the participating financial institution. These stipulations must be consistently applied for all accounts maintained by this institution in a particular jurisdiction. If neither applicable laws or regulations nor the normal operating procedures of the participating financial institution address dormant or inactive accounts, an account will be treated as a dormant account if the account holder:

- a. Has not conducted transaction(s) with regard to any account held by the account holder with the financial institution in the past three (3) years; or
- b. Has not replied to queries from the financial institution with regard to any account held by the account holder with the financial institution in the past six (6) years.

An account ceases to be treated as dormant or inactive when the account holder—

- a. Executes a transaction(s) on any account held by the financial institution; or
- b. Replies to any query from the financial institutions regarding any of its accounts; or
- c. Ceases to be treated as a dormant or inactive account, under applicable laws or regulations of the participating financial institution's normal operating procedures.

Depository Institution- an entity that accepts deposits in the ordinary course of banking or similar businesses.

Equity Interests means capital or profit interests in a partnership; equity interests held by the settlor or beneficiary of a trust, or a natural person with effective control over a trust.

Established Securities Market means an exchange that is officially recognised and regulated by a government authority in the market where it is located. The annual value of shares traded in said market must be meaningful.

Exempt beneficial owner- includes a government entity (or integral parts, controlled entities or subdivisions of a government entity); a central bank; or an international organization wholly owned, or instrumentality thereof (comprising non US governments, which has a headquarters agreement with Saint Lucia, (income of which does not accrue to private persons), broad participation retirement funds; narrow participation

retirement funds; pension funds of exempt beneficial owner; investment entity wholly owned by an exempt beneficial owner (all of which must meet certain criteria. See Annex II, Section I of IGA).

Expanded Affiliate Group (EAG) - one or more chain(s) of members connected through common ownership by a parent entity, if said common parent entity owns stocks or other equity of at least one of the group's members.

FATCA ID is used to create and access a financial institution's FATCA account. The FATCA ID is a 6-digit alpha numeric string. In the case of member entities, the FATCA ID has 12 characters, the first six of which mirror the lead entity's FATCA ID. **The FATCA ID is not the same as the GIIN.**

Financial Account includes any maintained account (i) in which equity and debt interests is maintained in a financial institution solely because it is an Investment Entity (except interests which are regularly traded on established securities markets); or (ii) equity and debt interests held in a financial institution (except interests which are regularly traded on established securities markets) which generate US withholdable payments with respect to their assets, and any class of interests designed to avoid reporting; or (iii) any cash value insurance contract or annuity contract issued or maintained by a financial institution [other than a noninvestment linked, non-transferable, immediate life annuity pension or disability benefit] (IGA, Article 1).

(The definition above does not apply to accounts excluded in Annex II of the IGA.)

Financial Institution means a custodial institution, depository institution, an investment entity or a specified insurance company (See individual definitions provided in this Glossary of Terms).

Global Intermediary Identification Number (GIIN) - is a unique 19 character, alphanumeric identifier issued to financial institutions. The GIIN is used for reporting and identification purposes https://www.irs.gov/pub/irs-utl/giin_composition.pdf.

Insurance Contracts means a contract where the issuer agrees to pay an amount upon the occurrence of a contingency involving death, accident, liability or property risk. (This does not include an annuity).

Investment Entity- an entity which conducts, or is managed by an entity which conducts, the following on behalf of customers: trading in money market instruments; portfolio management (individual or collective); investing, administering or managing funds or money.

Lead Entity- is a member of an expanded affiliate group (EAG) responsible for registering and filing for other members of the group. There can be more than one lead entity in a group.

Member Entity- is a member of an expanded affiliate group that is registered by a lead entity. The member entity obtains its GIIN and FATCA ID from the lead entity.

NFFE (Non-Financial Foreign Entity) - is a non-US entity, which is not a financial institution. These may be active, excepted or passive.

NFFE (Active)- For an entity to be deemed an active NFFE, less than 50% of the entity's gross income for the preceding calendar or normal reporting period should be derived from passive income and less than 50% of the assets held by the NFFE should produce passive income. (i) The stock of the NFFE is regularly traded. (ii) The NFFE is in a US territory and all the owners are bona fide residents of that US Territory. (iii) The NFFE is a government or subdivision of a government, (iv) Most of the activities of the NFFE consist of the holding of outstanding stock of, or provision of, financing services to subsidiaries that engage in trades or businesses other than the business of an FI. (v) The NFFE is not operating as yet. (vi) The NFFE was not a financial institution (FI) in the past 5 years and is liquidating assets or is reorganizing to change from being an FI. (Annex I, Section VI, subparagraph 4 of the IGA).

NFFE Excepted means the NFFE is excepted under US treasury regulations or (i) is established and operates for religious, charitable, scientific, artistic, cultural, athletic or educational purposes or is established and operated in its jurisdiction of residence as a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league, or operates solely to promote social welfare or (ii) is exempt from income tax in its jurisdiction of residence; or (iii) has no shareholders or members or (iv) applicable laws or formation documents do not allow income from assets to accrue to individuals or (v) applicable laws or formation documents require that all assets be distributed to a government entity or not for profit organisation upon liquidation or dissolution.

NFFE (Passive) - is an NFFE, which is not an active NFFE, a withholding foreign partnership or a withholding foreign trust. In general, passive NFFEs would be required to report substantial US owners or US controlling persons to their Financial Institution(s).

Regularly traded means that there is a meaningful volume of trading, on an ongoing basis.

Passive Income-includes dividends, interest, rents, royalties, annuities, and certain other forms of indirect income.

Qualified Intermediary means an entity which has entered into a qualified intermediary agreement with the IRS.

Single Entity-is an FI which does not have any member FIs. Such an entity can register for FATCA on behalf of itself and its branches.

Specified Insurance Company-is an insurance company, or holding company of an insurance company, that issues or makes payments related to Cash Value Insurance Contracts or Annuity Contracts. Cash Value does not include reinsurance contracts between insurance companies.

Specified US Person- is a US person except (i) a corporation with regularly traded stock (ii) a member of an expanded affiliate group as described in 1471 (e) (2) of US Internal Revenue Code [USIRC] (iii) the US or any wholly owned agency or instrumentality thereof (iv) any state of the US or US territory, or political subdivision thereof or any wholly owned agency or instrumentality of any one or more of the foregoing (v) any tax exempt organisation under 501(a) of USIRC or individual retirement plan under 7701 (a) (37) of USIRC (vi) any bank defined under 581 of USIRC, (vii) any real estate investment trust defined under 856 of USIRC, (viii) any regulated investment company defined under 851 of USIRC or any entity registered with the US Securities and Exchange Commission (Investment Company Act of 1940), (ix) any common trust fund as defined in 584(a) of USIRC (x) any trust that is tax exempt under 664 (c) of USIRC or that is described in section 4947 (a)(1) of USIRC (xi) a dealer in securities, commodities, or derivative financial instruments (including options, contracts, futures, forwards) duly registered under US laws, (xii) a broker as defined in section 6045(c) of USIRC or (xiii) any tax exempt trust under a plan described in 403(b) or section 457(g) of USIRC. (See Agreement, Article 1)

Sponsoring Entity- represents one or more entities on the FATCA interface and oversees registration and filing, conducts due diligence, withholding and reporting for these entities. (A trustee of a trustee documented trust should register as a sponsoring entity if it will be fulfilling the responsibilities of such a trust.)

Sponsored Entity- is represented by a sponsoring entity. Sponsored entities cannot log into the system but will obtain a GIIN from the sponsoring entity.

Substantial owner- means any specified US person who (i) owns more than 10 percent of the stock of a corporation (whether directly or indirectly) (by vote or value),(ii) owns more than 10 percent of the profits, interests or capital interests in a partnership, and (iii) (I) is treated as an owner of any portion of a trust under subpart E of part I of subchapter J of chapter 1, and (II) to the extent provided in regulations or other guidance, holds, directly or indirectly, more than 10 percent of the beneficial interests of a trust. (See USIRC 1473 (2))

Trustee Documented Trust means a trust that is a financial institution where the trustee of said trust is a reporting financial institution and reports all the information required with respect of the reportable accounts of the trust. (HMRC Guidance Notes 14th September 2015)

US Indicia include:

- Identification of the Account Holder as a US Citizen or resident
- Unambiguous indication of place of birth
- Current US mailing or residence address (including US post box)
- Current US telephone numbers
- Standing instructions to transfer funds to an account maintained in the US
- Person with US address has effective power of attorney or signatory authority
- An 'in care of' or 'hold mail' US address that is the only address on file. Except if the address is for a pre-existing lower value account.

US Person means a US citizen or resident individual, a partnership or corporation organised under the laws of the US or any US state, a trust (i) if a US court has authority to render orders and judgements concerning substantially all issues related to its substantial decisions, ii) one or more US persons have authority over substantial decisions in the trust.

US Taxpayer Identification Number- this number can take three forms. 1. A Social Security Number (SSN) which is issued to individuals and takes the form XXX-XX-XXXX. 2. An Employer Identification Number (EIN), which is issued to individuals or entities and takes the form XX-XXXXXXX. 3. An Individual Taxpayer Identification Number (ITIN) which is issued to individuals who are required to have a US taxpayer identification number but who are not eligible to obtain an SSN and takes the format XX-XXXXXXX.

The US Taxpayer Identification Number may be found on several documents, including tax returns and forms filed with the IRS, and on the social security card issued by the Social Security Administration.

Withholding foreign partner means a foreign partnership that has entered into a withholding agreement with the IRS.

Withholding foreign trust means a foreign trust, which has entered into a withholding agreement with the IRS.

4 FATCA FACT SHEET

The Table below summarises important FATCA information that entities may require

IRD FATCA Portal	https://aeoi.govt.lc
FATCA Due Date	30 th June of every year.
Register with the IRS	https://www.irs.gov/businesses/corporations/fatca-foreign-financial-institution-registration-system
IRS Schema	https://www.irs.gov/businesses/corporations/fatca-xml-schemas-and-business-rules-for-form-8966
FATCA Legislation and IGA	http://www.slugovprintery.com/index.php/documents?laws=acts&year=2016 https://home.treasury.gov/system/files/131/FATCA-Agreement-St-Lucia-11-19-2015.pdf
Email Queries to	aeoisupport@ird.gov.lc

5 Introduction

The Foreign Account Tax Compliance Act (FATCA) was enacted by the United States (US) in 2010 and compels certain foreign financial institutions (FFIs) and non-financial entities (NFEs) to report on applicable financial accounts held by US citizens or by foreign entities in which a specified US person is a controlling person (holds substantial ownership). This legislation ultimately aims to stop tax evasion and to improve income tax compliance. On November 19th, 2015, Saint Lucia signed a model 1A (reciprocal) Intergovernmental Agreement (IGA) with the US with respect to FATCA.

FATCA provides for the automatic withholding of thirty percent (30%) of all payments due from US source income, including the gross proceeds of certain sales, which generate US Source income, to non-compliant FFIs and NFEs. Every payer to such non-compliant entities is required to report or withhold payments associated with the payments listed in Table 1 below.

Table 1 Withholdable Payments

Interests (including original issue discount)	Dividends
Annuities	Profits and Income
Salaries and wages	Compensation
Remuneration	Rents
Emoluments	Sale or disposition of property that can produce dividends and interest.
Sale of stock (on gross proceeds even when there is no gain)	Any other fixed or periodical gains, profit or income which stems from sources within the US.
Premiums	

To avoid the automatic withholding penalty, FFIs and NFEs must provide information on their applicable US account holders. In model 1A jurisdictions, like Saint Lucia, submissions are made through the Competent Authority and FATCA requirements are legislated. Compliant financial institutions are expected to:

- Collect relevant information on all account holders (to identify US indicia);
- Comply with verification and due diligence procedures;
- Report on relevant US accounts;
- Comply with reporting requests.
- Renew FATCA certification as required.

Notwithstanding the above, some categories of FFIs are exempted from FATCA requirements. These include:

- Most Government entities;
- Most non-profit organisations;
- Certain small, local financial firms;
- Certain retirement entities.

Due diligence rules and reporting requirements, for FATCA, are contained in the IGA. The onus is on financial institutions to ensure that the anti-money laundering (AML) and know your client (KYC) procedures, implemented by the institution, obtain the relevant information to meet these requirements.

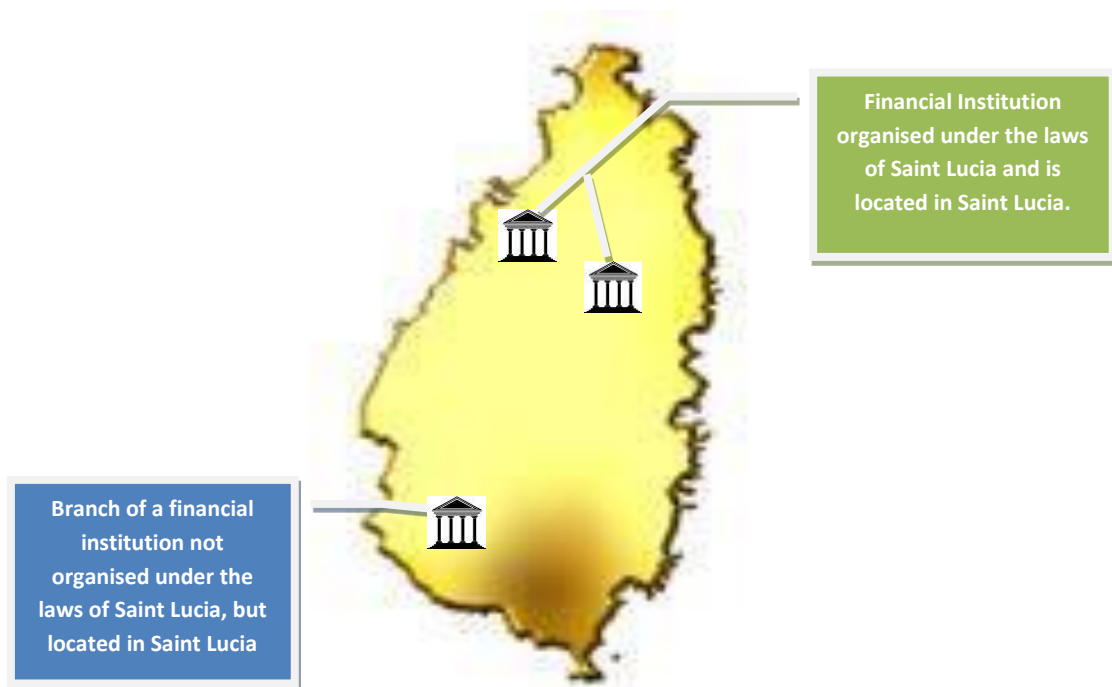
In the event that submitted information is deemed incorrect, the reporting financial institutions will be given the opportunity to make the necessary corrections and to resubmit. Notwithstanding, every effort should be made to provide complete and accurate information. Also, all returns must be submitted **on time** to avoid withholding and administrative penalties.

The Minister for Finance is the Competent Authority in Saint Lucia, and this function has been delegated to the Comptroller of Inland Revenue. As such, the IRD is responsible for gathering and disseminating information associated with the exchange of information. IRD will serve as a bridge between the US and reporting Saint Lucia financial institutions and will administer all legislation enabling FATCA. These guidelines highlight some of the issues pertinent to FATCA reporting in Saint Lucia and must be used in conjunction with the FATCA IGA (including the Annexes), IRS guidelines, the relevant laws of Saint Lucia, and any other documents distributed by the IRD and IRS with respect to FATCA.

6 Saint Lucia Financial Institutions

A Saint Lucia Financial Institution is generally any financial institution organised under the laws of Saint Lucia. This definition however excludes the branch of any such financial institution located outside Saint Lucia but includes the branches of a financial institution not organised under the laws of Saint Lucia, but located in Saint Lucia. Diagram 1 below illustrates which entities are deemed Saint Lucia financial institutions.

