

Facts About the Earned Income Credit:

*A Tax Credit
for People
Who Work*



A PROJECT OF THE
CENTER ON BUDGET AND
POLICY PRIORITIES





Facts About the Earned Income Credit: A Tax Credit for People Who Work

Here are the fact sheets inside this booklet:

The Earned Income Credit: Extra Money for People Who Work	3
<i>New EIC Rules!</i> Five Helpful Changes to the EIC for this Year	5
The EIC Can Help Low-Income Workers Without Children	7
Boost Take-Home Pay! The Advance EIC Payment Option	9
Learn More: Questions and Answers About the EIC	11
Making the Case: Talking Points on the EIC	18
The EIC Can Help Multiply Assets	20
Saver's Tax Credit for 2002: Workers Can Save for Retirement and Reduce Income Taxes	22
EIC Benefits for Tax Year 2002 at Various Income Levels	24

More Money for Workers in the District of Columbia, Kansas, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Vermont, and Wisconsin!

In addition to the federal EIC, low-income workers in these states can receive extra money for 2002 from a refundable state EIC. Because the state EIC is in addition to the federal credit, the EIC amounts you see in this kit will be lower than the combined federal and state EIC benefits available to workers in these states. Consider adding the amount of your state credit and instructions for applying for it to the kit materials. For more information, contact your state department of revenue.

Note: Colorado's state EIC is suspended for 2002 since the budget surplus that financed it is depleted; however, workers in Denver may still claim a city EIC. *For more information on state and local EICs, see the booklet in this kit "Helping Workers Boost Their Paychecks: How to Promote the EIC and the Child Tax Credit."*

You don't have to be a tax expert to promote the Earned Income Credit!

Each year, community organizations, human services providers, businesses, employers, labor unions, government agencies, and a host of others find effective ways to incorporate Earned Income Credit (EIC) outreach activities into their routine operations. Most EIC Campaign partners have no specialized tax knowledge — but they successfully alert working families and individuals about this critical tax benefit and direct them to free tax filing assistance. Their efforts mean millions of working families and individuals get a significant boost to their paychecks.

This booklet will help you get started.

This booklet provides the background you need to understand the basics of the EIC — who is eligible and how to claim it. In addition, you will find the answers to commonly asked questions and more detailed information pertaining to special groups of eligible workers, such as immigrant workers or members of the military.

Many families can now get Extra Credit! by claiming the Child Tax Credit.

*Many working families can qualify for the Child Tax Credit and get up to \$600 for each child — in addition to the EIC for which they may qualify. The rules for claiming the Child Tax Credit are different from the rules for claiming the Earned Income Credit, adding new challenges for organizations engaged in EIC outreach activities. You will want to get familiar with the Child Tax Credit, so you can help families take advantage of the full range of tax benefits. While this adds some complexity to the picture, the bottom line is that the outreach message to families can remain simple: You can get **Extra Credit** this year! A separate booklet, **Facts About the Child Tax Credit**, is included in this kit.*

The Earned Income Credit: Extra Money for People Who Work



What is the Earned Income Credit?

The EIC is a special tax benefit for working people who earn low or moderate incomes. It has several important purposes: to reduce the tax burden on these workers, to supplement wages, and to make work more attractive than welfare.

Workers who qualify for the EIC and file a federal tax return can get back some or all of the federal income tax that was taken out of their pay during the year. They may also get extra cash back from the IRS. Even workers whose earnings are too small to owe income tax can get the EIC. What's more, the EIC offsets any additional taxes workers may owe, such as payroll taxes.

Who can get the EIC and how much is it worth?

Single or married people who worked full-time or part-time at some point in 2002 can qualify for the EIC, depending on their income.

- Workers who were raising one child in their home and had family income of less than \$29,201 (or \$30,201 for married workers) in 2002 can get an EIC of up to **\$2,506**.
- Workers who were raising more than one child in their home and had family income of less than \$33,178 (or \$34,178 for married workers) in 2002 can get an EIC of up to **\$4,140**.
- Workers who were not raising children in their home, were between ages 25 and 64 on December 31, 2002, and had income below \$11,060 (or \$12,060 for married workers) can get an EIC of up to **\$376**.

Which children qualify for the EIC?

- Sons, daughters, stepchildren, grandchildren and adopted children
- Brothers, sisters, stepbrothers, or stepsisters — as well as descendants of such relatives — if they were cared for as members of the family
- Other children may qualify as foster children, but only if they are placed with the worker by an authorized government or private placement agency

“Qualifying children” must live with the worker for more than half of the year. (As of 2002, a full year is no longer required for foster children.) They must be under age 19, or under age 24 if they are full-time students. Totally and permanently disabled children of any age also may be qualifying children. Valid Social Security numbers are required for qualifying children born before December 31, 2002.

How does the EIC work?

- **Eligible workers can get a check from the IRS.** Ms. Berger has two children in college and earned \$19,000 in 2002. Her federal income tax for the year was \$310, all of which was withheld from her pay. She is eligible for an EIC of \$2,986. The EIC pays her back the \$310 she paid in income tax and gives her an additional cash refund of \$2,676.

- **Eligible workers who don't owe federal income tax can get a check.** Mr. Smith has no children. He worked part-time in 2002 and earned \$5,200. Because of his low earnings he had no income tax taken out of his paycheck and owes nothing to the IRS. His earnings entitle him to an EIC check for \$376.
- **Eligible workers can pay less in taxes.** Mr. and Mrs. Johnson are raising two children over age 17. They earned \$29,000 in 2002 and owe the IRS \$500 more than what was withheld from their pay during the year. But their income also makes them eligible for an EIC of \$1,091. The EIC eliminates the additional taxes they owe and still gives them a refund of \$176.

How do you get the EIC?

- Workers raising children in 2002 must file either Form 1040 or 1040A and **must** fill out and attach Schedule EIC. Workers with children *cannot* get the EIC if they file Form 1040EZ or fail to attach Schedule EIC. Married workers must file a joint return to get the EIC.
- Workers who were not raising children in 2002 can file any tax form — including the 1040EZ. These workers write “EIC” (or the dollar amount of their credit) on the Earned Income Credit line on the tax form. They do **not** file Schedule EIC.
- A correct name and Social Security number must be provided for every person listed on the tax return and Schedule EIC. If this information is incorrect or missing, the IRS will delay the refund.
- Workers don't have to calculate their own EIC; if they choose, the IRS will do it for them!

Workers raising children can get the EIC in their paychecks!

Workers who are raising children can get part of their EIC in their paychecks throughout the year and part in a check from the IRS after they file their tax return. This is called the Advance EIC payment option. *For more information, see “Boost Take-Home Pay! The Advance EIC Payment Option” on p. 9 of this booklet.*

Workers can get FREE help filing their tax forms

Many families that apply for the EIC pay someone to complete their tax forms. This can cost \$55 to \$100, or much more. Getting a “quick tax refund” that comes back in a few days costs even more. Paying for tax preparation takes away from the value of the EIC. But low-income workers can get free help with tax preparation through a program called VITA (Volunteer Income Tax Assistance). *For more information, see the booklet in this kit, “Helping Workers Claim the Tax Credits They’ve Earned.”*

Does the EIC affect public benefits?

In most cases, the EIC does not affect eligibility for benefits like cash assistance (“welfare”), Medicaid, food stamps, SSI, or public or subsidized housing.

Can immigrant workers get the EIC?

Many legal immigrants can qualify for the EIC, as long as they meet the eligibility requirements.

