



SUBSTANTIAL PRESENT WORKSHEET

Puerto Rico: BECOMING A RESIDENT



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SUBSTANTIAL PRESENCE WORKSHEET PUERTO RICO OR US RESIDENT

You are a resident for tax purposes if you meet the “substantial presence criteria” for the calendar year. The substantial presence test is a calculation of the number of days an individual has been physically present in the U.S. or Puerto Rico during a period of three calendar years.

As a Puerto Rico resident, the approach to the Substantial Present Test is ascertaining that you are not a US Resident for tax purposes. If you are considered a resident for US tax purposes, you are required to file a US tax return.

US RESIDENT PRESENT SUBSTANTIAL TEST

To determine that you do not meet the substantial presence test as a US Resident for the taxation year, you must follow these steps:

Step One:

- Is the # days physically present in the U.S. during the current year = or > 31?
- If Yes, GO to next Step, If No, STOP.
- You do not meet the USA resident substantial presence test.

Step two:

Determine if you meet the substantial presence test, count all days you were physically present in the U.S. during the current and the two preceding calendar years for which you were a resident of Puerto Rico. For calculating your first-year move as a resident in Puerto Rico calculate for the year of moving only. In the second year as Puerto Rico resident, need to include the first year of moving and second year in Puerto Rico. In the third year as resident of Puerto Rico, the third year rule applies the three-year computation.

You can calculate your days of presence in the U.S. using the formula below:

		DAYS	
Year Moved U.S. /Current Year	# of Days In U.S.	Divided By 1	
1st Preceding	# of Days in U.S.	Divided by 3	
2nd Preceding	# of Days in U.S.	Divided by 6	

Total Days In US			
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If the total is 182 days or lower, you are not considered a U.S. resident for tax purposes. Do not count the following days as days of presence in the United States.

1. Any day you are temporarily present in the United States to receive or to accompany a parent, spouse, or child who is receiving, qualifying medical treatment.
2. Any day you are temporarily present in the United States because you leave or are unable to return to Puerto Rico during any:
 - 14-day period within which a major disaster occurs in Puerto Rico for which a Federal Emergency Management Agency (FEMA) notice of a federal declaration of a major disaster is the issue in the Federal Register or
 - The period for which a mandatory evacuation order is in effect for the geographic area in Puerto Rico in which your main home is located.
3. Any day you are in the United States for less than 24 hours when you are traveling between two places outside the United States.
4. Any day you are temporarily present in the United States as a professional athlete or student.
5. You were a regular member of the crew of a foreign vessel traveling between the US and a foreign country.

PUERTO RICO RESIDENT SUBSTANTIAL PRESENT TEST

To determine that you do not meet the substantial presence test as a Puerto Rico Resident for the taxation year, you must follow these steps:

Step One:

Determine if you meet the substantial presence test, count all days you were physically present in the PR during the current and the two preceding calendar years for which you were a Resident of Puerto Rico. For calculating your first year of change of resident in Puerto Rico count only the year of moving. In the second year as Puerto Rico Resident, need to include the first year of moving and second year in Puerto Rico. In the third year as Resident of Puerto Rico the third year rule applies, the three-year computation.

You can calculate your days of presence in the Puerto Rico using the formula below:

		DAYS	
Year Moved PR /Current Year	# of Days In P.R.	Divided By 1	
1st Preceding	# of Days in P.R.	Divided by 3	
2nd Preceding	# of Days in P.R.	Divided by 6	
Total Days In P.R.			

If the total is 183 days or higher, you are considered a Puerto Rico resident for tax purposes.

DAYS OF PRESENCE IN PUERTO RICO

You are deemed to be present in Puerto Rico on any of the following days:

1. Any day you are physically present in Puerto Rico at any time during the day.
2. Any day you are outside of Puerto Rico to receive or to accompany any of the following family members to receive, qualifying medical treatment.
 - Your parent.
 - Your spouse.
 - Your child, who is your son, daughter, stepson, or stepdaughter.

Including an adopted child or child lawfully placed with you for legal adoption. Also includes a foster child who is placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

3. Any day you are outside Puerto Rico because you leave or are unable to return to Puerto Rico during any:
 - 14-day period within which a major disaster occurs in Puerto Rico for which a Federal Emergency Management Agency (FEMA) notice of a federal declaration of a major disaster is issue in the Federal Register, or

- The period for which a mandatory evacuation order is in effect for the geographic area in Puerto Rico in which your main home is location.
4. Any day (up to a total of 30 days) that you are outside Puerto Rico and the United States for business or personal travel, but this rule:
- Applies on the number of days you are considered present in Puerto Rico exceeds the number of days you are considered present in the United States and
 - Does not apply for purposes of calculating the minimum 60 days of presence in Puerto Rico require for the 549-day presence test
5. If, during a single day, you are physically present, In the United States and Puerto Rico, that day is considered a day of presence in Puerto Rico or In Puerto Rico and possessions, that day is considered a day of presence in where your tax home location.

DON'T COMPLY WITH ANY SUBSTANTIAL PRESENT TEST

If fail in both test, then one with more present days prevails.

YEAR OF MOVING TO PUERTO RICO

You will satisfy the tax home and closer connection tests in the calendar year of changing your residence to Puerto Rico if you meet all of the following:

- You have not been a bona fide resident of Puerto Rico in any of the three tax years immediately preceding your move.
- In the year of the move, you do not have a tax home outside of Puerto Rico or a closer connection to the United States or a foreign country other than Puerto Rico during any of the last 183 days of the tax year.
- You are a bona fide resident of Puerto Rico for each of the three tax years immediately following your move.