Diagram 1 Reporting Saint Lucia Financial Institutions



Financial institutions and their branches in Saint Lucia, organised under the laws of Saint Lucia and the branches of financial institutions, organised outside of Saint Lucia, but operating in Saint Lucia are Saint Lucia financial institutions.

6.1 What Entities Should Register with the IRS?

Before signing on with the IRS or onto the Inland Revenue Department's FATCA Portal, financial institutions must first determine if FATCA registration is required. In general, any financial institution or non-financial entity which is not exempted under Annex II of the IGA, should register and report for FATCA. Such entities will report on the relevant financial accounts as stipulated in the IGA. Financial Institutions include depository institutions, custodial institutions, investment entities and specified insurance companies. Excluded financial accounts held by these entities, however, do not need to be reported.

6.2 What Entities are not Required to Register with the IRS?

6.2.1 *Deemed Compliant Small or Limited Scope Financial Institutions*

In accordance with Annex II Section III of the IGA, the following are not required to register for FATCA.

6.2.1.1 *A Financial Institution with a Local Client Base*

An exempt financial institution with a local client base which:

- Is licensed and regulated as a financial institution under the laws of Saint Lucia.
- Has no fixed place of business outside of Saint Lucia. (If outside the jurisdiction, this place must not be advertised and must be used for support services only.)
- Does not solicit clients from overseas (outside Saint Lucia) especially from the United States, through the use of websites, print and radio media (advertising must remain primarily within Saint Lucia). Such media must not advertise that these financial accounts can be opened by non-residents and must not specifically target US customers or account holders.
- Is required by Saint Lucia's laws to identify resident account holders for information reporting or withholding of tax, or for purposes of satisfying Saint Lucia's AML due diligence requirements.
- Has at least 98% of financial accounts by value, must be held by residents of Saint Lucia.
- Must have policies in place to prevent the institution from opening financial accounts to; non participating financial institutions, a specified US person(s) who is not resident in Saint Lucia; or any

passive non-financial foreign entity with controlling US residents or US citizens not resident in Saint Lucia. If an account as described above exists, the financial institution would need to either report such account with respect to FATCA or close it to remain compliant.

- Reviews all pre-existing accounts with US Indicia using procedures in Annex I or close such accounts.
- Has related entities which are financial institutions, and which are incorporated or organised in Saint Lucia (with the exception of retirement funds).
- Does not have policies and procedures which discriminate against opening or maintaining financial accounts for specified US persons who are residents of Saint Lucia.

6.2.1.2 A Local Bank

A local bank which meets the criteria, stipulated below, is deemed compliant.

The local bank:

- Operates solely as a small bank or credit union or similar cooperative credit society that is operated without profit.
- Mainly receives deposits and issues loans to unrelated retail customers/members. In the case of a credit union or cooperative, no member should have more than 5% interest in the entity.
- Does not solicit clients from overseas (outside Saint Lucia) especially from the United States, through the use of websites, print and radio media (mainly within Saint Lucia). Such media must not advertise that these financial accounts can be opened by non-residents and does not specifically target US customers or account holders.
- Does not have assets in excess of USD 175 million on its balance sheet and the institution and its related entities do not have assets in excess of USD 500 million on their consolidated balance sheet.
- Has related entities which are incorporated or organized in Saint Lucia. Such related entities must meet certain criteria.

6.2.1.3 A Saint Lucia Financial Institution with only Low Value Accounts

A Saint Lucia financial institution with only low value accounts is deemed compliant if it:

- Is not an investment entity.
- Does not maintain any account which has values in excess of USD 50,000 (including in aggregate as set out in Annex I)
- Does not have more than USD 50 million in assets on its balance sheet and the financial institution and its related entities do not have assets in excess of USD 50 million in aggregate on their consolidated or combined balance sheets.

6.2.1.4 Investment Advisors or Investment Managers

Investment advisors or managers established in Saint Lucia which exist solely to give investment advice and manage portfolios on behalf of clients are deemed compliant. The assets must be in client's name and must be associated with a Financial Institution other than a nonparticipating financial institution.

6.2.1.5 Collective Investment Vehicle

Collective investment vehicles are deemed compliant if they are established in Saint Lucia are regulated as collective investment vehicles and have interests which are held by one or more exempt beneficial owner, or active non-financial entity, or persons that are not specified US persons or financial institutions that are participating (Not non-participating).

6.2.1.6 Saint Lucia Qualified Credit Card Issuer

A Saint Lucia Qualified Credit Card Issuer is deemed compliant if the entity:

- Is a financial institution established solely to issue credit cards. This financial institution only accepts deposits in the form of prepayments, and overpayments are not returned.
- Implements policies and procedures to prevent customer deposits in excess of USD 50,000 and refunds deposits in excess of this amount within 60 days. In addition. The institution must use the currency aggregation and conversion rules set out in Annex I of the IGA.

6.2.2 Investment Entities That Qualify as Deemed Compliant Foreign Financial Institutions and Other Special Rules

Please review Annex II Section IV of the IGA for further details on the entities listed below.

6.2.2.1 A Trustee Documented Trust

If a US financial institution reports on behalf of the trust, then the entity is deemed compliant.

6.2.2.2 Sponsored Investment Entity

A sponsored investment entity established in Saint Lucia, is deemed compliant, provided that the entity is not a qualified intermediary, withholding foreign partnership or withholding foreign trust or the entity has agreed to be a sponsoring entity for a financial institution.

6.2.2.3 A Sponsored Controlled Foreign Corporation

A sponsored controlled foreign corporation organised under the Laws of Saint Lucia, which is not a qualified intermediary, withholding foreign partnership or withholding foreign trust; the financial institution is wholly owned directly or indirectly by a reporting US financial institution that agrees to act, or requires an affiliate of

the financial institution to act, as a sponsoring entity. Provided that the entity shares the same electronic accounting system as the sponsoring entity which can in turn access all account and customer information maintained by the financial institution.

In addition, the sponsoring entity must:

- Be authorised to act on behalf of the financial institution with respect to FATCA.
- Register as a sponsoring entity for FATCA.
- Have registered the entity for FATCA by December 31st, 2015, if US reportable accounts are identified.
- Agree to perform all due diligence on behalf of the entity as if it were a reporting Saint Lucia financial institution.
- Identify the financial institution and include the identifying number of the financial institution in all reporting completed on the financial institution's behalf.
- Have a sponsor status which is in tack (that is not revoked).

6.2.2.4 Sponsored Closely Held Investment Vehicle

A sponsored closely held investment vehicle is deemed compliant provided that the following requirements are met. The financial institution:

- Is solely an investment entity.
- Has a sponsoring entity which is a reporting US entity, reporting foreign financial institution or participating financial institution, which performs all due diligence of behalf of the entity as if it were a reporting Saint Lucia financial institution.
- Does not serve as an investment vehicle for unrelated parties.
- Has debt and equity interests which are held by twenty individuals or less.

The sponsoring entity should:

- Register the entity for FATCA.
- Agree to perform all due diligence on behalf of the entity as if it were a reporting Saint Lucia financial institution for a period of six (6) years.
- Identify the financial institution in all reports done on its behalf.
- Have a sponsor status which is in tack (not revoked).

6.2.3 *Exempt Beneficial Owners*

Annex II Section I of the IGA

6.2.3.1 *Government entities*

The government or any integral part thereof, controlled entity or political subdivision of the government, or any wholly owned agency of Saint Lucia is exempt from FATCA filing obligations.

An integral part being: any person, organisation, agency, bureau or fund, instrumentality or other body that forms part of the government. The net earnings should be credited to the government account and no portion of such earnings should accrue to private individuals. Persons acting in individual capacities are not deemed integral parts. Based on this definition the government treasury is not required to report.

A controlled entity: is separate from the government but is wholly owned or controlled by one or more governmental entities, or through other government-controlled entities. The net earnings of the entity should be credited to its own account and not go to private individuals. The assets of the entity must be vested in one or more government entities upon dissolution. (The National Conservation Authority is one such entity).

If private individuals are beneficiaries of the income, through social programmes, this is not deemed as income to private individuals as implied above. The programmes associated with these must be available to the general public for the common welfare of individuals or must be related to the administration of some phase of government.

6.2.3.2 *International organizations*

Any international organization or wholly owned agency or instrumentality of such an organization which is made up of mainly non-US governments and has a headquarters agreement with Saint Lucia. The income of such an international organization must not go to private individuals.

6.2.3.3 Central Bank

A central bank which is the principal authority circulating currency within a jurisdiction is exempt from FATCA obligations.

6.2.4 Funds which qualify as Non-Reporting Saint Lucia Financial Institutions and Exempt Beneficial Owners

Annex II Section II of the IGA.

6.2.4.1 Broad Participation Retirement Fund

A broad participation retirement fund established in Saint Lucia to provide retirement, disability and death benefits to current or former employees, or their designates, for previous services rendered is a non reporting Saint Lucia Financial Institution and an exempt beneficial owner. The fund must not have a single beneficiary with rights to more than 5% of its assets and must be regulated by the government. The fund must also meet at least one of the following:

- Must be generally exempt from tax on investment income under the Laws of Saint Lucia.
- At least 50% of funds should be received from sponsoring employers.
- Distribution or withdrawals must only be allowed under certain conditions.
- Contributions by employees must be limited to income earned by these employees and may not exceed USD 50,000 annually.

(For example, the National Insurance Corporation pension fund)

6.2.4.2 Narrow Participation Retirement Fund

A narrow participation retirement fund is similar to the broad participation fund except that this fund will have less than 50 participants. These retirement funds also qualify as Non reporting Saint Lucia Financial Institutions and as exempt beneficial owners. The funds must not be sponsored by one or more employers that are investment entities or passive NFFEs. In addition, participants who are not Saint Lucian residents are not entitled to more than 20% of the assets of such a fund.

6.2.4.3 Pension Fund of an Exempt Beneficial Owner

The pension fund of an exempt beneficial owner is a fund established by the government to provide retirement, disability and death benefits to current or former employees in consideration of services performed. The pension fund of an exempt beneficial owner is a Non-Reporting Saint Lucia Financial Institution.

6.2.4.4 Investment Entity Wholly Owned by Exempt Beneficial Owner

An investment entity wholly owned by an exempt beneficial owner is an investment entity where the direct holders of debt or equity are exempt beneficial owners. Such an entity also qualifies as a Non-Reporting Saint Lucia Financial Institution.

6.3 What types of accounts are non-reportable?

6.3.1 Accounts Excluded from the Definition of Financial Accounts

Please see Annex II Section V.

6.3.1.1 Retirement and Pension Accounts

Such accounts must be maintained in Saint Lucia: must be regulated; must be tax favoured; must be reported annually to the tax authority; withdrawals must be conditional and annual contributions must be limited to USD 50,000 or less; or the maximum lifetime contribution should not exceed USD 1,000,000.

6.3.1.2 Non-Retirement Savings Account

Non-retirement savings accounts are accounts, other than an insurance or annuity contract, which:

- Are subject to regulation as a savings vehicle but not in relation to retirement;
- Are tax favoured;
- Have conditional withdrawals;
- Have annual contributions which are limited to USD 50,000 or less.

6.3.1.3 Certain Term Life Insurance Contracts

These must be maintained in Saint Lucia with coverage that ends before the policy holder(s) turn(s) 90 years provided that: the contracts have set periodic premiums; are payable annually; have no value can be accessed without terminating the contract; the amount payable (other than in relation to death) on cancellation or termination cannot exceed the aggregate premiums paid less mortality, morbidity fees and expense charges (whether or not imposed) for the period the contract exists; it is not held by a transferee for value.

6.3.1.4 Account Held by Estate

These accounts must be maintained in Saint Lucia and held solely by estate if available documentation includes the will or death certificate of the deceased.

6.3.1.5 Escrow Accounts

These accounts must be maintained in Saint Lucia and be established in connection with:

(i) a court order or judgement; or

(ii) a sale, lease or exchange of real personal property which:

- Is funded solely by a down payment, earnest money and deposit in an account or is funded by a financial asset.
- Is established to secure the purchase of property, to pay a contingent liability or for the lessor or lessee to pay for damages.
- Has assets including the income earned which will be paid or distributed for benefit of the purchaser, seller, lessor or lessee.
- Is not a margin or similar account established in connection with the sale or exchange of financial assets (when sold, exchanged or surrendered or the lease terminates).
- Is not related to a credit card account.

(iii) a financial institution which is obligated to service a loan secured by real property to set aside a portion of payments to facilitate the payment of taxes or insurance.

(iv) a financial institution, which is obligated solely to facilitate the payment of taxes at a future date.

6.3.1.6 Partner Jurisdiction Accounts

An account maintained in Saint Lucia is excluded from the definition of financial account under an agreement between the US and another partner jurisdiction, in relation to FATCA, provided that the financial institution is subject to requirements and oversight in that partner jurisdiction and is maintained by the partner jurisdiction financial institution, as if it were located in the jurisdiction.

6.4 Registered in Error/Cancellation of Registration

In accordance with Annex II of the Intergovernmental Agreement, certain entities are not required to register or report with respect to FATCA. In the event that such an institution has already obtained a GIIN there are certain steps which may be taken for the entity to cancel this arrangement.

The entity should write to the Comptroller of Inland Revenue/Competent Authority (Delegate) indicating why the initial registration is now deemed invalid. The letter should cite the provisions of Annex II which have been satisfied by the entity and which warrant the cancellation.

Upon review of the information, the Comptroller will either give the go ahead for the entity to cancel registration or conversely ask the entity to remain registered and to continue to report. If an entity is required to cancel registration, the steps on pages 71 to 77 of IRS Publication 5118 <https://www.irs.gov/pub/irs-pdf/p5118.pdf> should be followed.

The steps above should also be employed if changes in an entity's circumstances render the initial registration null and void.

7 What Should Be Reported

7.1 Types of Financial Accounts

Financial institutions should report on **US Reportable Accounts** in accordance with the IGA. A US reportable account is a financial account maintained by a reporting Saint Lucia financial institution which meets FATCA reporting requirements. Financial Institutions should report on equity and debt interests, insurance contracts and annuity contracts.

7.2 Due Diligence Procedures

A reporting financial institution must never rely on information that is perceived to be incorrect or unreliable.

7.2.1 *Pre-existing Individual Accounts not required to be Reviewed, Identified or Reported*

Table 2 below, highlights the category of pre-existing accounts, which will not be deemed as reportable with respect to FATCA. This exclusion is based mainly on account balance.

Table 2 Pre-existing Individual Accounts not required for reviewing, identification or reporting

1. Balance or value was under USD 50,000 as of June 30th, 2014.
2. Cash value insurance contract or annuity contract had a balance of USD 250,000 or less as of June 30th, 2014.
3. Laws of Saint Lucia prevent the sale of a pre-existing cash value insurance or annuity contract to US residents.
4. Depository Account has a balance of USD 50,000 or less.

Table 3 below shows the steps required for conducting due diligence on pre-existing lower value accounts.