The materials in this kit should answer many questions about the EIC. *For more information, call the IRS at 1-800-TAX-1040. The 24-hour line is often busy, so be patient!*

New EIC Rules! Five Helpful Changes to the EIC for This Year



Legislative changes make it easier for families to receive more money

As a result of legislation passed by Congress in 2001, eligibility rules for the EIC were changed, simplifying the filing process and increasing refunds for many workers. Some workers who were previously ineligible for the EIC may now qualify to claim it. These new rules take effect for tax returns for the 2002 tax year, which will be filed in 2003.

Five Helpful Changes to the EIC:

1. EIC benefit increases for married workers. Some married couples receive smaller EIC refunds than they would receive had they remained single. This so-called “marriage penalty” occurs because married workers must file a joint return to claim the EIC, and the combined income of both spouses is considered in determining benefits. To partially alleviate this “marriage penalty,” Congress has increased EIC benefit levels for a majority of married filers. Eligible married workers who are raising children and earned above \$13,520 in 2002 will receive a modestly higher EIC than a single worker with the same income. Similarly, married workers who earned above \$6,150 and are eligible for the EIC for workers not claiming a child will receive a slightly higher EIC than a single worker with the same level of income who is not claiming a child. In addition, the income limits for the EIC are increased a moderate amount for married filers (and are now higher for these filers than for other filers).

2. Six-month residency for foster children. In the past, to claim a foster child for the EIC, the child had to live with the foster parent for the full 12 months of the year. Under the new rules, the foster child must live with the worker for “more than half of the year,” the same period of time as for any qualifying child.

Example: Barbara took in her nephew Antwan after her sister fell sick. He lived in her home since March 2002. Since he lived with her for more than six months of 2002, she may claim him for the EIC. Previous rules would have prevented her from claiming Antwan because he did not live with her the entire year.

3. Claims by custodial parents have priority. Working parents living with relatives whose incomes are higher than their own may now benefit from the EIC. Under previous rules, if a parent and grandparent lived together and could claim the same qualifying child (because the child could be claimed as the son of one or the grandson of the other), EIC eligibility went to the worker with the highest income. If the parent earned less than the grandparent, the parent’s claim could be denied even if the grandparent chose not to claim the child for the EIC. If the grandparent’s income exceeded the EIC eligibility limit, no one could claim the child for the EIC. Now, a parent’s claim takes precedence over a claim by a non-parent. (However, if the parent chooses not to claim the EIC, another eligible relative living with the child can claim the credit.)

In the case of parents who do not file a tax return together, such as unmarried parents who each lived with the child for more than six months of the year, the parents may choose which one will claim the EIC. However, if both parents separately claim the child for the EIC, the IRS will award the EIC to the parent who lived the longest with the child, or to the parent with the highest income if both parents lived with the child the same amount of time. (Remember that married parents must file a joint return to claim the EIC.)

Example: Rosita, who is 21, moved in with her mother last year after giving birth to her son because she could not afford a separate apartment on her low wages. Under the old EIC rules, Rosita would not have been able to claim her son for the EIC, since her mother earned more money than she did. The new rules will allow Rosita to claim the EIC on her 2003 tax return even though her mother has higher earnings.

4. Easier rules defining “earned income.” Most EIC claimants have only earnings from work and are not likely to have other forms of income. However, if part of a worker’s earnings is non-taxable, in the past such income also was considered in determining EIC eligibility and benefits. Non-taxable earned income includes, for example, income that workers contribute to an employer-sponsored retirement plan or dependent care assistance plan. Housing and subsistence allowances for military personnel also are non-taxable earnings. Beginning in 2002, non-taxable earned income is no longer considered in determining eligibility for the EIC. Most workers affected by this change will receive a larger EIC benefit than they would have under the old rules. The change also simplifies the calculation of the EIC.

Example: Sally is a single parent raising two children. Sally’s job provides a dependent care assistance plan, allowing her to make pre-tax contributions toward the cost of child care, which are regularly deducted from her paycheck. Last year, Sally was required to add those non-taxable deductions back to her earned income, increasing her income for EIC purposes and reducing the amount of the EIC for which she qualified. This year, although her salary remains the same, Sally will not be required to include those non-taxable deductions as earned income. Therefore, her income for EIC purposes will be lower, and she will qualify for a larger EIC refund.

5. “Modified” Adjusted Gross Income eliminated. Adjusted Gross Income (AGI), which includes a worker’s earned and other taxable income, minus business and other losses, is used to determine a worker’s tax liability. However, in the past, EIC eligibility was based on “modified AGI,” which required workers to add back to their income 75 percent of business and other losses, as well as certain types of tax-exempt income. The resulting higher income level might then exceed EIC income limits and disqualify the worker, or reduce the amount of the EIC benefit for which the worker qualified. Beginning in 2002, the standard AGI definition will be used to determine EIC eligibility.

Example: Jason is a single parent of two and earned \$20,000 in 2002 working for an auto repair shop. He also started his own auto repair business from his home. He incurred a \$5,000 loss from his business, which he can subtract from his total income, making his Adjusted Gross Income \$15,000. The previous “modified AGI” rules would require Jason to add back 75 percent of the loss from his business (\$3,750), increasing his income for EIC purposes to \$18,750. Although Jason would still be eligible for the EIC, his refund would have been \$800 lower than it would have been if his business losses had been excluded. In 2002, the “modified AGI” rules no longer apply. Instead, the EIC will use regular AGI rules. This will make Jason’s tax return simpler. In addition, his income for EIC purposes will be \$15,000 (rather than \$18,750), qualifying him for a larger EIC refund than he would have received under the old rules.

For more information on these new eligibility rules, see IRS Publication 596, “Earned Income Credit,” for 2002 returns. It’s available for free by calling 1-800-TAX-FORM, or download it from the IRS website at: www.irs.gov/formspubs/index.html.

The EIC Can Help Low-Income Workers Without Children



Very low-income workers who are not raising children in their home are eligible for a small Earned Income Credit. In tax year 2000, more than 3 million such workers received credits worth over \$640 million. The credit is available to people who worked full- or part-time in 2002 and:

- were at least age 25 and under age 65 on December 31, 2002;
- had earnings of less than \$11,060 (or \$12,060 for married workers);
- were *not* raising children in their home who were under age 19 (or under age 24 if the child was a full-time student) for more than six months during 2002; and
- were *not* the dependent or qualifying child of another taxpayer in 2002.

The credit for workers not raising children is worth up to \$376 for tax year 2002 — the average is expected to be about \$212. This credit works the same way as the EIC for families: it gives back some or all of the federal income tax taken out of a worker's pay during the year. The worker may also get additional cash back from the IRS. Even workers whose earnings are too small to have paid federal income tax can get the credit.

How do you get this credit?

Eligible workers not raising children get the EIC by filing a *federal income tax return*. They can use Form 1040, 1040A, or 1040EZ. On the "Earned Income Credit" line they simply fill in the amount of their credit or write "EIC" and the IRS will calculate the amount of the credit for them. Married workers must file a joint return to claim this credit.

Good News! If a worker doesn't fill in the credit amount or write "EIC" on the tax form, the IRS will automatically figure out if he or she appears to be eligible for the credit. If so, the IRS will send the worker a notice requesting additional information. The worker claims the EIC by submitting the additional information requested. Any refund owed to the worker will be received later in the year.

Phone it in! In 2002, over 4.2 million taxpayers filed their 1040EZ tax returns automatically by telephone. In 2003, this option will be available to single and married workers with no dependents who used the 1040EZ to file their tax returns in 2002 and are still at the same address. The IRS will send these workers a special "Telefile" packet with instructions and a special personal identification number (PIN). Using the tax forms and worksheets provided, taxpayers call the IRS Telefile number and key in the PIN and their tax form information. A touch-tone telephone is necessary. (Telefile is available for the hearing impaired who have access to TDD/TYY equipment.) *If the taxpayer is eligible for the EIC for workers not raising children, the credit will be calculated automatically.*

Why is the credit for workers not raising children important?

It provides a financial boost to those who work at very low wages or are only able to find part-time work. This includes many day laborers, migrant workers, temporary employees, homeless people and general assistance recipients who worked part of the year.

What do we know about the workers eligible for this credit?

Population statistics tell us about workers likely to qualify for this credit.

- The average annual earnings for these workers are about \$5,400. Two-fifths of them work in service industries. Almost 25 percent work full-time, year round.
- About 75 percent of these workers have at least a high school diploma.
- The majority of these workers — approximately 64 percent — are non-Hispanic white. About 19 percent are African American, and about 13 percent are Latino.
- Only about 14 percent are married. About 46 percent are single men and 40 percent are single women.

What are the special outreach challenges?

- For some, the EIC may seem too small to make filing a tax return worthwhile.
- Some may fear entering the tax system either because they haven't filed taxes in a long time or because they owe child support.
- Sometimes, very low-income workers distrust their employers. As a result, EIC information they receive from employers may not be viewed as legitimate. If you give employers materials to distribute, add the name and number of a contact organization that is trusted by workers in your community.

How do you reach them?

Focusing outreach efforts on the grassroots level may combat mistrust. Try tenants' associations, food banks, and English as a Second Language classes. Consider distributing EIC materials at:

- Veterans Administration hospitals or service centers
- Public hospital out-patient clinics and emergency rooms
- Community colleges with large populations of non-traditional students
- Vocational rehabilitation centers
- Drop-off and pick-up spots for day labor
- National and regional hotel, fast food or other service industry chains
- Jobs programs and shelters for the homeless and victims of domestic violence
- Transitional housing programs

For more ideas on reaching workers likely to be eligible for this credit, see p. 18 in the booklet in this kit, "Helping Workers Boost Their Paychecks."



Boost Take-Home Pay!

The Advance EIC Payment Option

What is Advance EIC payment?

Most workers get the EIC in one large check from the IRS after they file a tax return. But there is another choice: employers can add part of a worker's EIC to every paycheck, and the worker gets the rest of the credit after filing a tax return. This is called "Advance EIC payment." Advance payments are not taxable income.

In 2003, Advance EIC payments are available to any worker with at least one qualifying child who expects 2003 income of less than \$29,666 (or \$30,666 for married workers). The credit for workers who are not raising children in their home is not available in advance payments.

What are the advantages of Advance EIC payment?

For many workers, getting part of their EIC in each paycheck can make a difference in paying the rent, buying groceries, and meeting other day-to-day needs. A worker earning between \$490 and \$1,200 a month, for example, can get about *\$60 extra in each bi-weekly paycheck*. Employers also benefit from promoting Advance EIC payments — they can help employees increase their take-home pay at no cost to the business. This can decrease turnover in the workplace. Advance EIC payments are not counted as additional income in determining eligibility for welfare cash assistance or public benefits such as food stamps and Medicaid.

Protection against overpayment

Some workers decide against advance payments because they want a larger refund at tax time. But some workers also fear they will receive too much in advance and owe money back to the IRS after the end of the year. However, the advance payment procedure has built-in protections against overpayment. Workers who choose advance payment can get up to about half of the EIC amount to which they're entitled for the year. They get the rest as a refund when they file their tax return. This means workers can get advance payments *and* a year-end refund! And, because workers receive only part of their EIC during the year, they're protected against getting too much in advance and owing some back at the end of the year.

Some workers should not choose Advance EIC payment

Advance EIC payments are based on the total income workers expect their families to earn in a year. Changes in income or family size during the year can decrease the EIC (and therefore the advance payments) for which workers are eligible. If a worker continues to receive advance payments based on an incorrect estimate of yearly income, these payments may exceed the amount of the EIC. In this case, the worker would have to send the IRS a check at tax time to make up the difference. The following workers should not use the advance payment option:

- Workers who hold more than one job
- Workers with a working spouse, unless *both* spouses take advance payments during the year (*For more information, see the next section.*)

- Workers who get married during the year and *both* spouses work
- Workers whose earned income increases a lot

How do you get the Advance EIC payment?

Getting Advance EIC payments is not hard. Eligible workers fill out a **W-5 form** called the “Earned Income Credit Advance Payment Certificate” and give the bottom part to their employer. The W-5 is available from employers. The W-5 form may be photocopied and distributed for use by eligible workers. *The W-5 form for 2003 also is available by calling 1-800-TAX-FORM, or download it from the IRS website at www.irs.gov/formspubs/index.html.*

Eligible workers can file a W-5 at any time during the year, but then they must file a *new* W-5 at the beginning of each new year to continue getting the EIC in their paychecks.

Married workers can choose advance payment, but if they do, *both spouses should give a W-5 to their employers*. The box on the W-5 indicating the worker's spouse also has a W-5 in effect should be checked “yes.” This signals the employer of each spouse to figure the correct amount of the advance payment and avoid an overpayment of the EIC. If only one spouse chooses advance payment, the advance payment amount he or she receives may be too high.

A worker already receiving Advance EIC payments who is planning to get married to someone who also works, or who is expecting a large increase in income during the year, should ask his or her employer to stop the advance payments. To do this, workers file a new W-5 form with their employer and indicate they don't want to receive advance payments any more.

Remember! Workers who get Advance EIC payments during the year *must* file a tax return after the end of the year and fill in the correct line to show the total amount received in advance payments. They must also complete Schedule EIC and attach it to their tax return.

Some workers aren't eligible to get Advance EIC payments

Some workers who are eligible for the EIC are *not allowed* to get advance EIC payments, including:

- Workers without qualifying children
- Workers who get paid day by day
- People with no Social Security and Medicare taxes withheld from their pay
- Self-employed workers, who cannot advance the EIC to themselves

What is the employer's role?

Advance payments don't cost employers money. Employers simply subtract the advance payments they have added to their workers' paychecks from the total taxes withheld from all employees they would otherwise deposit with the IRS. Most automated payroll systems handle Advance EIC payments.

Some employers may not be aware of the Advance EIC payment option. But under federal law, any eligible employee who files a W-5 with an employer must be given advance payments. Employers are not required to make sure employees are eligible for the EIC — that is the employee's responsibility. *For more information, see the IRS “Employer's Tax Guide, Circular E.” It's available for free by calling 1-800-TAX-FORM, or download it from the IRS website at www.irs.gov/formspubs/index.html.*

Learn More: Questions and Answers About the EIC



People often have questions about whether they can qualify for the EIC if they live in a non-traditional family, or about whether claiming the EIC will affect welfare benefits or immigrant status. This fact sheet will help you answer these and other questions. *For new changes in EIC eligibility rules taking effect in tax year 2002, see the fact sheet on p. 5 of this booklet.*

EIC and Public Benefits

Can people who work and also get welfare benefits, still get the EIC?

Yes. As long as they earn wages, and meet the income and other eligibility requirements. These workers may use the Advance EIC payment option, if they wish.