Table 3 Review Procedures for Pre-existing Individual Lower Value Accounts

1. Electronic record search for US Indicia (see Annex I, Section II, subparagraph B (1) of IGA)
2. If no US Indicia is found, then no further action is required until US indicia is otherwise associated with the account.
3. If US Indicia is found, or if US Indicia is eventually associated with an account, it becomes reportable unless the circumstances listed below exist (see Annex I, Section II, subparagraph B (4) of IGA)
4. Account is not reportable (see Annex I, Section II, subparagraph B (4) of IGA):
<p>For persons born in the US:</p> <ul style="list-style-type: none"> ➤ Self-certification indicates that the individual is not a US citizen or tax resident (W-8 or other IRS forms); ➤ Non-US passport or other documents of non US citizenship are produced; and ➤ Certificate of lost nationality is produced, or reasonable explanation is given. <p>For account holder with US mailing or resident address, or telephone numbers:</p> <ul style="list-style-type: none"> ➤ Self-certification indicates that individual is not a US citizen or tax resident (W-8 or other IRS forms); and ➤ Documentary evidence produced shows non-US status (also See Annex I, Section VI paragraph D of IGA). <p>For account with standing instructions to transfer funds:</p> <ul style="list-style-type: none"> ➤ Self-certification indicates that individual is not a US citizen or tax resident (W-8 or other IRS forms); and ➤ Documentary evidence produced shows non-US status (also see Annex I, Section VI paragraph D of the IGA). <p>For account with power of attorney or US signatory:</p> <ul style="list-style-type: none"> ➤ Self-certification indicates that individual is not a US citizen or tax resident (W-8 or other IRS forms); and ➤ Documentary evidence produced shows non-US status (also see Annex I, Section VI paragraph D of IGA).

(Balance or value over USD 50,000 or cash value insurance contract or annuity contract over USD 250,000 as of June 2014. Does not exceed USD 1,000,000)

The review discussed in Table 3 should have been completed by June 30th, 2016. Except in the case of a depository account with a value under USD 50,000, all pre-existing individual accounts which have been identified as reportable shall continue to be treated as such, unless the account holder ceases to be a US specified person. Table 4 below provides the due diligence steps for pre-existing high value accounts.

Table 4 Pre-existing Individual High Value Accounts

1. Conduct an electronic record search for US Indicia (Annex I, Section II subparagraph B (1))
2. Paper Record Search. This includes the most recent documentary evidence collected for the account, most recent opening contract or documentation, most recent AML/KYC documentation, power of attorney or signatory information, standing instructions. Only required if electronic search does not have the following (See Annex I, Section II, subparagraph D (3) of IGA):
The account holder's:
 - Nationality or residency information
 - Residence Address and mailing address
 - Telephone number
 - Standing instructions for transfer
 - In care of or hold mail address
 - Power of attorney or signatory
3. Relationship manager provides actual information on account holder.
4. If no US Indicia is found then, no further action is required until US indicia is otherwise associated with the account
5. If US Indicia is found, or if US Indicia is eventually associated with an account, it becomes reportable unless circumstances listed below exist. (See Annex I subparagraph A (4) and B (4) of the IGA or table 2, above)
6. Additional procedures for applicable High Value accounts can be found in section E of Annex 1

(Balance or Value exceeds USD 1,000,000 as of June 30th, 2015, or December 31st of any subsequent year)

Please note that if pre-existing accounts have been documented for other purposes, such as fulfilling obligations under Chapter 61 of Title 26 US code, or to meet requirements as QI, WFP or WFT, then the procedures in Annex I Section II B (1) of the IGA are not required for lower value accounts and those in Annex I Section II) D (1) to D (3) of the IGA are not required for higher value accounts.

7.2.3 New Individual Accounts (opened after July 1st, 2014)

Certain new lower value accounts do not need to be reported. Depository accounts and cash value insurance and annuity contracts with values lower than USD 50,000 fall into this category (See Annex I, Section III, subparagraph A of the IGA). However, self-certification must be obtained for other new individual accounts, which do not fall into this category, upon their opening or within 90 days after the end of the calendar year in which said status is no longer applicable. **Self-certification must include a US TIN.**

If a financial institution obtains information to indicate that the circumstances surrounding the original self-certification have changed, or that the information previously provided is incorrect, a replacement self-certification must be requested. **If this is not obtained the account must be treated as a reportable account.**

7.2.4 Pre-existing Entity Accounts not required for Reviewing, Identifying or Reporting

Pre-existing entity accounts with values which do not exceed USD 250,000 as of June 30th2014 do not need to be reviewed, identified or reported, until the value of such accounts exceeds USD 1,000,000. Notwithstanding the above, please review aggregation rules.

7.2.5 Pre-existing Entity Accounts

If pre-existing entity accounts have a balance which exceeds USD 250,000 as of June 30th, 2014, or USD 1,000,000 as of the end of 2015, or any subsequent calendar year, such accounts must be reviewed. Only accounts that are held by one or more specified US person or by passive NFEs in which one or more US citizen is a controlling person shall be deemed reportable. **Aggregate payments to non-participating financial institutions will also be deemed reportable.**

Table 5 below summarises the review procedures for pre-existing entity accounts.

Table 5 Review Procedures for Pre-existing Entity Accounts

<p>1. Determine if the Entity is a US specified Person</p> <ul style="list-style-type: none"> ➤ Review information maintained for regulatory or customer relationship purposes. ➤ If account holder is a US person, treat as reportable unless proven otherwise.
<p>2. Determine if the Non-US entity is a Financial Institution</p> <ul style="list-style-type: none"> ➤ Review information maintained for regulatory customer relationship purposes. ➤ If account holder is an FI with a GIIN, account is not reportable.
<p>3. Determine if financial institution is non-participating FI</p> <ul style="list-style-type: none"> ➤ If it is a participating FI, then no need for review. ➤ If it is a non-participating FI, then the account is not reportable but payments to the account holder must be reported (Agreement, Article 4, subparagraph 1(b) of the IGA).
<p>4. Determine if the account held by an NFFE is a US Reportable Account</p> <ul style="list-style-type: none"> ➤ Use procedures in Annex I, Section IV D (4) (Use self-certification or AML/KYC checks) ➤ If any controlling person of a passive NFFE is a US citizen or resident the account is a US reportable account

The review of pre-existing entity accounts with balances that exceed USD 250,000 as of June 30th 2014 must be completed by June 30th 2016.

Review of pre-existing entity accounts with balances that did not exceed USD 250,000 as of June 30th 2014, but exceeded USD 1,000,000 as of December 31st 2015, must be completed within 6 months of the last day of the calendar year in which the balance exceeded said amount.

7.2.6 *New Entity Accounts (opened on or after July 1st 2014) not required to be reviewed, identified or reported*

Credit card accounts or revolving credit facility do not need to be reviewed, identified or reported if the FI maintaining these accounts implements policies and procedures that prevent the account balance owed from exceeding USD 50,000.

7.2.7 *Other New Entity Accounts*

If an account is not a non-reportable account, the financial institution must determine if the account holder is (i) a specified US person, (ii) a financial institution (iii) a participating FFI, deemed compliant FFI or exempt beneficial owner (iv) or an NFFE. The status may be determined based on the account holder's GIIN or other publicly available information. If the financial institution is treated as non-participating, then it is not reportable, but payments made with respect to such entity must be disclosed. (Agreement, Article 4, subparagraph 1(b)).

In all other cases, financial institutions must obtain self-certification from the account holder. The treatment of each type of entity account, based on account holder is presented in Table 6 below.

Table 6 Treatment of Account

1. If the account holder is a US specified Person, then treat the account as reportable.
2. If the account holder is a Passive NFFE <ul style="list-style-type: none">➤ Identify controlling persons and determine status of these persons.➤ If account holder is a US citizen or resident, then account is reportable.
3. If account holder is not a US specified person, or is a participating Saint Lucia financial institution, or is a participating jurisdiction FFI, or is a deemed compliant FFI, or an exempt beneficial owner, or is an NFFE with no US controlling citizen or resident <ul style="list-style-type: none">➤ The account is not reportable.
4. If the account holder is a non-participating financial institution <ul style="list-style-type: none">➤ Account is not a US reportable account but payments to the account must be reported.

7.3 Special Rules

7.3.1 *Aggregation Rules*

Table 7 below describes the special aggregation requirements for financial accounts.

Table 7 Account Balance Aggregation

Type of Account	Aggregation Rule
Individual Accounts	<p>Aggregate the balance or value of all accounts held by the financial institution and related entities, to the extent to which such accounts are linked on the computerised system (ID number or client number) and allows values to be aggregated</p> <p>Each holder of a jointly held financial account shall be attributed the entire balance for the purpose of aggregation.</p>
Entity Accounts	<p>Aggregate the balance or value of all accounts held by the financial institution and related entities, to the extent to which such accounts are linked on the computerised system (ID number or client number) and allows values to be aggregated</p> <p>Each holder of a jointly held financial account shall be attributed the entire balance for the purpose of aggregation.</p> <p>The relationship manager must aggregate all accounts known to be directly or indirectly owned, controlled or established by the same person.</p>

For balances not denominated in US currency, a reporting financial institution must convert the currency using published spot rate determined at the last day of the calendar year preceding the year for which the balance is being calculated.

7.4 Required Information

In accordance with Article 2 of the Agreement, a Saint Lucia financial institution **must** report the following with respect to US reportable accounts:

- Name;
- Address;
- **US TIN of each specified US Person**, US TIN of controlling person that is a US specified person in a passive NFE;
- Account Number (or equivalent);
- Name and identifying number of Reporting Saint Lucia FI;
- Account balance or value, (including cash surrender value on applicable insurance accounts) as of the end of the relevant calendar year. **For closed accounts use the value of the account as of the end of the relevant calendar year, or balance immediately before closure.**

Dormant and Closed Accounts

Information with respect to dormant and closed accounts must be reported. In the case of a dormant account, information similar to that required for an active account must be provided. **However, since the self-certification documentation has not been obtained the account must be reported as a passive NFFE.**

In the case of a closed account the balance at closing should be reported.

In addition, payments to the following account types must be reported. (Also summarised in Table 8, below).

For Custodial Accounts

- Total gross interest, dividends and/or other income generated by the asset.
- Total gross proceeds from the sale or redemption of property paid or credited to the account in which the reporting FI was a custodian, broker, nominee or agent for the account holder.

For Depository Accounts

- Total gross interest paid.
- Total gross amounts credited or paid to the Account Holder with respect to the account

Other accounts

- Total gross amounts credited or paid to the Account Holder with respect to the account to which the reporting FI is the obligor or debtor (including aggregate redemption payments).

Table 8 Payments to be reported with respect to various account types

CUSTODIAL ACCOUNT	DEPOSITORY ACCOUNT	OTHER TYPE OF ACCOUNT
Total gross interest, dividends and/or other income generated by the asset	Total gross interest paid	Total gross amounts credited or paid
Total gross proceeds from the sale or redemption of property paid or credited	Total gross amounts credited or paid	

7.4.1 Revised Guidelines Related to Obtaining US TIN

In 2017, the IRS granted a grace period for providing mandatory US TINs. After this period, automatic error messages would be generated if the US TIN is not provided. The FI would then have 120 days to correct the issue. Table 9 below provides the TINs to be used in lieu of the actual TIN; if it is not available. Please note that using these fillers will not remove the obligation for the FI to provide the correct TIN in 120 days. If the situation cannot be rectified, then the IRS will conduct further investigation. For example, the IRS will

endeavour to determine if adequate procedures are in place for the FI to obtain the TINS and if reasonable efforts are being made in this regard.

Table 9 TINS TO USE IN LIEU OF ACTUAL US TIN

CODE	REASON FOR USE
22222222	Pre-existing individual accounts with only US Indicia being a US place of birth
33333333	New individual account that has: <ol style="list-style-type: none"> 1. US Place of Birth and either 2. a. change of circumstances has caused original self-certification to be incorrect or unreliable and a new self-certification has not been received or b. account was below the threshold at the time of opening and subsequently exceeded the threshold, but no self-certification has been obtained.
44444444	Pre-existing individual or entity account which has <ol style="list-style-type: none"> 1. US indicia other than US place of birth and either 2. a. change of circumstances has made the self-certification or documentary evidence incorrect or unreliable and new documentation has not been obtained or b. account was below the threshold at the time of opening and subsequently exceeded the threshold, but no self-certification or documentary evidence has been obtained.
55555555	New individual and entity account has: <ol style="list-style-type: none"> 1. US Indicia other than a US place of birth and either 2. a. has a change of circumstances causing the self-certification or documentary evidence to be unreliable or b. account was below the threshold at the time of opening and subsequently exceeded the threshold, but no self-

	certification or documentary evidence has been obtained.
666666666	Pre-existing entity account with a balance exceeding 1, 000,000 USD, which is held by a passive NFFE and which had no self-certifications and for which no US indicia has been identified with respect to the controlling person.
777777777	For pre-existing accounts, which are dormant or inactive , where no TIN is available; but the account remains above the reporting threshold.
AAAAAAAAA	General use

The first five codes are optional and will help the IRS to understand the issues faced by FIs in obtaining the required information. (However, in accordance with Notice 2023-11 which is described in 7.4.1.1 below, FIs are encouraged to use the codes from 22222222-7777777, in order to benefit from the relief being provided by the IRS.) Please note that the provision of any of the above codes will not prevent the registration of administrative and other Minor Errors. Once contacted, entities will have 120 days to rectify the situation before further investigation occurs.

FIs should keep records of attempts to obtain the required information in order to make a case. If the IRS is not satisfied at the end of the period that non-compliance has been adequately addressed, then the FI could lose its GIIN and be subject to withholding penalties on certain US source income.

7.4.1.1 Foreign Financial Institution Temporary U.S. Taxpayer Identification Number Relief

Please pay careful attention to [Notice 2023-11](#) which is summarised below:

The IRS has decided to grant relief (no significant non-compliance) to FIs which fail to provide TINs if the following conditions are met: i) the reporting FI must use the codes provided by the IRS to explain why the TIN is not available. In other words the generic AAAAAAAAAA does not provide enough information to obtain

relief as it does not give specifics with regard to a particular account(s). Hence, all FI are encouraged to use the codes, 22222222-77777777, provided in Table 9 above in order to take advantage of the relief being offered. If this format is not adhered to then the FI may be subject to the withholding of payments.

The relief above, applies to income years **2022, 2023 and 2024**. This means that the relief applies to filings submitted between 2023 and 2025. Notwithstanding, please note that FIs must make efforts to increase the likelihood of obtaining US tins from relevant clients. Also be reminded that the relief only applies to pre-existing accounts. Thus, new accounts including new accounts held by pre-existing customers.

Please note that this relief is in relation to pre-existing accounts only.

7.4.2 Treatment of entity account with missing TIN DATA

With respect to entity accounts, if the US TINs for both Account Holder (entity) and Substantial Owner (individual) are available, then both should be provided. However, if only one TIN is available, either for the US individual or entity, then do the following:

- Enter the US TIN in the appropriate field/element (whether for the account holder or substantial owner)
- Enter the foreign TIN but include the Country Code for the other country in the **TIN issued by** field/element.
- If no foreign TIN is available enter NA in the **TIN issued by** field/element.

Sample XML Information For Missing TIN DATA

```
<ftc:AccountHolder>
    <ftc:Individual>
        <sfa:ResCountryCode>CA</sfa:ResCountryCode>
        <sfa:TIN issuedBy="LI">NA</sfa:TIN>
        <sfa:Name>
```

<ftc:SubstantialOwner>
<ftc:Individual>
<sfa:TIN issuedBy="US">123456789</sfa:TIN>

8 When Should Information Be Reported?

All information on relevant accounts should be submitted to IRD by **June 30th of each year**. Information will be validated, by IRD, and in the event that there are any issues, the financial institutions will be informed. Amendments required by IRD must be made before the IRS reporting date of September 30th of each year. If for any reason an entity cannot meet the deadline date, then an application for an extension must be sent on the entity's letterhead. This application must be sent in at least one week before the June 30th due date.

If the IRS has issues with a submission, corrections will be requested. All corrections requested by the IRS must be made and resubmitted within eighteen (18) months so that the FI can avoid being deemed as non-compliant, and ultimately being face with withholding penalties.