NOTE! Some welfare recipients are required to participate in “work experience” and “community service programs” (often called “workfare”) in exchange for their cash assistance benefits. These benefits are not counted as income to determine eligibility for the EIC. Current or former recipients who are employed in private or public sector jobs for which employers are subsidized through state welfare block grants, or other government programs, do earn wages that count in determining eligibility for the EIC. *For more information, contact the Center on Budget and Policy Priorities, (202) 408-1080.*

Will getting the EIC lower other government benefits? Could someone lose benefits altogether?

Generally, no. Under federal rules, the EIC (including advance payments) is not counted as income for Medicaid, food stamps, SSI or federally assisted housing programs. The EIC must be spent by the end of the month after the month in which it is received or it can count as a resource in determining eligibility for Medicaid, SSI or federally assisted housing programs. The EIC can count as a resource in determining eligibility for food stamps if it is not spent within 12 months of receiving the refund. Often, if the recipient has few or no other resources, the amount of the EIC is not enough to cause that recipient to exceed the resource limit for the benefit programs mentioned. **Note:** Deposits in certain types of Individual Development Accounts (IDAs), which may include some of a worker's EIC refund, do not count as a resource in determining eligibility for the above programs or for state cash assistance programs. *For more information, see the fact sheet on p. 20 in this booklet, “The EIC Can Help Multiply Assets.”*

The welfare legislation enacted in August 1996 replaced the AFDC program with a new block grant program called Temporary Assistance for Needy Families (TANF). Under the block grant, each state can set its own rules for how the EIC will be treated in determining eligibility for cash assistance. Other than Alabama, no state counts the EIC refund as income to determine eligibility. However, in Connecticut, Advance EIC payments may in some circumstances affect a worker's TANF eligibility. *(The Center on Budget and Policy Priorities is monitoring state welfare policies regarding the EIC and will alert EIC Campaign partners to changes. We would appreciate receiving reports of such proposals.)*

Rules on how the EIC may affect “General Assistance” benefits are different in each state where a general assistance program is in place. *Contact your state or local welfare department for information.*

How to Claim Back EICs and Other Filing Questions

What if a worker was eligible for the EIC in past years but didn't claim it?

Workers can file for the EIC for the last three years. For example, a worker who was eligible for the EIC in 1999 but did not claim it can fill out a Form 1040X and attach it to a copy of the regular 1999 tax form he or she filed that year. Workers claiming a child for the EIC also must fill out and attach Schedule EIC for 1999. *For copies of prior-year forms, call 1-800-TAX-FORM. For more information, see p. 15 in the booklet in this kit, "Helping Workers Claim the Tax Credits They've Earned."*

What happens if a worker files for an EIC and the IRS finds out that taxes are owed?

The worker must pay whatever is owed. **But:**

- The EIC may be enough to cover the taxes owed.
- The IRS is usually willing to work out payment plans for back taxes.
- The worker may be able to make an "offer in compromise" that is less than the tax bill.

What about workers who did not file a return and discover they had been eligible for the EIC?

An eligible worker can file a return and claim the EIC for three back years. For example, in 2003 workers are filing taxes for 2002. If a worker failed to file or claim the EIC in the past, he or she could still file for 2001, 2000 and 1999. A worker must file a separate return for each prior year and, if claiming a child for the EIC, also fill out and attach the Schedule EIC for that year. A Form 1040X is not required. There is no late filing penalty, unless the worker owed income tax in the prior year. The amount owed the IRS will be deducted from the EIC. Workers who may owe taxes in excess of their EIC should seek assistance from a Low Income Taxpayer Clinic, accountant, or attorney and, if necessary, arrange a payment agreement with the IRS.

Can self-employed workers get the EIC?

Yes. They will need to fill out a special series of forms: Schedule C, Schedule SE (if their self-employment income is more than \$400), Form 1040 and Schedule EIC (if they were raising children in their home). *Call the IRS at 1-800-TAX-FORM to get the necessary forms.*

Will the IRS request any additional information?

Generally, the IRS will not require any additional information. But, if information provided on the tax return or Schedule EIC seems questionable, the IRS may request additional documentation to verify the EIC claim. In such cases, the IRS will send the filer a questionnaire that specifies the type of documentation that must be submitted. For example, a filer may be asked to submit a copy of a qualifying child's birth certificate. It is important that the name on the birth certificate match the name on that child's Social Security card. If a child is over age 24 and permanently and totally disabled, proof of disability status could be requested. The IRS also may require documents verifying that a qualifying child actually lived with the filer at least half the year (or a full year if a foster child, for years prior to 2002).

Filers claiming the EIC should *not* mail in any additional documentation with their tax returns unless such documentation is requested. If additional information is requested, filers need submit *only* the documents specified.

Exception: Workers whose EIC claim was disallowed in a previous year, but who now claim they are eligible, must attach Form 8862, "Information to Claim Earned Income Credit After Disallowance," to their tax return in order to submit a new claim.

EIC and Social Security Numbers

Who needs a Social Security number?

Valid Social Security numbers must be provided for everyone listed on the tax return, *including infants born before December 31, 2002*. Only valid Social Security numbers issued to U.S. citizens or Social Security numbers issued to non-citizens who have permission to work legally in the United States are acceptable. *For more information see p. 15 of this booklet*. The IRS now verifies the Social Security number of every adult claiming the EIC, as well as the Social Security number of every child in families claiming the EIC, before it sends out EIC payments. The IRS also checks to make sure that no child is claimed more than once.

The processing of an EIC claim and the receipt of any refund will be delayed if the tax return or Schedule EIC is incomplete or contains incorrect information. Workers who file paper returns with missing or mismatched Social Security numbers will be sent a notice by the IRS stating that the return was incomplete and requesting that the missing information be mailed in. This can delay processing several weeks. Electronically-filed returns will be rejected by the IRS computer if a Social Security number is missing or the name and number do not match. The corrected return must then be filed as a paper return.

It also is important to be sure that each name and Social Security number is recorded on the tax return *exactly* as it appears on the person's Social Security card. For example, if a woman records her married name on the tax return, but her Social Security card bears her maiden name, the discrepancy will need to be resolved before the tax return can be processed. (To avoid such an error, the woman can apply to the Social Security Administration to have her name changed on her Social Security card. Correcting this discrepancy also will help ensure that Social Security taxes are being deposited in the proper account.)

Workers who don't have Social Security numbers for their children by the tax filing deadline can still get the EIC by:

- Filing their tax return without claiming the EIC and then, after receiving the Social Security number, filing an "amended return" (Form 1040X) and attaching Schedule EIC, OR
- Filing Form 4868 to request an extension on their tax filing deadline to August 15.

To have an application for a Social Security number sent to your home, call 1-800-772-1213. Or call the Social Security Administration in your state to find out how to apply.

EIC and Non-Traditional Families

The changes to EIC eligibility rules that take effect for 2002 give parents priority in claiming the EIC. Now a working custodial parent can claim the EIC even if he or she is living with another relative who earns more. The rule change also may affect how competing claims for the EIC by separated or unmarried working parents will be resolved by the IRS.

What are the rules about filing status?

To get the EIC, workers can file as: "single," "head of household" or "married filing jointly." But the EIC is *not* available to taxpayers who file as "married filing separately."

What if parents are separated but not divorced?

Parents who are separated but not divorced often file as "married filing separately." But if they file this way, neither parent can claim the EIC. Separated parents have the option of filing as "married filing jointly." If they do so, they can claim the EIC.