9 Reporting and Certification

At present, the IRD FATCA Compliance Solution (system) allows for (i) manual data entry and (ii) uploading of data (which follows the XML schema set by the US. Further information on the XML schema can be obtained at [.https://www.irs.gov/businesses/corporations/fatca-xml-schemas-and-business-rules-for-form-8966](https://www.irs.gov/businesses/corporations/fatca-xml-schemas-and-business-rules-for-form-8966) .

9.1 Registration on IRS website

In order to report, all relevant entities must first sign on to the IRS website to apply for a FATCA ID and GIIN. Please use this link <https://www.irs.gov/businesses/corporations/fatca-foreign-financial-institution-registration-system> .

It is advisable that entities verify whether or not they actually need to register and report before doing so.

Entities are required to select a registration type which will be needed when filing on the IRD portal. Entities should therefore take a note of their registration details as the IRD may not always be in a position to provide this information (as the Department does not have direct access to the IRS/FATCA portal).

Table 10 below, provides information on the registration details of entities.

Table 10 Types of Entities

TYPE OF ENTITY	DEFINITION
Direct Reporting NFFE	Non-financial foreign entity (NFFE) that has elected to report its substantial US owners to the IRS.
Participating FFI	A foreign financial institution which (1) is registering to agree to enter into an FFI agreement (2) is a foreign branch of a USFI that has in effect a QI Agreement and that is also agreeing to the terms of an FFI Agreement, unless such branch is treated as a reporting FI under a Model 1 IGA (see RDCFFI definition below).
Registered Deemed-Compliant FFI	(1) A foreign financial institution which registers to confirm that it meets the requirements to be treated as a local FFI; a non-reporting member FI of a PFFI group, qualified collective investment vehicle, restricted fund, qualified credit card issuer, sponsored investment entity, or sponsored controlled foreign corporation (2) a reporting FI under a Model 1 IGA that is registering to obtain a GIIN, or (3) an FFI that is treated as a Non-reporting FI under a Model 1 or 2 IGA and that is registering pursuant to the applicable Model 1 or 2 IGA.
Reporting Financial Institution under a Model 1 IGA	An FI that is treated as a reporting FI under the terms of a Model 1 or Model 2 IGA that is in effect.
U.S. Financial Institution	A financial institution which is a resident of the United States.

9.2 Certification on IRS Website

Please note that the IRS will occasionally require entities to certify their status on the IRS portal. This process is not managed by the Inland Revenue Department and all entities which receive requests for certification from the IRS should make every effort to log onto the IRS Portal and follow the instructions provided therein. Entities which do not submit certifications by the required due date will not be in compliance with FATCA obligations and run the risk of being deleted from the GIIN list.

Please ensure that all registration is kept current and updated as needed. It is the responsibility of the financial institution to ensure that the following information is always up to date.

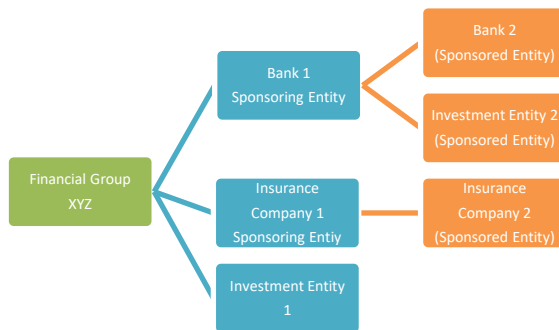
1. **Financial institution FATCA classification. (This is determined by the FI)**
2. **The name and email address of the Responsible Officer and Point of Contact for FATCA.**

If an entity has a number of branches, then the certifications only apply to the branches with a certification requirement.

9.3 Registration with the Inland Revenue Department (IRD)

In order to submit data to IRD, financial institutions need to register on the Automatic Exchange of Information Portal at <https://aeoi.govt.lc>.

Diagram 2 Financial Institution XYZ



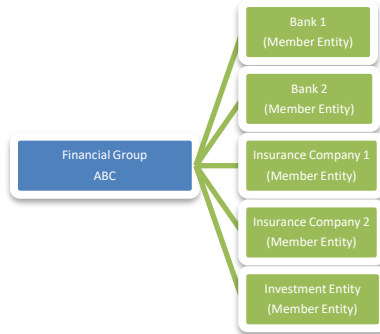
In Diagram 2 above, the financial group consists of six entities. Although each entity has a GIIN on the IRS system, only sponsoring entities will be required to sign up on the IRD FATCA portal. (See Table 11 below).

Table 11 Reporting members of financial group XYZ

Entity To Sign Up	Entity Will Report For
Bank 1	Bank 1, Bank 2, Investment Entity 2
Insurance Company 1	Insurance Company 1, Insurance Company 2
Investment Entity 1	Investment Entity 1

In Diagram 3 below, each entity of Financial Group ABC, can sign up on the IRD FATCA Compliance Solution and report individually.

Diagram 3 Financial Group ABC



N.B. ONLY THE ENTITIES REPORTING THE FINANCIAL ACCOUNT INFORMATION NEED TO CREATE A USER ACCOUNT WITH IRD.

9.4 Registration /Enrolment for FATCA

A financial institution is registered on the system when the primary user’s application has been submitted and approved. The registration screen can be obtained by selecting **Enrolment for CRS or FATCA** as illustrated in Diagram 4 below.

Diagram 4 Enrolment for FATCA

Not logged in

Welcome to the Saint Lucia AEOI Portal

The Saint Lucia AEOI Portal is an online application that will allow you to submit your CRS and/or FATCA filings to the Inland Revenue Department.

To access the Saint Lucia AEOI Portal, please enter your email address and password below. Note that the password is case sensitive.

If you require assistance, contact the Inland Revenue Department at aeosupport@ird.gov.lc.

To enrol for CRS or FATCA, please follow this link: [Enrolment for CRS or FATCA](#)

Email address:

Password:

Login

[Forgotten Password](#)

The recommended minimum computer requirements for using the Saint Lucia AEOI Portal are:

- We support the most recent versions of the following browsers; Microsoft Internet Explorer, Microsoft Edge, Firefox, Google Chrome, and Safari.
- We also recommend that your screen resolution is at least 1024x768 or higher for optimal display.

The enrolment page is shown in Diagrams 5 to 7 below. It is broken down into three sections. Information on the **financial institution** is captured first as shown in Diagram 5 below; **Sponsoring Entity** information is captured as shown in Diagram 6 below; lastly, **Primary user information** is captured as shown in Diagram 7 below.

Diagram 5 Financial Institution Information Requirements

Enrol for CRS and/or FATCA

Please use the form below to enrol for CRS and/or FATCA reporting with the Inland Revenue Department.

Financial Institution & Primary User Enrolment

In accordance with the OECD's Multilateral Competent Authority Agreement, entered into by this government and participating partner jurisdictions for the purposes of exchanging tax information on an annual basis, all Financial Institutions are required to enrol with the Inland Revenue Department using the form below.

If you are enrolling on behalf of a Financial Institution who is also reporting to the IRS for the purposes of FATCA compliance, please also enter your GIIN below.

Financial Institution Information	
Financial Institution Name	<input type="text"/> *
Institution Type	<input type="text"/> ▼ *
Reporting Type	<input type="text"/> ▼ *
Financial Institution GIIN (issued by IRS)	<input type="text"/> ?
Identification Number (Issued by IRD)	<input type="text"/> ?
Fiscal Year End (format: dd/mm)	<input type="text"/>

1. Under Reporting Type all entities will be registered under **FATCA and CRS**.
2. Under Identification Number please insert the **Company Registration Number as given by the Registry of Companies**.

Diagram 6 Sponsored Entity Information Requirements

Registered Office Address or Sponsoring Entity Address	
Street Address	<input type="text"/> *
City/Town	<input type="text"/> *
State/Province/Region	<input type="text"/>
Country	<input type="text" value="Saint Lucia"/> ▼ *
Post Code	<input type="text"/>

Institution Email Address

Diagram 7 Primary User Information Requirements

The screenshot shows a web form titled "Primary User Information". It contains the following fields and elements:

- First name: text input field with a red asterisk.
- Surname: text input field with a red asterisk.
- Email Address: text input field with a red asterisk.
- Confirm Email Address: text input field with a red asterisk.
- Telephone number: three separate text input fields labeled "international", "area code", and "number", each with a red asterisk.
- Position: text input field with a red asterisk.
- A blue question mark icon is located to the right of the Position field.
- Below the Position field, there is a text instruction: "Please attach a scan of your passport" followed by a "Browse" button with a red asterisk.
- Below the "Browse" button, there is another text instruction: "Please attach a letter, signed by a director of the company, which specifies you as the responsible person for CRS and/or FATCA compliance." followed by another "Browse" button with a red asterisk.
- At the bottom of the form area, there is a "Submit" button.
- Below the form area, there is a paragraph of text: "Your enrolment will be submitted for approval by the Inland Revenue Department. You will receive notification by email once your enrolment information has been reviewed."

Please note that an authorization letter from the entity (on company letterhead, with the official stamp and manager’s signature) and a valid form of identification are required to complete the registration process.

Each financial institution is required to create an account on the system. The primary user is the point person who accesses the system on behalf of the FI and this individual may create secondary users on the system. An entity may have more than one primary user on the system.

Applications for registration will be approved by the Department and an email will be sent to the user to indicate that registration has been approved. **Each user may have access to several FIs using a single email address however different users cannot share an email address.**

New users will receive an email and temporary password from aeoi@ird.govt.lc. If the email is not received within fifteen (15) minutes, please check your junk mail or spam mail; as the email may have been diverted.

Password format for IRD Portal

- Must contain at least one capital letter, one small case letter one number and one special character.
- Must be between 8 and 30 characters long.
- Must not contain spaces.
- Must be new (the password provided cannot be reused).

The new user will also receive an email to indicate which financial institution(s) he/she has access to.

The primary user can **create** other users on the system. This can be achieved by accessing **Manage Users** on the main log in screen. (Please see Diagrams 8 and 9 below).

Diagram 8 Creating a User

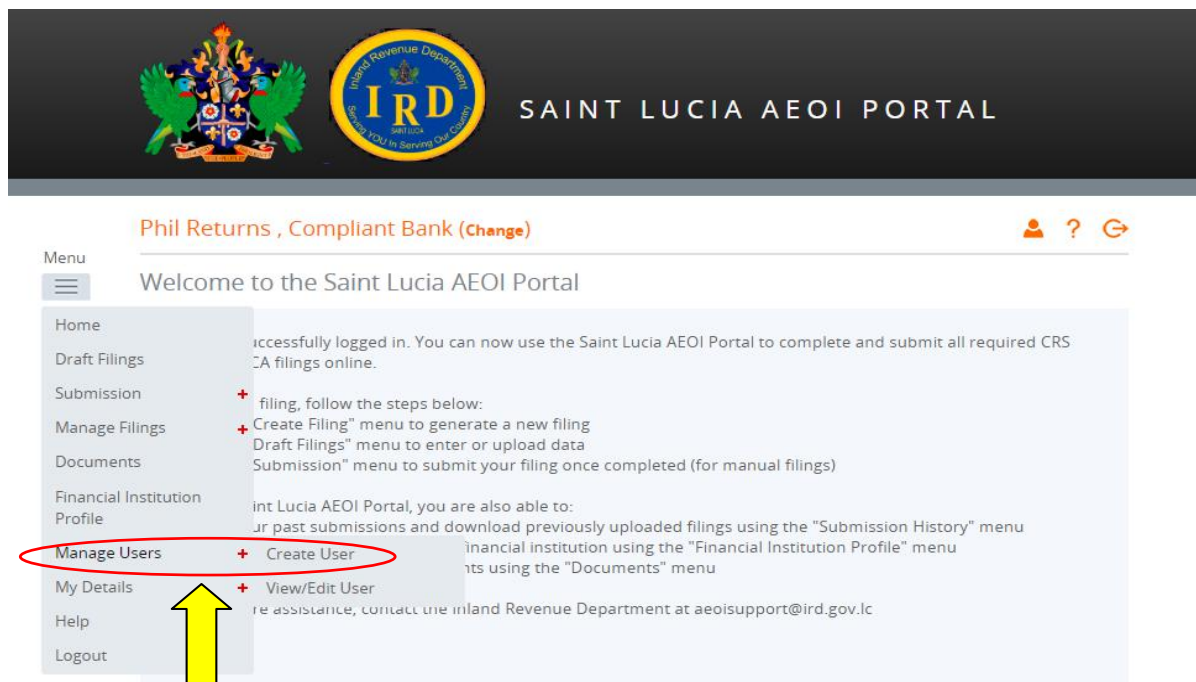


Diagram 9 Creating a Secondary User

Phil Returns , Compliant Bank (Change)

Menu

Create Saint Lucia AEOI Portal User

This functionality allows you to create users with access to Saint Lucia AEOI Portal. Please enter the details for the new user.

First name: *

Surname: *

Email address: *

Telephone number:

Int'l Area code Number

Permission:

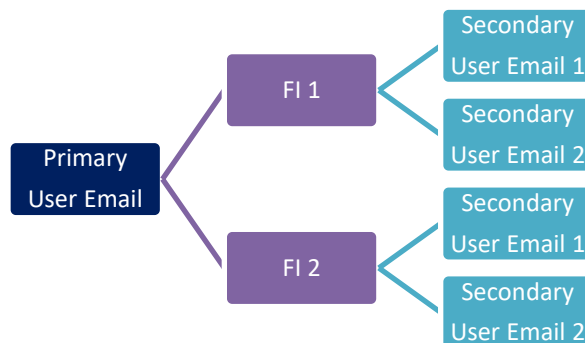
Create

Please be sure to select **FI- Secondary User** for all users who will be deemed as such by your financial institution. Please see Diagram 10 below.

Each user will be able to update his/her details on the system directly or the primary user may make amendments on behalf of a secondary user by accessing **Manage User and View/Edit User**.

In order to change a primary user on the system the FI must go to Create Filing and select **Primary User Change Notice** as shown in Diagrams 14 and 15 (This change will need to be approved by IRD).

Diagram 10 Users Accounts on the System



9.5 Document Type Classifications

NEW DATA

This option is used for data which is being entered for the first time. (First submission of data).

CORRECTED DATA (FATCA2)

This option is used for data which has been submitted but which must be corrected due to record level errors.

VOID DATA (FATCA3)

If a record is sent in error, then the record can be voided. A record may be voided at any time after a valid notification has been received. Please note that **all data fields in the voided record must have the same values as the original record.**

The following record level errors need to be voided and submitted as new data. The new data should match the original submission.

- No TIN for Account Holder or Substantial US Owner
- Incorrect TIN for Account Holder or Substantial US Owner
- Incorrect Name of Account Holder or Substantial US Owner
- Incorrect Address of Account Holder or Substantial US Owner

AMENDED DATA (FATCA4)

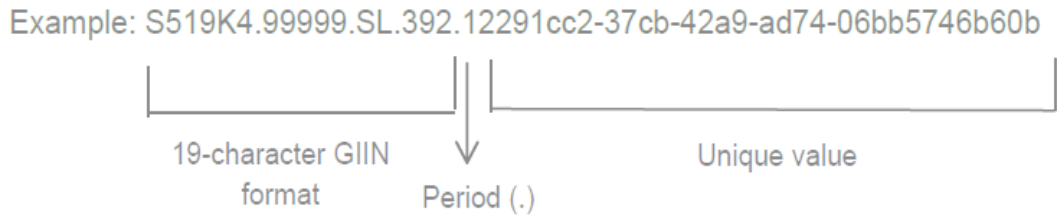
Used if previously filed data needs to be replaced or amended and **is not used after an error notification has been received.** A record may be amended any time after a valid notification is received.

9.6 Document Reference ID (DocRefID)

The document reference ID is a 21 to 200 character string of letters and numbers. It is a unique identifier for a specific record and must be unique across all reporting systems and reporting periods. A unique

DocRefID must be generated for each Nil Report, each FI Report or each Sponsoring Entity report and each Intermediary Report (if any). The DocRefID cannot be reused within the scope of FATCA reporting. Please see the format of the Document Reference ID in Diagram 11 below.