In addition, there is *one* situation in which a separated parent can claim the EIC but not have to

file jointly with the other parent — the parents must have lived apart for the last six months of the year *and* their child must have lived with one of them for more than half of the year. *Also*, the parent now living with the child must have paid more than half the cost of maintaining the household for the year and be able to claim the child as a dependent. Under these circumstances, that parent is considered unmarried for tax purposes and can file as “head of household.” That parent may claim the EIC. This option can be important, for example, to workers who are victims of domestic violence or whose separated spouse is not cooperative.

What if the parents in a family are divorced?

If parents are divorced, the parent with whom the child lived for more than half the year is entitled to file for the EIC, even if the other parent claims the child as a dependent on his or her tax return. (The parent not living with the child may be eligible for the smaller EIC for workers without qualifying children.) If *both* parents lived with the child for more than six months, either parent could claim the EIC, and the parents should decide which one will. However, if each parent separately claims the child for the EIC, the IRS will determine that the parent who lived the longest with the child is entitled to the EIC. If the child lived with both parents for the same amount of time during the year, then the parent with the highest adjusted gross income is entitled to the EIC.

What if both parents and their child live together, but the parents are not married?

If the parents are not married, and each lived with the child for more than six months, either parent may claim the EIC based on that parent’s income. Since they are unmarried, they do not file a joint return. However, if each parent separately claims the EIC, the IRS will award the EIC based on which parent lived with the child the longest. If the child lived with both parents for the same amount of time during the year, then the parent with the highest adjusted gross income is entitled to the EIC.

What about a three-generation household: a grandparent, parent and child?

In a three-generation household, only one person can claim the EIC, even if more than one family member works and has an income that would qualify for the credit. Under new rules beginning in 2002, the parent has the priority to claim the EIC. If the parent chooses not to claim the credit, an eligible grandparent may claim it. (In a household with no working parent and more than one relative who could claim a child, relatives may decide who will claim the EIC. However, if more than one worker claims the same child, the IRS will award the EIC to the person with the highest adjusted gross income.)

What about child support?

Child support payments a parent receives do not count as income when determining eligibility for the EIC or the amount of the EIC.

What about foster families?

New rules beginning in 2002 changed the definition of a foster child for purposes of the EIC (and Child Tax Credit). Under this definition, a foster child is a child placed with the worker by an authorized placement agency, such as a licensed foster care agency, state agency or court. Such children must live with the worker for more than six months of the tax year and meet the EIC age requirements for a qualifying child. (If the child is totally and permanently disabled he or she can be any age.) Examples of children who may **not** be claimed for the EIC, *unless formally placed with the worker by an authorized placement agency*, include cousins, the child of a friend who is unable to raise the child him- or herself, or a disabled adult.

Sometimes foster parents think that, because they receive payment for the foster care they provide, they do not qualify for the EIC. Foster care payments, whether they are from the state or an independent foster care agency, generally do not count as income when determining eligibility for the EIC. Although these payments may affect a foster parent's ability to claim a foster child as a dependent, foster parents may mistakenly think this jeopardizes their EIC claim. However, in general, children don't have to be claimed as dependents for the EIC. The foster parent may claim a foster child for the EIC if the eligibility rules are met. *For more information, see "Federal Tax Benefits for Foster and Adoptive Parents and Kinship Caregivers" at www.casey.org/cnc/support_retention/federal_tax_benefits.htm.*

Note: Under rules in effect before 2002, a brother, sister, stepbrother, or stepsister — or a descendant of such relatives, such as a niece or nephew — could be claimed as a foster child for the EIC if the child lived with the worker the entire year. Placement by an authorized agency was not required. Under the new rules, beginning in 2002, such children may be considered qualifying children for the EIC if they live with the worker for more than six months of the year. These qualifying children are no longer considered in the "foster child" category for the EIC, so rules regarding placement by a foster care agency do not apply. EIC claims for a year prior to 2002 must comply with the eligibility rules in effect for that year.

EIC and Disabled Workers

Can a person who receives disability benefits get the EIC?

A person who receives long-term, *employer-paid* disability benefits and is under minimum retirement age can qualify for the EIC, even if he or she did not work during the tax year. (Minimum retirement age is considered to be the earliest age at which a worker can receive a pension or annuity if he or she is not disabled.) Such disability benefits are considered taxable income, are reported as wages on tax returns, and are considered earned income for purposes of the EIC.

Benefits from Social Security Disability Insurance, SSI, and payments from individually-purchased disability insurance policies are not counted as earned income. To be eligible for the EIC, individuals who receive these types of benefits also must have earned income.

A worker may claim a totally and permanently disabled person of any age as a "qualifying child" for the EIC if that person otherwise meets the qualifying child requirements for the EIC. In some cases, a totally and permanently disabled person may be eligible to claim the EIC. However, that person is not eligible to claim the credit if he or she can be claimed as a qualifying child by another worker. Also, if the disabled person is claimed under the EIC foster child provisions described in the previous section, an authorized agency must have placed the disabled person in the care of the worker.

EIC and Immigrant Workers

Can immigrant workers get the EIC?

Many legal immigrants who are employed can get the EIC. Changes in federal law that deny public benefits such as food stamps and SSI to many legal immigrants do not apply to the EIC. *In order to claim the EIC, immigrant workers, their spouses, and children listed on Schedule EIC must each have valid Social Security numbers that permit them to work legally in the United States.* Individual Taxpayer Identification Numbers (ITINs) issued by the IRS to non-citizens, and non-work Social Security numbers issued to applicants or recipients of federally funded benefits programs cannot be used to claim the EIC. *(Note: An ITIN can be used to claim the additional Child Tax Credit refund. See the booklet in this kit, "Facts About the New Child Tax Credit.")*

In addition, an immigrant must be a “resident alien for tax purposes” for the entire tax year to claim the EIC. An immigrant who was a non-resident alien at any time during the year cannot claim the EIC unless he or she:

- was married to a U.S. citizen or a resident alien as of December 31 of the tax year, and
- files a joint tax return with the spouse and chooses to be treated as a resident alien for the entire year.

For more information, see IRS Publication 519, U.S. Tax Guide for Aliens.

Immigrants who are “resident aliens for tax purposes” may be legal permanent residents, meaning they have a “green card” (I-551 card). However, many legal immigrants who do not yet have their “green cards” may still be resident aliens for tax purposes. For example, the following immigrants might qualify for the EIC *if they and family members have legal work authorization*:

- Amnesty temporary residents and amnesty family members granted “Family Fairness” or “Family Unity” status
- Refugees, asylees and those granted Temporary Protected Status
- Applicants for these and other immigration statuses who have legal work authorization

Remember! Immigrant workers’ children must have lived with them in the United States for more than six months of the year to be considered qualifying children for the EIC. Also, the worker’s main home must be in the United States.

Can immigrant workers get the Advance EIC payment?

Generally, yes. But some workers (whether they are immigrants or not) are not allowed to use the Advance EIC. They include workers who get paid day-by-day and workers whose employers don’t withhold Social Security and Medicare taxes from their pay.

Can immigrant workers who obtain legal work status claim the EIC for a previous year?

Workers who otherwise met all the EIC eligibility requirements in previous years, and later obtain legal work status from the U.S. Immigration and Naturalization Service (INS), may be able to claim the EIC for up to three previous years. A worker’s spouse or qualifying children, if any, must also have legal work status. After receiving legal work status from the INS, the worker, spouse and qualifying children must obtain Social Security numbers. Such workers may claim the EIC by amending their tax return for the previous year, even if they had been denied the EIC in that year because they had not yet obtained a valid Social Security number. Or workers can file an original return for the previous year if they had not already done so. *For more information see IRS National Office Chief Counsel Advice Memorandum, CCA 2000028034, “Claiming Previously Denied Earned Income Credit due to Invalid Social Security Numbers,” June 9, 2000. Contact the IRS at (202) 622-6060.*

Does getting the EIC cause problems for immigrant workers?