Diagram 11 Format of Document Reference ID (DocRefID)



9.7 Preparing for data submission

To begin the filing process, the user must log in and select the financial institution he/she will be filing for using the drop-down menu, as shown in Diagram 12. For individuals with more than one financial institution on their profile, **it is imperative that the correct FI is selected before going further**. The FI being represented will always appear at the top of your screen, therefore, please ensure that you are filing on behalf of the correct entity.

If the wrong entity name appears at the top of the screen, then the individual can select **(change)** next to the name of the institution and proceed to select the correct entity, as shown in Diagram 13.

Diagram 12 Selection of Financial Institution

Not logged in

Select financial institution

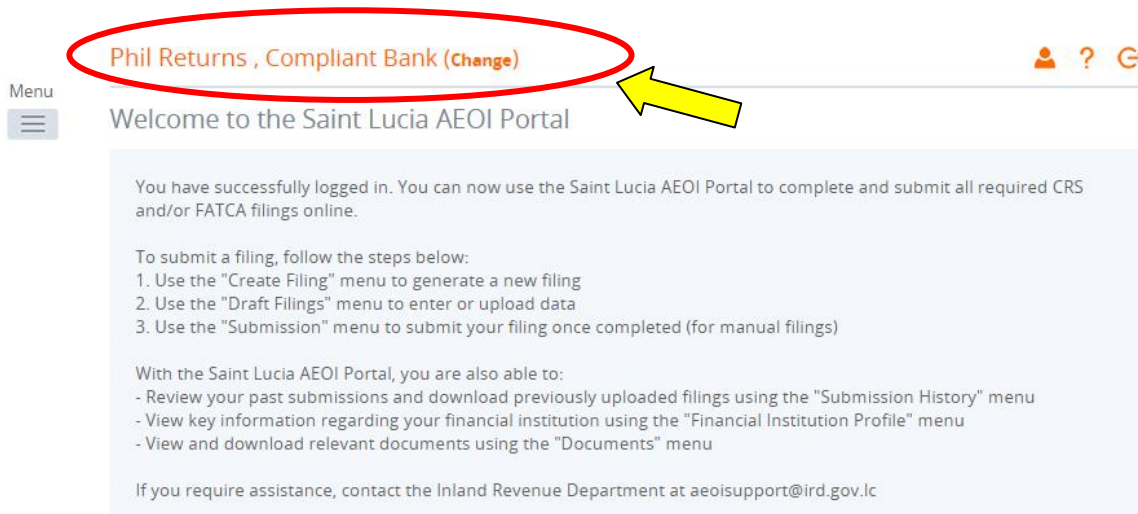
You have access to more than one financial institution. To choose a financial institution to work with, please select the financial institution name from the list below.

Financial Institution name:

Please select a financial institution ▼ *

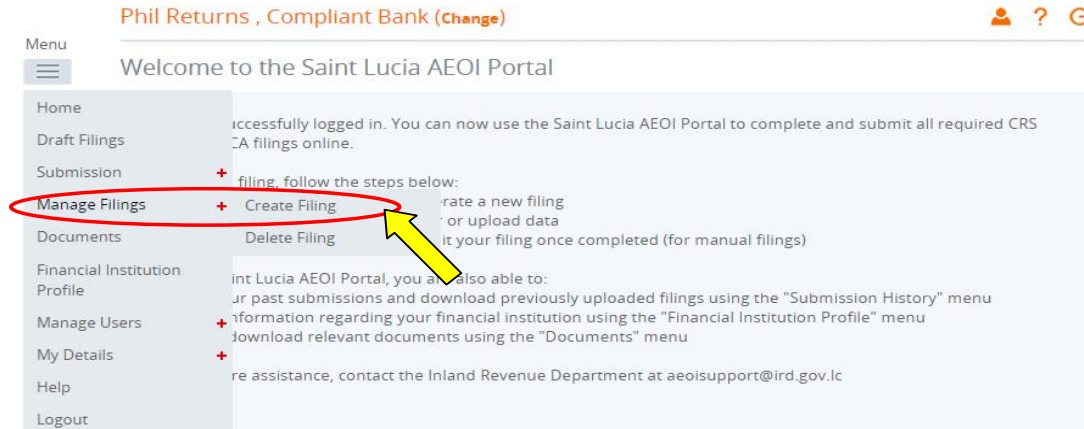
Login

Diagram 13 View of Company and User



After the FI has been verified, the user should go to **Manage Filings** then select **Create Filing** as shown in Diagrams 14 and 15 below.

Diagram 14 Create a Filing 1



Once **Create Filing** has been selected, please follow the steps below:

1. Give the filing a name;
2. Select a filing type;
3. Select the period end date.

Please note that the end date will always be December 31st of whichever period is being reported. For example, the period end date for the 2019 submission will be **31/12/2019**.

Diagram 15 Select the Type of filing

Phil Returns , Compliant Bank (Change)

Menu

Create Filing

We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name: *

Filing type:

- CRS Filing Summary
- CRS Manual Entry Filing
- CRS XML Upload Filing
- Primary User Change Notice**
- US FATCA Manual Entry Filing
- US FATCA XML Upload Filing

 *

Period end date (dd/mm/yyyy): *

Create

- Once a filing has been created the user can then proceed to **Draft Filings** in order to make a submission. Please ensure that the correct file is selected. Click on the file name to make your submission. Please see Diagrams 16 and 17 below.

Diagram 16 Go to Draft Filings

Phil Returns , Compliant Bank (Change)

Menu

Welcome to the Saint Lucia AEOI Portal

- Home
- Draft Filings**
- Submission
- Manage Filings
- Documents
- Financial Institution Profile
- Manage Users
- My Details
- Help
- Logout

Successfully logged in. You can now use the Saint Lucia AEOI Portal to complete and submit all required CRS Filings online.

If you are creating a new filing, follow the steps below:

- + "Create Filing" menu to generate a new filing
- + "Draft Filings" menu to enter or upload data
- + "Submission" menu to submit your filing once completed (for manual filings)

In addition to the Saint Lucia AEOI Portal, you are also able to:

- + view your past submissions and download previously uploaded filings using the "Submission History" menu
- + view information regarding your financial institution using the "Financial Institution Profile" menu
- + download relevant documents using the "Documents" menu

For further assistance, contact the Inland Revenue Department at aeoisupport@ird.gov.lc

On the **Draft Filings** screen, the user can select the required file. Further details on the types of filing are presented in the next sections.

Diagram 17 Selecting a Draft Filing

The screenshot shows a web interface for 'Draft Filings'. At the top, it says 'Phil Returns , Compliant Bank (Change)' with user, help, and refresh icons. Below is a 'Menu' icon and the title 'Draft Filings'. The main content area contains instructions: 'Please select the name of the filing you wish to complete.' and 'To create new filings, please use the "Create Filing" functionality.' Below this is a table with the following data:

Filing name	Reference	Revision	Categories	Receiving Country	Status	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)
2014	FF00043	<u>0.1</u>	Waiting	n/a	In Draft	31/12/2014	31/05/2015
2015	FF00065	<u>0.1</u>	Waiting	n/a	No Data	31/12/2015	30/05/2016
2018a	FF00064	<u>0.1</u>	Waiting	n/a	No Data	31/12/2018	31/05/2019

9.8 Deleting a Filing

In the event that a financial institution needs to delete a filing the following steps should be taken.

1. Go to Manage Filings.
2. Click Delete Filings
3. Select the file that you wish to delete from the table. Entities should ensure that the correct filing is deleted, as previously entered data will be lost. See diagrams 18 to 20 below.

Diagram 18 Deleting a Filing 1

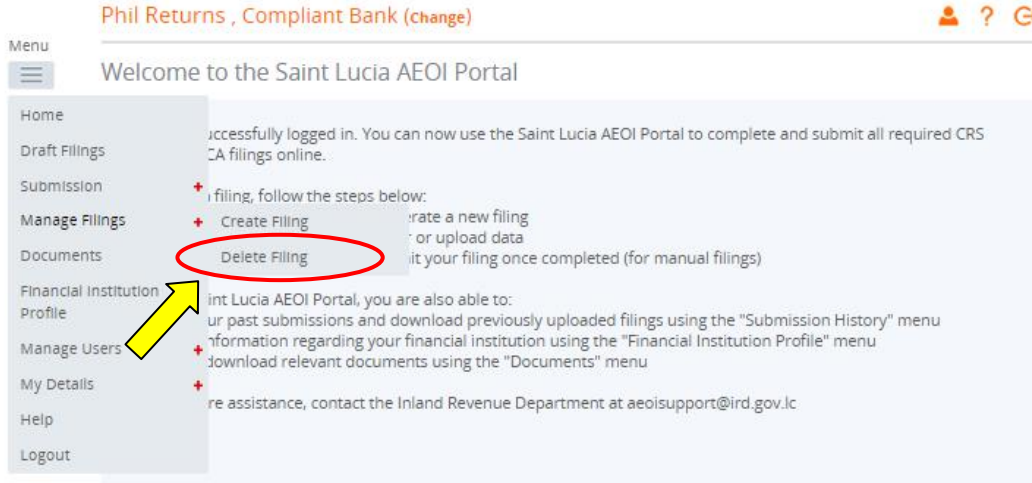
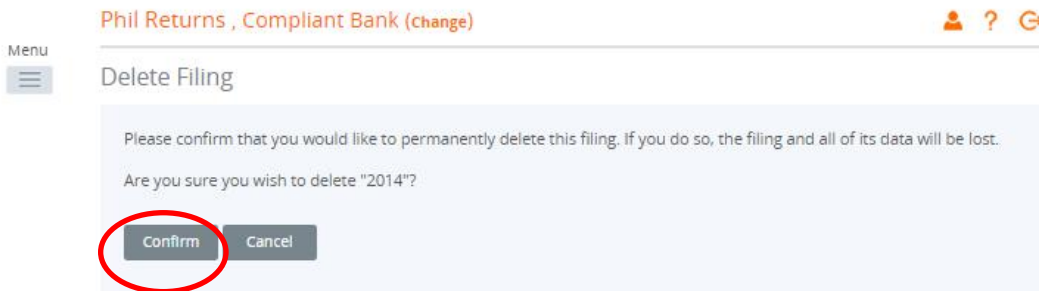


Diagram 19 Deleting a Filing 2



Diagram 20 Deleting a Filing 3



Please note that once a filing has been successfully submitted it cannot be edited further and as such it cannot be deleted. The first submission could be voided, and a corrected data file created.

9.9 US FATCA XML Upload Filing

ALL data to be uploaded using this option must follow the latest version of the **XML schema** stipulated by the IRS (not Microsoft Excel). First the user must create a filing as seen in Diagram 21 below. Please ensure that **US FATCA XML Upload Filing** is selected.

Diagram 21 Create a US FATCA XML Upload Filing

Menu

Phil Returns , Compliant Bank (Change) 👤 ? ↻

Create Filing

We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name: *

Filing type:

- CRS Filing Summary
- CRS Manual Entry Filing
- CRS XML Upload Filing
- Primary User Change Notice
- US FATCA Manual Entry Filing
- US FATCA XML Upload Filing**

Period end date (dd/mm/yyyy): 📅 *

The user must then select **Upload Data** as shown in Diagram 22 below.

Diagram 22 Uploading an FATCA XML Upload Filing 1

View Filing

Please select a form to view

Actions

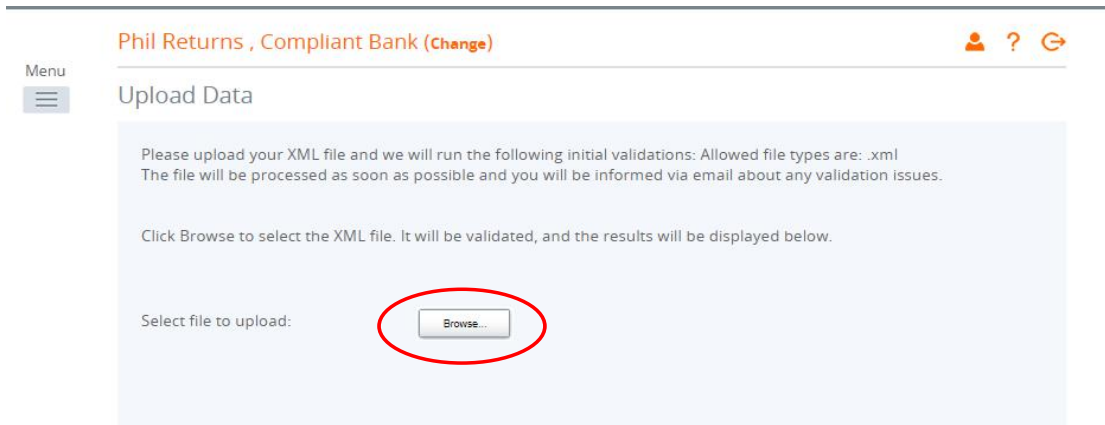
View Comments

KEY	
	Form set
	Folder
	Repeatable Folder
	Form
	Add Section
	Validated
	In Draft
	No Data - Mandatory

FATCA 2019B		Status: NO DATA
	US FATCA XML Upload Filing	Upload Data
	Info General Information	View
	FF US FATCA Filing	

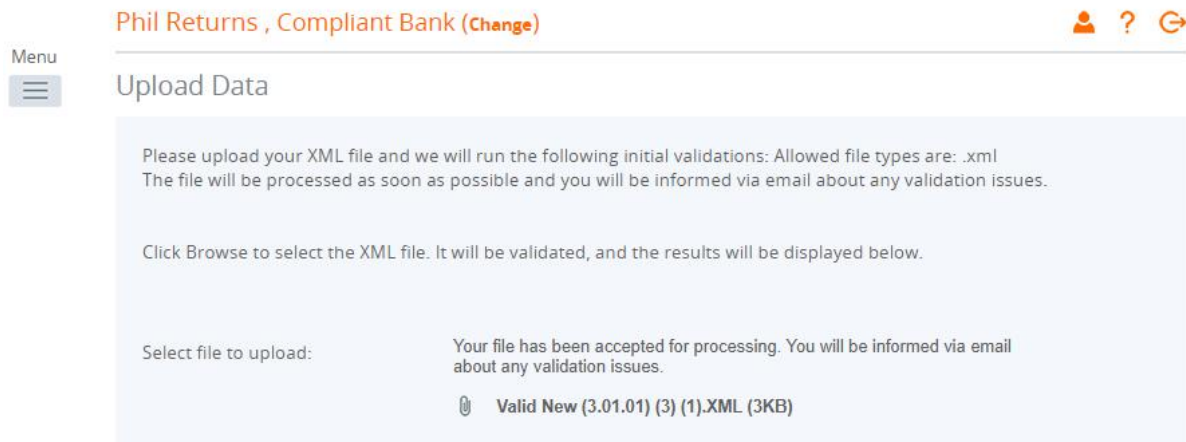
In order to upload the file, the user must select **Browse** and search for the document on his/her computer. See Diagram 23 below.

Diagram 23 Uploading an FATCA XML Upload Filing 2



The user should then select the appropriate XML file and select **Open**.

Diagram 24 Uploading an FATCA XML Upload Filing 3



The system will then validate the file and send an email regarding the submission. See Diagram 24 above.

The status of a submission can be viewed in **Notifications** at the bottom of the home screen as shown in Diagram 25 below. In the event that the submission is successful, no further action is required. However, if there are errors, the user will be notified via email and will be required to review the errors associated with the submission.

Diagram 25 View Report Status

Phil Returns , Compliant Bank (Change) 👤 ? ↻

Menu ☰

Welcome to the Saint Lucia AEOI Portal

You have successfully logged in. You can now use the Saint Lucia AEOI Portal to complete and submit all required CRS and/or FATCA filings online.

To submit a filing, follow the steps below:

1. Use the "Create Filing" menu to generate a new filing
2. Use the "Draft Filings" menu to enter or upload data
3. Use the "Submission" menu to submit your filing once completed (for manual filings)

With the Saint Lucia AEOI Portal, you are also able to:

- Review your past submissions and download previously uploaded filings using the "Submission History" menu
- View key information regarding your financial institution using the "Financial Institution Profile" menu
- View and download relevant documents using the "Documents" menu

If you require assistance, contact the Inland Revenue Department at aeoisupport@ird.gov.lc

Notifications

Dismiss	Received	Subject
<input type="checkbox"/>	19/03/2019 11:42:00	<u>Submission of 2016 Filing Unsuccessful</u>



In order to perform a comprehensive review of the errors in the FATCA XML Upload Filing, please go to **Draft Filing**. Next select **View Upload History** as shown in Diagram 26 below. On the table which appears select the errors as shown in Diagrams 27 and 28 below. An error report will be generated as shown in Diagram 28. The FI should endeavour to address each issue.

Diagram 26 View Upload History of FATCA XML Upload Filing









View Filing

Please select a form to view

Actions

 View Upload History  View Comments

KEY

							
Form set	Folder	Repeatable Folder	Form	Add Section	Validated	In Draft	No Data - Mandatory

FATCA 2019B







		Status: No Data
	 US FATCA XML Upload Filing	Upload Data
	 Info General Information	View
	 FF US FATCA Filing	

Diagram 27 Reviewing Errors in US FATCA XML Upload Filing

Phil Returns , Compliant Bank (Change) 👤 ? ↻

Menu ☰ View Upload History

Filing name: 2016
Reference: FF00066
Please select a file to view

File	Uploaded on	Uploaded by	Uploaded to	Status
Valid New (3.01.01)(3)(1).XML	19/03/2019 11:41:59	Phil Returns	US FATCA XML Upload Filing	58 Errors
Valid New (3.01.01)(3).XML	19/03/2019 11:40:02	Phil Returns	US FATCA XML Upload Filing	58 Errors

[Back](#)




Diagram 28 Sample Summary of File Upload Issues

Phil Returns , Compliant Bank (Change) 👤 ? ↻

Menu ☰ File Upload Issues

This file was submitted with errors and/or warnings which are displayed below.

Type	Problem	Additional information
Error	1. "At line 2, position 2, "Could not find schema information for the element 'urn:oe.cd:ties:crs:v1:CRS_OECD'.	
Error	2. "At line 2, position 15, "Could not find schema information for the attribute 'version'.	

9.10 Correcting US FATCA XML Upload

Depending on the type of error being rectified, an FI will need to decide whether to correct, void or amend an XML submission. Please see page 44 for further details on the options mentioned above. The revised XML file can be created and uploaded as depicted in Diagrams 21 to 25 above.

The FI should ensure that the correct type of file is created to address the errors.

9.11 US FATCA Manual Entry Filing

Create a filing as per the instructions in Diagrams 13 above and Diagram 29 below.

Diagram 29 Create a US FATCA Manual Filing

Create Filing

We need details about your filing so you will be able to identify it in the future. Please enter the details requested below.

The period end date identifies the reporting period for the filing. This should always be December 31st in the case of FATCA and CRS filings.

Filing name: *

Filing type: CRS Filing Summary
 CRS Manual Entry Filing
 CRS XML Upload Filing
 Primary User Change Notice
 US FATCA Manual Entry Filing
 US FATCA XML Upload Filing *

Period end date (dd/mm/yyyy): *

Once the file has been created go to Draft Filings as shown in Diagrams 16 and 17.

Please follow the steps below to commence your manual filing:

Under **Info**, please select **General Information** as shown in Diagram 30 below.

Diagram 30 Draft Filing 1

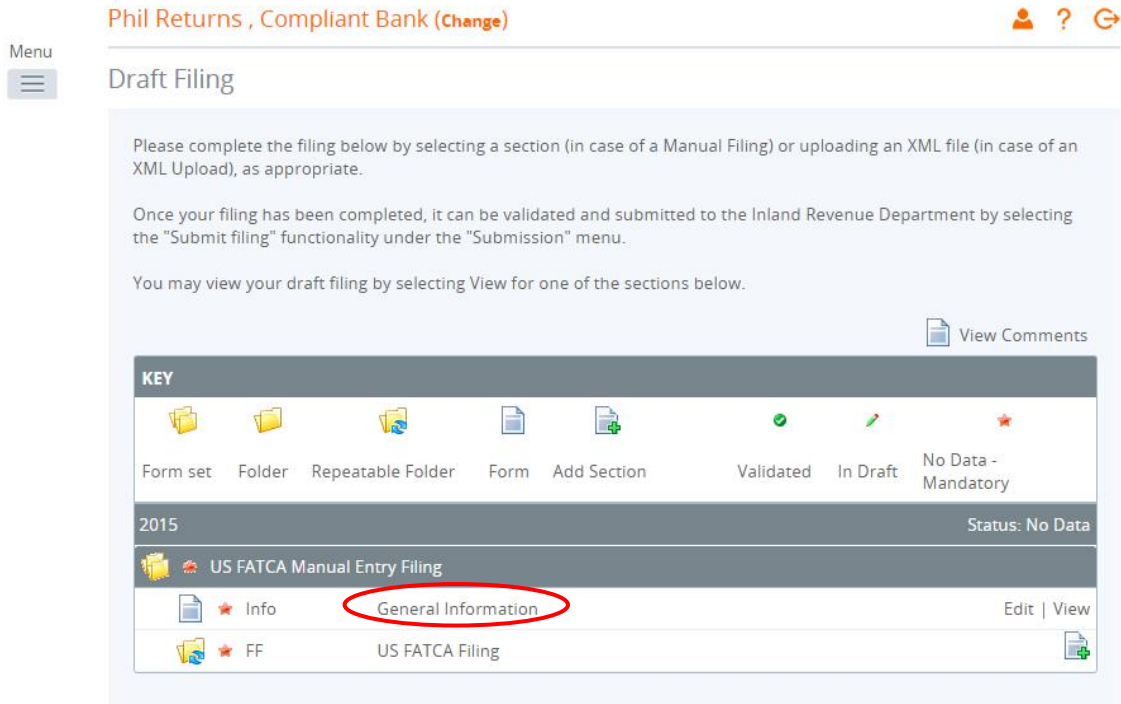
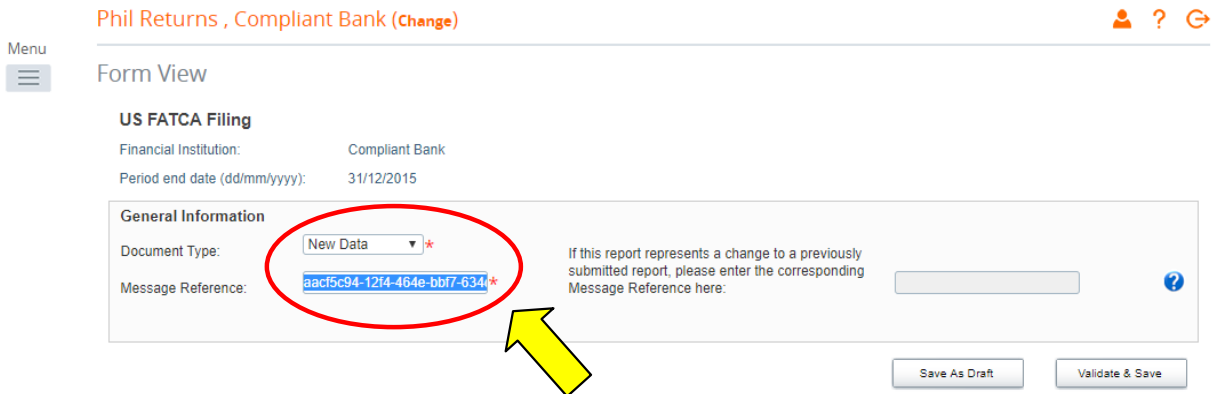


Diagram 31 Draft Filing 2

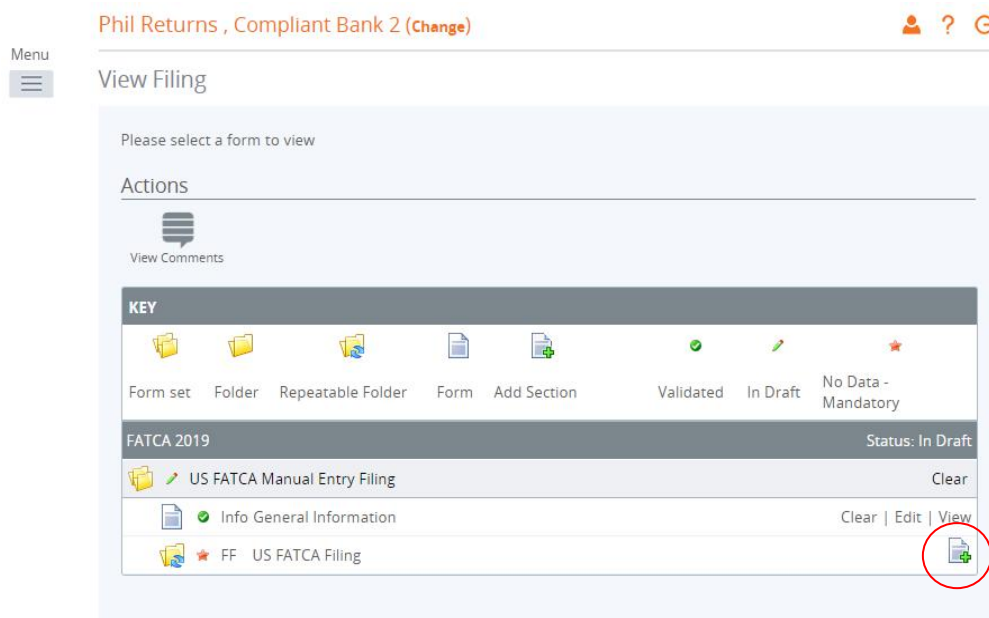


Under the General Information Screen, please ensure that the Document Type portrayed correctly reflects the type of data that will be filed, as shown in Diagram 31 above. Please review section 8.4 for more information on document types. If you are finished with the information in this section, please select **Validate and Save**. If you need to review information and return to your submission, please select **Save as Draft**.

The Message Reference and Document Reference ID numbers are extremely important identification numbers on the system. Please ensure that they are not altered or deleted. In addition, you may need to copy and paste the reference number based on your type of submission.

Once the General Information has been validated and saved, the icon next to the word Info will become a green tick as shown in Diagram 32 below.

Diagram 32 Verifying/Inserting Financial Institution Information




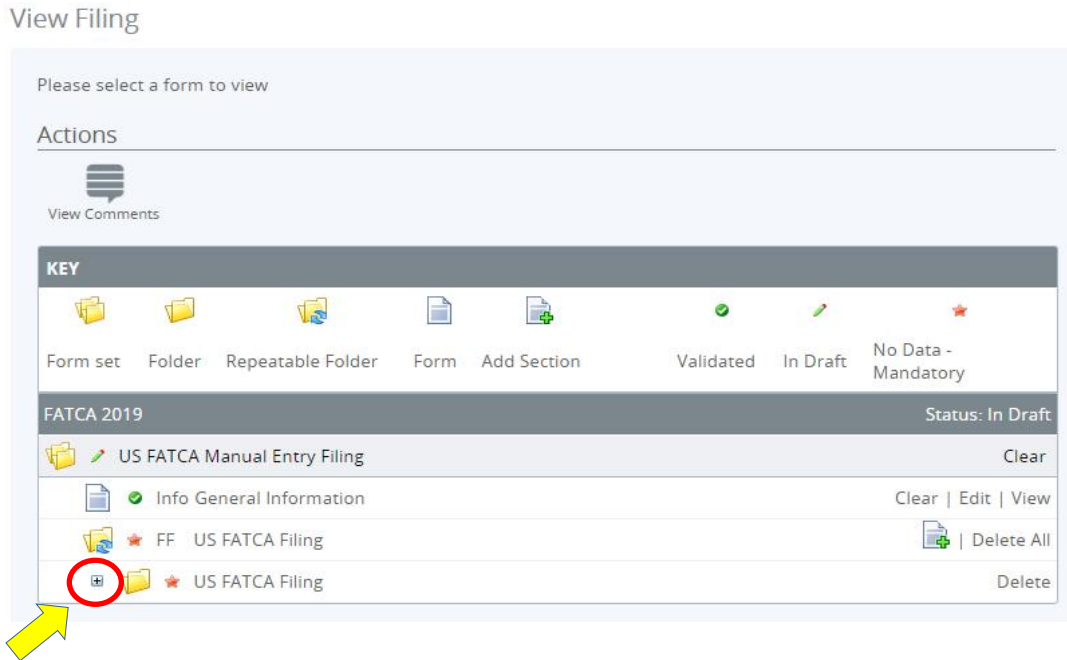
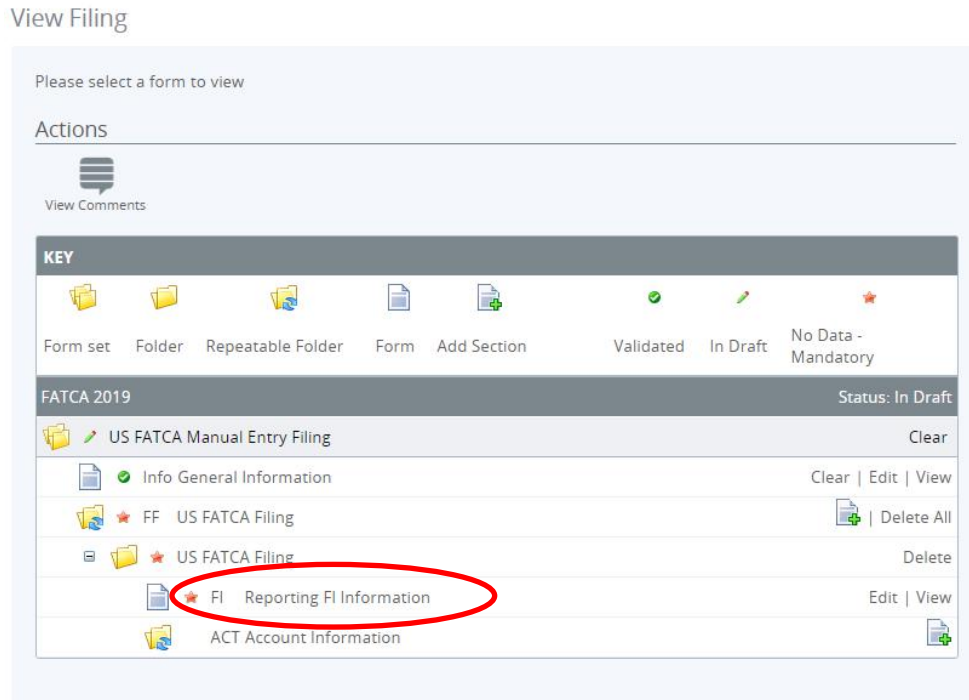
Select the icon  in the US FATCA Filing row.

Diagram 33 Entering Manual Data 1



Select the + plus sign next to US FATCA Filing. Select Reporting FI Information in the new row, which appears. See Diagram 33 above.

Diagram 34 Entering Manual Data 2



Review FI information including GIIN, address, Filer Category. See Diagrams 34 above and 35 to 36 below.