The EIC does not create “public charge” problems for immigrant workers. Receiving the EIC is not considered an indication that the immigrant is unable to support him- or herself financially.

In general, information on a tax return is confidential. The IRS cannot share tax return information with the Immigration and Naturalization Service. There are exceptions in cases involving federal criminal investigations or when the IRS thinks someone is breaking a tax law.

For more information about which immigrant workers qualify for the EIC, how to obtain Social Security numbers and other immigrant tax issues, call the National Immigration Law Center at (213) 639-3900.

EIC and Military Personnel

Can military personnel claim the EIC?

Yes. Military personnel can claim the EIC, whether they live in the United States or overseas. Under new EIC eligibility rules for 2002, more members of the military may now qualify for the EIC or receive a larger benefit.

An eligible individual in the military on extended active duty stationed outside of the United States who lives with his or her qualifying children can get the EIC. In addition, military personnel stationed overseas whose qualifying children remain in the United States still can claim these children as qualifying children for EIC purposes. The IRS considers the individual assigned to an overseas tour of duty to be temporarily absent due to a special circumstance. The individual may be eligible for the EIC, as long as he or she plans to return to his or her main home in the United States at the end of the military assignment. Married couples living apart due to military assignment still must file a joint return to receive the EIC.

An individual in the military may be the qualifying child of another worker claiming the EIC. If such an individual is temporarily absent due to an overseas military assignment, he or she still may be considered a qualifying child as long as he or she intends to return home at the end of the military assignment.

Under new rules for 2002, non-taxable combat pay and allowances for housing and subsistence — including the value of meals and lodging furnished in-kind to personnel residing on military bases — *are no longer considered earned income for EIC purposes*. Such pay and allowances are indicated on W-2 forms, but do not need to be added to regular wage income to calculate eligibility for the EIC. In most cases, this will result in a larger EIC refund.

Veterans' benefits and military retirement pay are not considered earned income.

For further information on EIC rules for military personnel, see IRS Publication 3 "Tax Information for Military Personnel (Including Reservists Called to Active Duty)."

The EIC can help workers pay for college

College students who also work and are raising children may be eligible to claim the EIC. Students between ages 25 and 64 who are not raising children and who work may also be eligible. Parents of full-time students under age 24 may also be able to claim the EIC.

- Non-taxable scholarships and grants are *not* considered income in determining eligibility for the EIC; *taxable* grants and scholarships also are not considered "earned income," but are included in determining "adjusted gross income," which may affect eligibility for the EIC.
- While an EIC refund is counted as family income in determining eligibility for financial aid, in many cases the refund will have no practical effect on financial aid eligibility or amounts. This is because the incomes of many families who are eligible for the EIC are low enough — even including the EIC — that the family will not be expected to contribute to the student's college costs. *For more information, contact a college financial aid office.*

For information on which scholarships and grants are taxable or non-taxable, call the IRS at 1-800-829-1040. For ideas on EIC outreach to students, call the Center on Budget and Policy Priorities at (202) 408-1080 or visit the website at www.cbpp.org/eic2003 to obtain the fact sheet, "Ten Ways Your College or University Can Promote the EIC."

Making the Case: Talking Points on the EIC



As you work on your EIC Campaign, you will come in contact with people who don't know a lot about the credit and why it is important.

These "talking points" will help you answer questions about the EIC. They can be useful when you are advocating for the EIC with community leaders, with organizations you want in your campaign or with businesses and funders. They can also be helpful in preparing remarks for the media.

Why is the EIC important?

- The EIC is a federal tax benefit designed to help low-income workers increase their financial stability. It has several important purposes: to reduce taxes for these workers, to supplement wages, and to make work more attractive than welfare.
- The EIC is a federally funded, anti-poverty initiative that helps working people maintain their independence from the welfare system. Data from the U.S. Census Bureau, Current Population Survey, indicate that in 1999, the EIC lifted 4.7 million people — including 2.6 million children of low-income workers — above the federal poverty line.
- In 2001, over 19.2 million working families and individuals received the EIC. Yet studies indicate that 15 to 20 percent of those who are eligible each year fail to claim their credit, either because they are unaware of it or cannot obtain the help they may need to file a tax return.
- The EIC takes on added importance during an economic downturn. Families that have lost income badly need the boost the tax credits provide. The EIC can provide relief for families under severe economic stress, enabling them to pay back bills, avert utility shut-offs or eviction, buy groceries and cover child-care costs and other work-related expenses.

Who benefits from the EIC?

Working families with children

- Children are more likely to be poor than Americans of any other age group. The largest EIC benefit is for working families with two or more children.
- Raising children these days is expensive. The EIC can help offset the costs of child care, clothing, school supplies, and other needs.

Low-income workers who do not have a qualifying child

- This credit provides a financial boost to people who work at very low wages or are only able to find part-time work: day laborers, migrant workers, temporary employees, homeless people, general assistance recipients who worked part of the year and others. About 3.2 million workers received this credit for tax year 2001.

State and local economies

- EIC participation boosts state and local economies. In the first eight months of 2002 alone, more than \$31 billion in federal EIC funds flowed into the states.

- Since most EIC benefits are spent locally, the EIC is an economic development tool for low-income neighborhoods.
- By increasing the income of low-wage earners, the EIC can reduce the pressure on some public services and benefit programs provided by state and local governments to very low-income families.

Businesses

- Helping customers get the EIC is a legitimate and important business activity. Surveys find that 80 percent of EIC recipients plan to use their credit to help pay immediate bills, such as rent or utilities, or to pay for better housing, transportation or educational needs. The Advance EIC payment option can help workers stay current with their monthly household bills.
- Businesses make a valuable contribution to their communities by promoting the EIC.
- EIC benefits increase the take-home pay of employees at no cost to the business. Helping employees support themselves and their families can reduce turnover in the workplace.

Other important issues related to the EIC

The EIC is different from welfare

- When welfare recipients get a job, their benefits are likely to shrink or disappear. In contrast, the EIC rewards people who find and keep a job by adding to the wages they earn.
- The EIC does not require a caseworker or a trip to the welfare office. Eligible workers apply by filing a tax return.

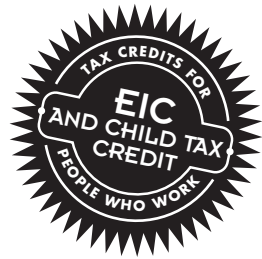
Free tax preparation and refund anticipation loans

- When low-income people pay to have their taxes prepared, the value of their EIC is diminished. This undermines the basic objectives of the EIC.
- IRS data indicate that 68 percent of EIC recipients pay someone to prepare their tax returns. Fewer than one in 10 have their tax forms prepared for free by VITA (Volunteer Income Tax Assistance). Increasing awareness about VITA and improving access to these services is critical.
- Many people who use commercial tax preparers to get a refund anticipation loan — a “quick refund” they receive in just a few days — don’t realize that what they’re paying for is a very high-interest loan from the tax preparer. *For more about this issue, see p. 5 in the booklet in this kit, “Helping Workers Claim the Tax Credits They’ve Earned.”*

Immigrant workers

- Recent immigrants are often the poorest members of our communities. They take jobs that pay low wages and struggle to support themselves and their families. Changes in federal law made some legal immigrants ineligible for public benefits such as food stamps and Medicaid. *But these rules did not affect EIC eligibility — legal immigrant workers may still qualify for the EIC.* For these reasons, educating immigrant workers about the EIC is important. *For more on this issue, see p. 15 of this booklet.*

The EIC Can Help Multiply Assets



Individual Development Accounts (IDAs) have emerged in the last few years as a new way for low-wage workers to develop a substantial savings account. IDAs are “matched savings accounts,” in which savings deposits made by a worker are matched by contributions from IDA program funds. Organizations administering IDA programs use federal or state funds authorized for IDAs, and additional funds from foundations and financial institutions, to supply the match.

IDA accounts are designed to enable workers to obtain a valuable asset, such as a down payment on a home, college education or job training, a computer, a car or small business financing. Low-wage workers often experience great frustration with the long time it takes to save enough to meet these goals. The matched savings feature of IDA accounts responds to this concern by helping depositors build their savings more quickly.

A limit is generally placed on the amount workers may deposit each year and also on the total amount that can be deposited. Since IDA programs are supported by a variety of sources and administered locally, the match rates and maximum deposit rules vary by program.

How the EIC Fits In

Even with the enticement of matching contributions, low-income workers may have difficulty saving part of their wages for long-range goals. EIC refunds — and Advance EIC payments in worker paychecks — can make it more feasible for them to make the modest monthly deposits typically required in an IDA program. EIC refunds themselves are permitted to be deposited in IDA accounts.

A recent study of EIC recipients by the Center for Policy Research at the Maxwell School, Syracuse University, found that almost one-half of those surveyed said they planned to save some or all of their EIC refund check, rather than use it all to pay bills or make immediate purchases. Respondents mentioned asset-building goals, such as paying tuition or purchasing or repairing a car as priority uses for their EIC.

The IDA match can multiply a worker’s own savings — doubling, tripling or even quadrupling the amount they deposit, depending on the IDA program and the purpose for which the worker has designated the IDA account.

For example, the weekly take-home pay of a full-time worker with three children who earns \$7 per hour (about \$14,500 per year) is about \$250. If the worker saves five percent of his or her weekly take-home pay — about \$12 each week or nearly \$50 each month — the annual savings comes to \$624. Over three years, the worker will have saved \$1,870. But, in an IDA account that matches two dollars for each dollar saved by the worker, those savings multiply to more than \$5,600, not counting interest on the account.

While this worker might struggle even to save \$50 per month, the EIC can help take the pressure off. For work in 2002, this person would be eligible for an EIC worth over \$3,900 and a Child Tax Credit worth over \$400. He or she could also opt to receive Advance EIC payments totaling nearly \$100 in additional take-home pay each month, allowing IDA deposits to be made without pinching household income.

Some Asset Development Programs

Asset development programs for low-income workers are taking hold around the country. Following are some of the most notable and how to find out more about them.

Two organizations lead national efforts to develop IDA programs and other asset development policies: The Corporation for Enterprise Development in Washington, D.C. at (202) 408-9788, and the Center for Social Development, at Washington University, St. Louis, Missouri at (314) 935-7433. Their websites are provided below.

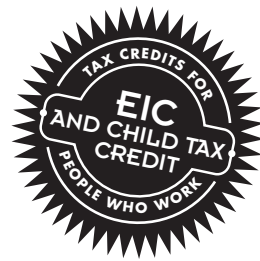
The IDA network. Successful federally supported IDA demonstration programs, such as the Assets for Independence Act (AFIA) administered by the U.S. Department of Health and Human Services, have spurred a rapidly growing network of organizations that administer IDA programs. IDA programs already exist in about 350 communities across the nation. *For more information, visit the Corporation for Enterprise Development website at www.cfed.org.*

IDAs for people who receive public benefits. Federal welfare law permits states to design IDA programs to benefit welfare recipients beginning the transition to employment. States may use their TANF block grant funds to support IDA programs. Individual savings and matching contributions in accounts under IDA programs which meet the requirements of federal welfare law (or IDAs in the AFIA demonstration program) do not affect a person's eligibility, or benefit amount, for cash assistance and other public benefit programs. Assets in other types of IDAs, however, are not necessarily excluded as a resource in determining eligibility for benefit programs such as welfare or food stamps. *For more information, see the "2002 Federal IDA Briefing Book: How IDAs Affect Eligibility for Federal Programs" by the Center on Budget and Policy Priorities and the Corporation for Enterprise Development at www.cbpp.org/10-29-02wel.pdf. For information and contacts regarding specific state IDA policies, visit the website of the Center for Social Development at gwbweb.wustl.edu/csd/statepolicy.*

IDAs for refugees. The Office of Refugee Resettlement (ORR) under the U.S. Department of Health and Human Services provided grant funding in 2000 for 29 nonprofit organizations in 18 states to develop IDA programs for low-income refugees. *For more information about the Refugee Individual Development Account Program, contact Henley Portner, Office of Refugee Resettlement, (202) 401-5363 or hportner@acf.dhhs.gov.*

Family Self-Sufficiency Program (FSS). FSS is a program that promotes employment and increased savings among families that have Section 8 housing vouchers or live in public housing. Under the FSS program, a tenant agrees with the local housing agency to reach certain employment and training goals designed to achieve independence from welfare assistance. Under U.S. Department of Housing and Urban Development (HUD) rules, as the tenant earns more from employment, the tenant's rent payments will increase. But the FSS participant can get a refund of some or all of her increased rental charges in an amount equal to about 30 percent of the tenant's increased income. This amount is deposited by the housing agency into an FSS escrow account established for the tenant. Local housing agencies administer FSS programs, and HUD reimburses them for the escrow deposits. When the tenant meets the stated goals of the FSS agreement, the tenant receives the full amount in his or her escrow account, plus interest, with no maximum limit. There is no requirement to use the funds for a particular purpose. Some families accumulate as much as \$10,000 in their escrow accounts; the average received by families who complete the program is nearly \$5,000. *For more information, see "The Family Self-Sufficiency Program" at the Center on Budget and Policy Priorities website at www.cbpp.org/4-12-01hous.btm.*

Saver's Tax Credit for 2002: Workers Can Save for Retirement And Reduce Income Taxes



In 2001, Congress enacted a new tax credit to encourage workers to make contributions to a retirement plan or Individual Retirement Account (IRA). Workers can receive a tax credit worth up to 50 percent of a maximum \$2,000 contribution. Married workers may each make the maximum contribution. This Saver's Tax Credit, which is referred to in IRS tax forms as the "Credit for Qualified Retirement Savings Contributions," *goes into effect for contributions made during 2002*. This may be particularly valuable for workers in areas where matched-savings plans, such as Individual Development Accounts (IDAs), are not available or when saving for retirement is a higher priority for a family than the uses that qualify for matched savings in an IDA.

The new credit will reduce or eliminate a worker's income tax but, unlike the Earned Income Credit, workers who owe no income tax will not benefit from the Saver's Tax Credit. However, some low- and moderate-income workers with children may see increased benefits from the EIC and the new Child Tax Credit when they make contributions to a retirement account through pre-tax salary reductions and take advantage of the Saver's Tax Credit. Here's why:

- Beginning in 2002, non-taxable earned income will no longer be counted in figuring the EIC. Most EIC claimants who also make contributions for retirement through pre-tax salary reductions are in the "phase-down" range of the EIC, where EIC amounts decrease as taxable income increases. Therefore, since the salary reductions for retirement reduce the worker's taxable income, the worker will qualify for a larger EIC.
- The Saver's Tax Credit reduces or eliminates the income tax a worker may owe. If that worker also qualifies for the new Child Tax Credit, less of that credit will need to go toward reducing income tax liability and more will be available for a refund to the worker.