Diagram 35 Verifying Reporting FI Information 1

Form View

US FATCA Filing

Financial Institution: Compliant Bank 2
Period end date (dd/mm/yyyy): 31/12/2019

Document Type: *

Document Reference ID: * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here:

Part I: Identification of Filer

Reporting FI Name: *

Taxpayer Identification Number (TIN): *

Filer Category: *

Address

Number, Street, and Room/Suite no:

City or Town: *

State/Province/Region:

Post Code:

Country: *

Diagram 36 Verifying Reporting FI Information 2

Part I: Identification of Filer

Reporting FI Name: *

Taxpayer Identification Number (TIN): *

Filer Category: *

Address

Number, Street, and Room/Suite no:

City or Town:

State/Province/Region:

*

- PFFI (other than a Reporting Model 2 FFI and including a U.S. branch of a PFFI not treated as a U.S. person)
- RDC FFI
- Limited Branch or Limited FFI
- Reporting Model 2 FFI
- Qualified Intermediary (QI), Withholding Foreign Partnership (WP), or Withholding Foreign Trust (WT)
- Direct Reporting NFFE
- Withholding Agent (including a Reporting Model 1 FFI. See IRS XML Schema user guide for full description)
- Territory Financial Institution treated as a U.S. person

If you are filing a Nil Report, proceed to section 10.1.

If you are filing as a Sponsoring Entity, Proceed to section 10.2.

If you are finished with the information in this section process, select **Validate and Save**. If you need to review information and return to your submission, please select **Save as Draft**.

Each row should have a green tick on the left side before you proceed further.


Select the  in the row with Account Information to start inputting data on relevant accounts as shown in Diagram 37 below.


Diagram 37 Entering Account Information









Draft Filing

Please complete the filing below by selecting a section (in case of a Manual Filing) or uploading an XML file (in case of an XML Upload), as appropriate.














Once your filing has been completed, it can be validated and submitted to the Inland Revenue Department by selecting the "Submit filing" functionality under the "Submission" menu.

You may view your draft filing by selecting View for one of the sections below.

 View Comments

KEY			
			
Form set	Folder	Repeatable Folder	Form
			
			Add Section
			
		Validated	In Draft
			
			No Data - Mandatory

2016 Status: Ready to Submit

		US FATCA Manual Entry Filing	Clear
		Info General Information	Clear Edit View
		FF US FATCA Filing	 Delete All Clear All
		US FATCA Filing	Clear Delete
		FI Reporting FI Information	Clear Edit View
		ACT Account Information	

9.11.1 Entering Manual Data

Data on all relevant accounts and joint accounts should be entered here. Please see Diagrams 38 to 39 below. Only individual information is required in the section shown in Diagram 38. If you are filing an entity account, please refer to Diagram 39 and select an appropriate account holder type.

Diagram 38 Information Required for Individual Accounts

Taxpayer Identification Number (TIN) *

For individuals, please provide the following:

Title First Name * Middle Name Last Name *



Date of Birth (dd/mm/yyyy): 

Diagram 39 Entering Entity Account Information

Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type * 

Entity name

Address

Number, Street, and Room or Suite no

City or Town *

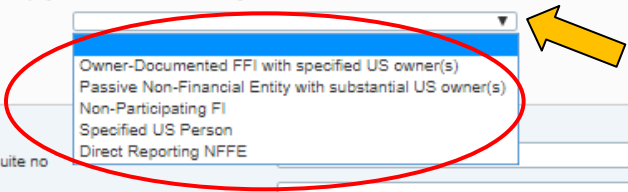
State/Province/Region

Post Code

Country *

Account Holder Type dropdown menu:

- Owner-Documented FFI with specified US owner(s)
- Passive Non-Financial Entity with substantial US owner(s)
- Non-Participating FI
- Specified US Person
- Direct Reporting NFFE



9.11.2 Reporting Substantial Owners

In order to report the substantial owners of a Passive Non-financial entity, who is a US specified person, please review Diagram 40. Substantial US owners being individuals with more than 10% interest in a company. (Please see the Glossary of Terms for more information).

Diagram 40 Entering Specified US Person information for a Passive NFE Account

Part III: Identifying Information of U.S. Owners that are specified U.S. Persons

Substantial owner type *

Organisation name

Organisation TIN

Address

Number, Street, and Room or Suite no

City or Town

State/Province/Region

Post Code

Country

Title First Name Middle Name Last Name

Individual TIN

Date of Birth (dd/mm/yyyy):

Address

Number, Street, and Room or Suite no

City or Town

State/Province/Region

Post Code

Country

Delete

Once all relevant fields have been filled in proceed to provide account information as shown in Diagram 41 below.

Diagram 41 Entering Financial Account Number and Balance

Part IV: Financial Information

Account Number *

Account Closed Yes No

Account Balance *

Currency *

Add Payment Record

Save As Draft

Validate & Save

Payment information can be entered as shown in Diagrams 42 and 43 below.

Diagram 42 Entering Payments Made to an Account

Part IV: Financial Information

Account Number *

Account Balance *

Account Closed Yes No

Currency *

Add Payment Record

Save As Draft Validate & Save

Diagram 43 Entering Payment type

Part IV: Financial Information

Account Number *

Account Balance *

Account Closed Yes No

Currency *

Payment Type <input type="text"/> *	<input type="text"/> *	Amount <input type="text"/> *	Delete
Currency <input type="text"/> *			
Payment Type <input type="text"/> *	<input type="text"/> *	Amount <input type="text"/> *	Delete
Currency <input type="text"/> *			
Payment Type <input type="text"/> *	<input type="text"/> *	Amount <input type="text"/> *	Delete
Currency <input type="text"/> *			

Add Payment Record

Save As Draft Validate & Save

To add additional accounts, repeat steps shown in Diagrams 37 to 43 as shown above.

9.11.3 Submitting a US FATCA Manual Report

There are two ways to submit a filing (Option 1 and Option 2). These are presented below.

Option 1 Submitting a US FATCA Manual Report

Once all account information has been entered; the filing can be submitted.



Select Validate and Submit in the draft filings section as shown in Diagrams 44 and 45 below.

Diagram 44 FATCA Manual Submission Option 1A









View Filing

Please select a form to view

Actions

 
Validate & Submit View Comments

KEY

							
Form set	Folder	Repeatable Folder	Form	Add Section	Validated	In Draft	No Data - Mandatory

FATCA 2019A Status: Ready to Submit

















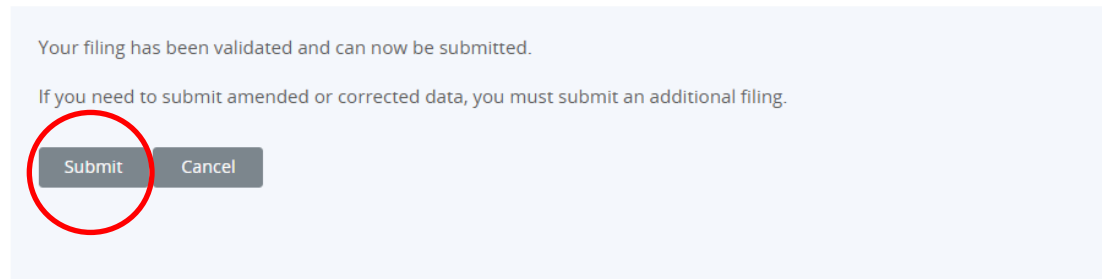
	 US FATCA Manual Entry Filing	Clear
	 Info General Information	Clear Edit View
	 FF US FATCA Filing	 Delete All Clear All
	 US FATCA Filing	Clear Delete
	 FI Reporting FI Information	Clear Edit View
	 ACT Account Information	 Delete All Clear All
	 John Doe	Delete Clear Edit View

Diagram 45 FATCA Manual Submission Option 1B

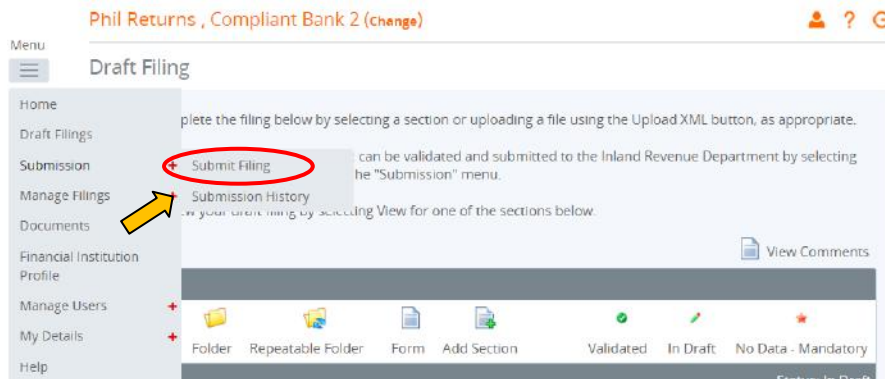
Submit Filing



Option 2 Submitting a US FATCA Manual Report

Go to Submission and Submit Filing as shown in Diagram 46 below.

Diagram 46 US FATCA Manual Submission 1



Find the file which needs to be submitted and select Validate as shown in Diagram 47 below.

Diagram 47 US FATCA Manual Submission 2



Once validation is accepted the message in Diagram 48, below will appear. The submission status can also be reviewed by going to Submission and Submission History as shown in Diagrams 49 and 50.

Diagram 48 US FATCA Manual Submission 3

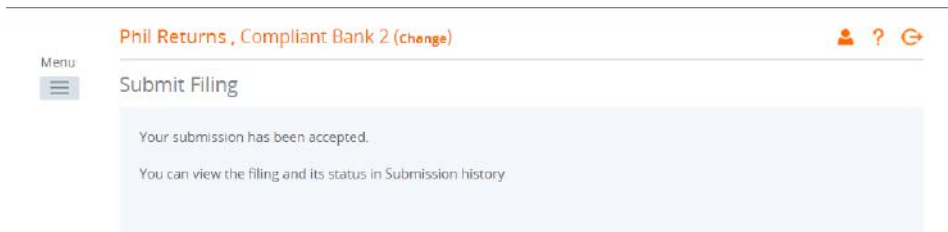


Diagram 49 US FATCA Manual Submission 4

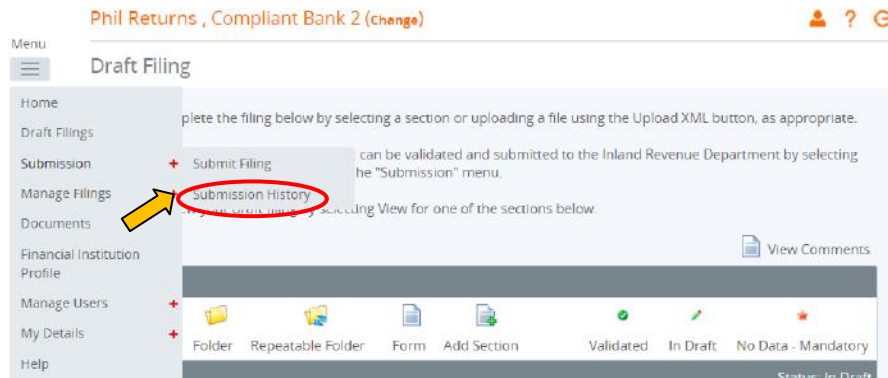


Diagram 50 US FATCA Manual Submission 5

Phil Returns , Compliant Bank 2 (change) 👤 ? ↻

Menu ☰ Submission History

Please select a submission to view

Drag a column header here to group by that column

Filing name	Reference	Revision	Transmission progress	Receiving Country	Submitted date (dd/mm/yyyy)	Status
2015	FF00050	1.0	Waiting	n/a	15/02/2019	Accepted

9.12 Correcting a US FATCA Manual Filing

1. Create a FATCA filing as shown in Diagram 15.
2. Go to draft filings as shown in Diagrams 16 and 51 below and select the original file.
3. Go to Draft Filings and open the filing which needs to be corrected. Go to **General Information**. Copy the first **Message Reference** as shown in Diagram 52 below. Paste the number in Microsoft Word or another programme for use later.
4. Go to **Reporting FI Information**. Copy the **Document Reference ID** of the file being corrected as shown in Diagram 53. Paste this number as well.

Diagram 51 Select Original File to be Corrected

Draft Filings

Please select the name of the filing you wish to complete.

To create new filings, please use the "Create Filing" functionality.

Filing name	Reference	Revision	Transmission progress	Receiving Country	Status	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)
2014	FF00043	0.1	Waiting	n/a	In Draft	31/12/2014	31/05/2015
2016	FF00067	0.1	Waiting	n/a	Ready to Submit	31/12/2016	31/05/2017
2018	CRS01072	0.1	Waiting	Belize	Ready to Submit	31/12/2018	31/05/2019
Correction 2018	FF02092	0.1	Waiting	n/a	Ready to Submit	31/12/2018	31/05/2019
Correction FATCA 2019	FF02148	0.1	Waiting	n/a	No Data	31/12/2019	30/05/2020
CRS Correction 2018	CRS02093	0.1	Waiting	Cook Islands	Ready to Submit	31/12/2018	31/05/2019
FATCA 2019	FF02146	0.1	Waiting	n/a	Ready to Submit	31/12/2019	30/05/2020

Diagram 52 Copy Message Reference

Phil Returns , Compliant Bank (change)



Form View

US FATCA Filing

Financial Institution: Compliant Bank
 Period end date (dd/mm/yyyy): 31/12/2019

General Information

Document Type: New Data *

Message Reference: 266e7555-be6c-4dbb-942a-96 *

If this report represents a change to a previously submitted report, please enter the corresponding Message Reference here:



Save As Draft

Validate & Save

Diagram 53 Copy Document Reference ID

Form View

US FATCA Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2019

Document Type:	New Data *	If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here: <input type="text"/>
Document Reference ID:	IAMT49.00003.ME.662.93e57 *	
Part I: Identification of Filer		
Reporting FI Name	Compliant Bank *	
Taxpayer Identification Number (TIN)	IAMT49.00003.ME.662 *	
Filer Category	<input type="text"/> *	

5. Return to Draft Filings. Select the correction file that was created as shown in Diagram 54 below.

Diagram 54 Selecting the Correction File

Phil Returns , Compliant Bank (Change)

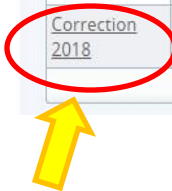


Draft Filings

Please select the name of the filing you wish to complete.

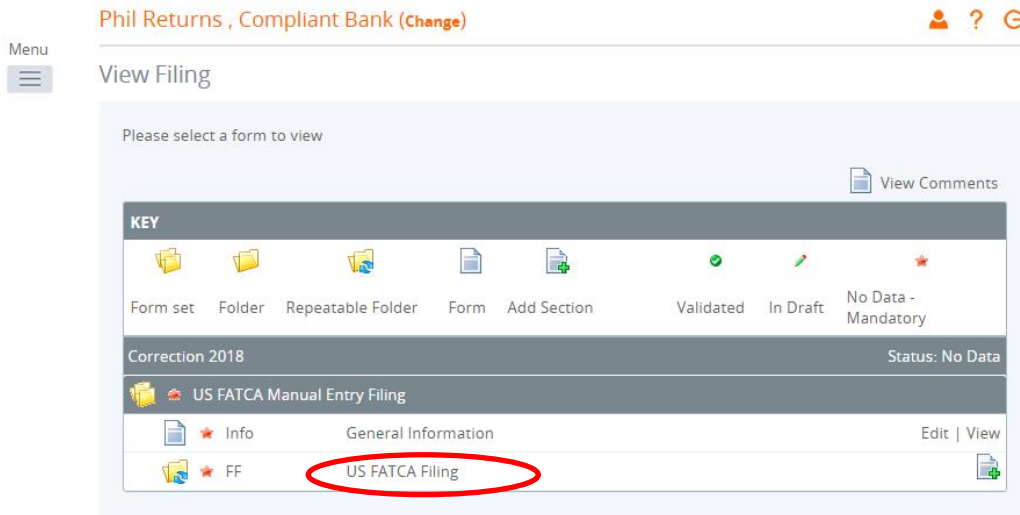
To create new filings, please use the "Create Filing" functionality.

Filing name	Reference	Revision	Categories	Receiving Country	Status	Filing end date (dd/mm/yyyy)	Due date (dd/mm/yyyy)
2014	FF00043	0_1	Waiting	n/a	In Draft	31/12/2014	31/05/2015
2016	FF00067	0_1	Waiting	n/a	Ready to Submit	31/12/2016	31/05/2017
2018	CRS01072	0_1	Waiting	Belize	Ready to Submit ⓘ	31/12/2018	31/05/2019
Correction 2018	FF02092	0_1	Waiting	n/a	No Data	31/12/2018	31/05/2019



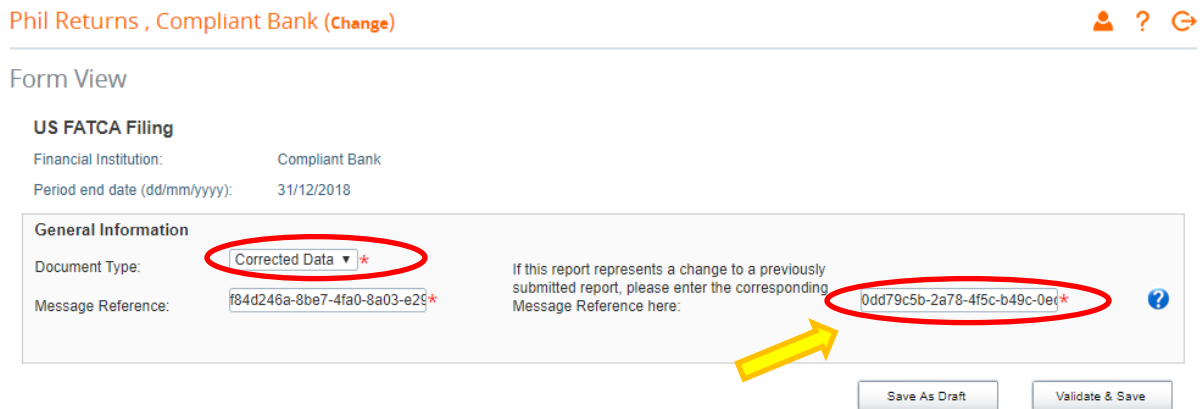
- Open General information as shown in Diagram 55 below.

Diagram 55 Correcting US FATCA Manual Submission 1



7. In the drop-down menu select “**Corrected Data**” and paste the initial Message Reference into the field on the right as shown in Diagram 56 below.

Diagram 56 Correcting US FATCA Manual Submission 2




8. Validate and Save. There should be a green tick next to General Information now.
9. Select  next to **US FATCA Filing**.
10. Select **Reporting FI Information** as shown in Diagram 57 below.

Diagram 57 Correcting US FATCA Manual Submission 3

Please select a form to view View Comments

KEY		
Form set	Folder	Repeatable Folder
Form	Add Section	Validated
In Draft	No Data - Mandatory	

Correction 2018 Status: In Draft

	US FATCA Manual Entry Filing	Clear
	Info Info General Information	Clear Edit View
	FF US FATCA Filing	Delete All
	US FATCA Filing	Delete
	FI Reporting FI Information	Edit View
	ACT Account Information	

11. Paste in the old **Document Reference ID** as shown in Diagram 58 below.

12. **Validate and Save.**


Diagram 58 Correcting US FATCA Manual Submission 4

Form View

US FATCA Filing

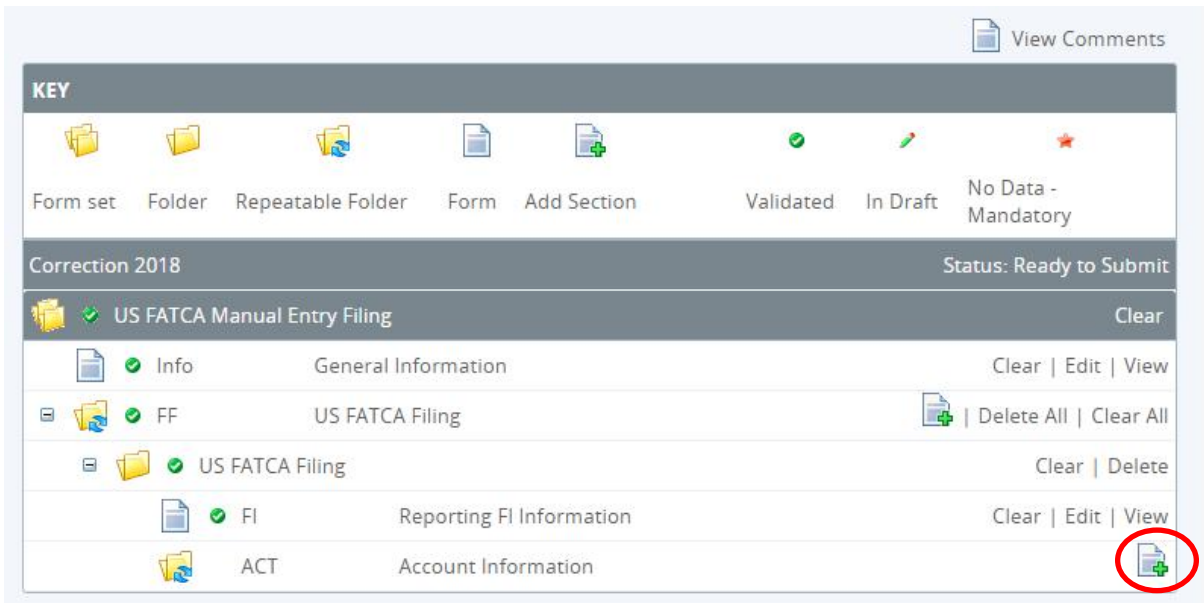
Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2018

Document Type:	Corrected Data *	If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here:	 AMT49.00003.ME.662.603a8 *
Document Reference ID:	AMT49.00003.ME.662.603a7 *		
Part I: Identification of Filer			
Reporting FI Name	Compliant Bank *		
Taxpayer Identification Number (TIN)	AMT49.00003.ME.662 *		
Filer Category	▼ *		



13. Select  **Account Information** as shown in Diagram 59 below.

Diagram 59 Correcting US FATCA Manual Submission 5



14. Paste in the Document Reference ID in the top right field and proceed to fill in corrected information for the account in question, as shown in Diagram 60 below.

Diagram 60 Correcting US FATCA Manual Submission 6

Form View

US FATCA Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2018

Part II: Account Holder or Payee Information

Document Type: *

Document Reference ID: *

If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here: *

Taxpayer Identification Number (TIN) *

For individuals, please provide the following:

Title First Name * Middle Name Last Name *

Date of Birth (dd/mm/yyyy):

Do not make a selection for Account Holder Type if the Account Holder or Payee is an individual. Selection of one type is mandatory if the reported financial account is held by an entity or the reported payment is made to an entity.

Account Holder Type

Entity name

Address

Number, Street, and Room or Suite no

City or Town *

State/Province/Region

15. **Validate and Save.**

16. Repeat the process (from Diagrams 58-59) for each account that needs to be corrected. When the process is complete submit the filing using Diagrams 44 and 45.

10 Special Reporting

10.1 Nil Reporting

In accordance with Subsection 11 (4) of the Inter-Governmental Agreement (Saint Lucia and the United States), Cap. 19.26, **all entities registered with the IRS are required to file. Nil reports are mandatory** for all entities that do not have financial accounts to report for any given year.

1. Follow steps in Diagram 14 to 17.
2. Select **Yes** on the drop-down menu as seen in Diagram 61 below.

Diagram 61 Filing a Nil Report 1

Does this Return represent a Nil report?

If 'yes', please provide the following information:

Document Type

Document Reference ID

If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here

3. Select the appropriate **Document Type** from the drop-down menu as seen in Diagram 62 below.

Diagram 62 Filing a Nil Report 2

Does this Return represent a Nil report? Yes ▼ *

If 'yes', please provide the following information:

Document Type	New Data ▼ *	If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here	
Document Reference ID	<input style="border: 2px solid red;" type="text" value="AMT49.00003.ME.662.80d29"/>		

- 4. Double click in the Document Reference ID column at the top of the screen. The entire field should turn blue. Copy the information in the field and paste it into the Document Reference ID field in the Section for NIL reports. Please see Diagram 63 below.

Diagram 63 Filing a NIL Report 3

Phil Returns , Compliant Bank (change)



Form View

US FATCA Filing

Financial Institution: Compliant Bank
Period end date (dd/mm/yyyy): 31/12/2016

Document Type: New Data ▼ *

Document Reference ID: AMT49.00003.ME.662.80d29 *

Part I: Identification of Filer

Reporting FI Name: Compliant Bank *

Taxpayer Identification Number (TIN): AMT49.00003.ME.662 *

Filer Category: PFFI (other than a Reporting Model 2 FFI) ▼ *

Address

Number, Street, and Room/Suite no:

City or Town: Gros Islet *

State/Province/Region:

Post Code:

Country: Saint Lucia ▼ *

Does this Return represent a Nil report? Yes ▼ *

If 'yes', please provide the following information:

Document Type	New Data ▼ *	If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here	
Document Reference ID	<input style="border: 2px solid red;" type="text"/>		

The copied Document Reference ID looks like this:

IAMT49.00003.ME.662.80d29c25-8231-4245-afe0-e8d93d174311

For more information on the Document Reference ID please go to section 8.5.

5. Go to the end of the pasted reference number.

Delete the last character and replace it with the next in the sequence. In the example above we will replace 1 with the number 2.

(if the Document Reference ends in a letter, use the next letter of the alphabet)

IAMT49.00003.ME.662.80d29c25-8231-4245-afe0-e8d93d174312

6. If you are finished with the information in this section, please select **Validate and Save**. If you need to review information or to return to your submission later, please select **Save as Draft**.

Once completed, please proceed to submit the filing. See 9.11.3 .

10.2 Sponsoring Entity Report

A sponsoring entity may file on behalf of a financial institution provided that this institution agrees to take responsibility for all the due diligence requirements of the sponsored entity. Only the sponsoring entity is required to create an account on the portal. The sponsoring entity will fill out its details as shown in the Diagrams 64 and 65 below.

Diagram 64 Sponsoring Entity 1

Is a Sponsoring Entity applicable? Yes ▾ *

If 'yes', please provide the following information:

Document Type ▾ *

Document Reference ID ▾ * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here ▾ *

Name *

Taxpayer Identification Number (TIN) * ?

Filer Category ▾ *

Address

Number, Street, and Room or Suite no

City or Town *

State/Province/Region

Post Code

Country ▾ *

Save As Draft Validate & Save

Diagram 65 Sponsoring Entity 2

Is a Sponsoring Entity applicable? Yes ▾ *

If 'yes', please provide the following information:

Document Type ▾ *

Document Reference ID ▾ * If this data represents a change to previously submitted data, please enter the corresponding Document Reference ID here ▾ *

Name *

Taxpayer Identification Number (TIN) * ?

Filer Category ▾ *

Address

Number, Street, and Room or Suite no

City or Town *

State/Province/Region

Post Code

Country ▾ *

Save As Draft Validate & Save

Sponsoring entities require a **Document Reference ID**.

1. Double click in the Document Reference Column at the top of the screen. The entire field should turn blue. Copy the information in the field and paste it into the Document Reference ID field in the Section for NIL reports.

The copied Document Reference ID looks like this:

IAMT49.00003.ME.662.80d29c25-8231-4245-afe0-e8d93d174311

For more information on the Document Reference ID please go to section 8.5.

2. Go to the end of the pasted reference number.

Delete the last character and replace it with the next in the sequence. In the example above we will replace 1 with the number 2. (In like manner, if the Document Reference ID end in a letter of the alphabet, please replace with the next letter to create a new number string. For example, replace a with b)

IAMT49.00003.ME.662.80d29c25-8231-4245-afe0-e8d93d174312

Please note that if you are filing a NIL report the second number/letter in the sequence should be used, as the Nil report also requires a unique [Document Reference ID](#). Please see below.

IAMT49.00003.ME.662.80d29c25-8231-4245-afe0-e8d93d174313

3. Once finished, please select **Validate and Save**. If you need to review information or to return to your submission later, please select **Save as Draft**.

10.3 Non-Participating Financial Institutions

Saint Lucia Financial Institutions are required to report, for income years 2015 and 2016, the names of all non-participating financial institutions to which payments were made and the aggregate sums paid to each account in this category (Article 4 1 b).

In addition, a Saint Lucia Financial Institution which is not a qualified intermediary, withholding agent, or foreign trust, (in accordance with IRS codes 1441 and 1471) and makes payments of or acts as an intermediary

for the payment of US Source income to non-participating financial institutions, must provide the immediate payor with information required for withholding and reporting.

11 Report Status

Once a report has been successfully submitted, the user will receive an email to this effect. The user can also view submission history to review the status of the information which has been submitted.

12 Legal Requirements

The Inter-Governmental Agreement (Saint Lucia and the United States of America) Act, Cap. 19.26 is the piece of legislation which gives the IGA the force of law in Saint Lucia. This Act is available at the following link:<http://www.slugovprintery.com/index.php/documents?laws=acts&year=2016>.

Please note that in accordance with the Inter-Governmental Agreement (Saint Lucia and the United States of America) (Amendment) Act, #9 of 2021, the Competent Authority may monitor compliance with the FATCA requirements. Therefore, notice may be given to reporting Saint Lucia financial institutions to provide information including, but not limited to, procedures and policies. Entities are encouraged to comply fully.

12.1 Penalties

Pursuant to Section 16 of the Inter-Governmental Agreement (Saint Lucia and the United States of America) Act, penalties will be levied on institutions that fail to comply with the reporting requirements of FATCA.

“16.— (1) A Reporting Saint Lucia Financial Institution who fails to make a return as and when required under this Act is liable to pay a penalty of five thousand dollars for such failure and a penalty of two thousand dollars for each month or part of the month that the failure continues.

(2) A Reporting Saint Lucia Financial Institution who makes a false statement or omission in respect of any information required to be included on a return, under this Act is liable to a penalty of fifty thousand dollars for each such failure, unless in the case of information required in respect of another person, a reasonable effort was made by the person to obtain the information from the other person.

(3) A Reporting Saint Lucia Financial Institution who does not comply with the requirement of the Competent Authority in the exercise or performance of the Competent Authority's powers or duties under this Act is liable to a penalty of fifty thousand dollars for each such failure."

All Saint Lucia financial institutions should make every effort to adhere to the Laws of Saint Lucia to avoid penalties and sanctions.

13 References

FATCA Online Registration User Guide Nov 2015 Publication (Rev July 2018)

FATCA IGA and Annex I and Annex II

Financial Account Reporting and Automatic Exchange of Financial Account Information (Draft)

Foreign Financial Institution Temporary U.S. Taxpayer Identification Number Relief (Notice 2023-11)

HM Revenue and Customs, Automatic Exchange of Financial Information Guidance Notes 14

Inter-Governmental Agreement (Saint Lucia and the United States of America) Act, Cap 19.26

Inter-Governmental Agreement (Saint Lucia and the United States of America) (Amendment) Act, #9 of 2021.

IRS FATCA Frequently Asked Questions <https://www.irs.gov/businesses/corporations/frequently-asked-questions-faqs-fatca-compliance-legal>

Revised Guidelines Related to Obtaining and Reporting Taxpayer Identification Numbers and Dates of Birth by Financial Institutions. (Notice 2017-46)

United States Internal Revenue Code