Example: Randy and Meg earned \$24,000 in 2002 and have two children attending college. They ordinarily would owe income tax of \$415 and would qualify for an EIC of \$2,143. However, during 2002 they made contributions of \$1,000 to Meg's retirement plan at work through pre-tax salary reductions. This reduces their taxable income to \$23,000, and lowers their income tax by \$100 to \$315. Beginning in 2002, only their taxable earned income is considered in calculating the EIC; thus, they will qualify for a higher EIC of \$2,354, an increase of \$211. And, they can take the Saver's Tax Credit, worth up to 50 percent of their contribution amount, or as much as \$500. The Saver's Tax Credit eliminates their \$315 income tax, and they still receive their EIC of \$2,354. *Overall, by making the \$1,000 contribution to Meg's retirement account and taking the Saver's Tax Credit, the couple gets a tax benefit of \$626. (Their original income tax amount was reduced by \$100 and then the remaining \$315 was eliminated, for a total tax reduction of \$415. In addition, by reducing their taxable income, they were able to claim an EIC that was \$211 higher than it would have been had they not made the retirement plan contribution: \$415 + \$211 = \$626.)*

Who Is Eligible to Claim the Saver's Tax Credit?

The credit may be claimed by taxpayers who:

- are age 18 or older,
- are not full-time students,
- are not claimed as a dependent on someone else's return; and
- have adjusted gross income in 2002 no higher than these amounts:
 - \$50,000 if married filing jointly
 - \$37,000 if filing as head of household
 - \$25,000 if filing single, or married filing separately

What Retirement Contributions Qualify for the Saver's Tax Credit?

Contributions workers elect to make through salary reduction to a variety of employer-administered retirement plans are eligible for the credit, as are contributions to both traditional and Roth Individual Retirement Accounts (IRAs). Salary reduction contributions made to the following types of plans are eligible:

- a 401(k) plan, including a SIMPLE 401(k)
- a section 403(b) annuity
- an eligible deferred compensation plan of a state or local government (a "governmental 457 plan")
- a SIMPLE IRA plan
- a salary reduction SEP (simplified employee pension)

Individuals entitled to deduct IRA contributions may still do so and also claim the Saver's Tax Credit. Voluntary after-tax contributions to a qualified retirement plan or 403(b) annuity also qualify for the Saver's Tax Credit.

How Is the Amount of the Saver's Tax Credit Figured?

The credit can range from 10 percent to 50 percent of the worker's contribution to retirement, based upon the worker's adjusted gross income for the tax year. In the example of Randy and Meg above, their taxable income of \$23,000 as married joint filers qualifies them for a credit worth 50 percent of their \$1,000 contribution.

Married filing jointly	Adjusted Gross Income		Credit
	Head of household	All other filers	
\$0 - \$30,000	\$0 - \$22,500	\$0 - \$15,000	50% of contribution
\$30,001 - \$32,500	\$22,501 - \$24,370	\$15,001 - \$16,250	20% of contribution
\$32,501 - \$50,000	\$24,376 - \$37,500	\$16,251 - \$25,000	10% of contribution
Over \$50,000	Over \$37,500	Over \$25,000	Credit not available

How do Workers Claim the Saver's Tax Credit?

Workers must complete IRS Form 8880, "Credit for Qualified Retirement Savings Contributions," enter the amount of the credit on Form 1040 or 1040A, and attach Form 8880 to their tax return. *Form 8880 may be downloaded from the IRS website at: www.irs.gov/formspubs/index.html.*

For additional information, see IRS Announcement 2001-106, pg. 416, "Saver's Tax Credit for Contributions by Individuals to Employer Retirement Plans and IRAs" at: www.irs.gov/pub/irs-irbs/irb01-44.pdf.

EIC Benefits for Tax Year 2002 at Various Income Levels

This is not a tax table. Do not use this table to complete income tax returns.

2002 household income	Workers not raising a child		Workers raising one child		Workers raising two or more children	
	Not Married	Married	Not Married	Married	Not Married	Married
\$500	\$40	\$40	\$179	\$179	\$210	\$210
1,000	.78	.78	349	349	.410	410
1,500	.117	.117	519	519	.610	610
2,000	.155	.155	689	689	.810	810
2,500	.193	.193	859	859	1,010	1,010
3,000	.231	.231	1,029	1,029	1,210	1,210
3,500	.270	.270	1,199	1,199	1,410	1,410
4,000	.308	.308	1,369	1,369	1,610	1,610
4,500	.346	.346	1,539	1,539	1,810	1,810
5,000	.376	.376	1,709	1,709	2,010	2,010
5,500	.376	.376	1,879	1,879	2,210	2,210
6,000	.376	.376	2,049	2,049	2,410	2,410
6,500	.347	.376	2,219	2,219	2,610	2,610
7,000	.309	.376	2,389	2,389	2,810	2,810
7,500	.270	.347	2,506	2,506	3,010	3,010
8,000	.232	.309	2,506	2,506	3,210	3,210
8,500	.194	.270	2,506	2,506	3,410	3,410
9,000	.156	.232	2,506	2,506	3,610	3,610
9,500	.117	.194	2,506	2,506	3,810	3,810
10,000	.79	.156	2,506	2,506	4,010	4,010
10,500	.41	.117	2,506	2,506	4,140	4,140
11,000	3	.79	2,506	2,506	4,140	4,140
11,500	0	.41	2,506	2,506	4,140	4,140
12,000	0	3	2,506	2,506	4,140	4,140
12,500	0	0	2,506	2,506	4,140	4,140
13,000	0	0	2,506	2,506	4,140	4,140
13,500	0	0	2,506	2,506	4,140	4,140
14,000	0	0	2,425	2,506	4,034	4,140
14,500	0	0	2,345	2,506	3,958	4,140
15,000	0	0	2,265	2,425	3,823	4,034
15,500	0	0	2,185	2,345	3,718	3,928
16,000	0	0	2,106	2,265	3,612	3,823
16,500	0	0	2,026	2,185	3,507	3,718
17,000	0	0	1,946	2,106	3,402	3,612
17,500	0	0	1,866	2,026	3,297	3,507
18,000	0	0	1,786	1,946	3,191	3,402
18,500	0	0	1,706	1,866	3,086	3,297
19,000	0	0	1,626	1,786	2,981	3,191
19,500	0	0	1,546	1,706	2,865	3,075
20,000	0	0	1,466	1,626	2,770	2,981
20,500	0	0	1,386	1,546	2,665	2,875
21,000	0	0	1,307	1,466	2,559	2,770
21,500	0	0	1,227	1,386	2,454	2,665
22,000	0	0	1,147	1,307	2,349	2,559
23,000	0	0	987	1,147	2,138	2,349
24,000	0	0	827	987	1,928	2,138
25,000	0	0	667	827	1,717	1,928
26,000	0	0	508	667	1,506	1,717
27,000	0	0	348	508	1,296	1,506
28,000	0	0	188	348	1,085	1,296
29,000	0	0	28	188	875	1,085
30,000	0	0	0	28	664	875
31,000	0	0	0	0	453	664
32,000	0	0	0	0	243	453
33,000	0	0	0	0	32	243
34,000	0	0	0	0	0	32



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