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Which US tax form do you need?

A practical checklist for freelancers and creators paid from the US

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Not advice. General information only, not tax, legal or immigration advice. This is not a filled-in form, a filing service or a treaty opinion, and it is not a substitute for the current IRS instructions. Do not certify a form based only on the table below. Use the official IRS forms and instructions your payer asks for, and if your situation is complex (work done in the US, entity classification, residency tests, treaty eligibility), pause and check the current instructions or speak to a qualified adviser.

Who this is for

English-speaking freelancers, contractors and creators who get paid by US clients or US platforms (marketplaces, publishers, payout tools) while living outside the US, and US citizens living abroad who are asked for "a W-9 or W-8BEN".

Sources checked

These official IRS pages were opened and checked on 10 November 2026:

- Instructions for Form W-8BEN, including the "Do not use Form W-8BEN if…" list
- Instructions for Form 8233
- Instructions for Form W-9

Re-check those pages before you rely on any line, because the IRS can update them.

0. Stop first: work physically performed in the US

Before you reach for a W-8BEN, answer this:

☐ **Will any of the services this payment covers be performed while you are physically in the United States?**

If yes, stop. Do not treat the common starting points below as your answer.

The IRS instructions for Form W-8BEN say not to use W-8BEN if you are a nonresident alien individual who claims exemption from withholding on compensation for independent or dependent personal services **performed in the United States**. In that case the instructions point to **Form 8233** or **Form W-4** instead (which one depends on your facts: employee or independent, treaty claim or not). See the Instructions for Form W-8BEN and the current Instructions for Form 8233.

Tell the payer where the work was or will be performed, and follow their current request plus the current IRS instructions. This checklist does not choose between 8233 and W-4 for you.

☐ If work is (or may be) performed in the US, I have paused and will not sign a W-8BEN just because a portal offered it

1. Common starting points (not automatic answers)

If section 0 does not stop you, use this table only as a common starting point. Confirm it against the current IRS instructions and what the payer is actually paying you for. **Do not certify a form based only on this table.**

Common situation	Form often requested first	Important conditions
US citizen (including dual citizens), wherever you live	**W-9**	W-8BEN instructions: US citizens use W-9, even abroad
US green-card holder or other resident alien	**W-9**	Resident-alien status is fact-specific (for example, substantial presence). If unsure, pause
Non-US individual, paid as an individual, for work **not** performed in the US (the typical remote freelancer case)	Often **W-8BEN**	**Not always.** Entities, disregarded-entity owners, effectively connected income and US-performed services use different forms (see section 0 and the traps below)
Non-US company or other foreign entity as the payee	Often **W-8BEN-E**	The individual W-8BEN is not the entity form
Income effectively connected with a US trade or business	Often **W-8ECI**	W-8BEN instructions point here instead of W-8BEN for that income
Owner of a disregarded entity	Form for the **owner**, not the disregarded entity	IRS: the owner, rather than the disregarded entity, submits the appropriate form

☐ I treated the table as a starting point only, not a certification decision

☐ I have opened the current IRS instructions for the form I think I need

☐ If I am unsure about US-person or resident-alien status, I have paused

2. Get the right blank form from the right place

☐ I will download the blank form from **irs.gov**, not from an email attachment or a random PDF online

☐ I am matching the form to my facts and the IRS “do not use” list, not only to a portal dropdown

☐ I will submit it through the client’s or platform’s verified portal or another channel I trust, because tax forms contain identification numbers

Official starting pages:

- About Form W-8BEN
- Instructions for Form W-8BEN
- About Form W-9
- Instructions for Form W-9
- Instructions for Form 8233

3. If you and the payer settle on a W-8BEN: readiness checklist

Use this only after sections 0 and 1. Leave lines blank until you have the facts; do not invent answers.

☐ Full legal name as it should appear for the payer

- ☐ Permanent residence address (follow the IRS definition in the current instructions, not a mailing-only workaround unless the instructions allow your situation)
- ☐ Mailing address, if different
- ☐ Country of citizenship
- ☐ Foreign tax identifying number for your country of residence, **or** the reason the instructions allow for not providing one
- ☐ Date of birth, if the form asks for it
- ☐ Whether you intend to claim a tax-treaty benefit on this income

Treaty claim (only if you intend to claim one)

- ☐ I know which country of residence I am claiming under
- ☐ I know the type of income this payment is (using the labels the IRS and your treaty use)
- ☐ I have a place to look up the treaty article and rate before I write numbers on the form
- ☐ I understand a treaty claim is a certification under penalties of perjury; guessing is not safer than leaving the claim blank and asking for help

4. If you and the payer settle on a W-9: readiness checklist

- ☐ I confirm I am a US person (a citizen, including abroad, or a resident alien) under US tax rules
- ☐ I have the name and taxpayer identification number the form asks for
- ☐ I understand the W-9 certifies US status to the payer and can lead to US information reporting
- ☐ If a portal “only offers W-8BEN”, I will not sign a W-8BEN as a shortcut; I will ask the payer to accept a W-9

5. After you submit

- ☐ I have a copy or screenshot of what I submitted and the date
- ☐ I have noted a review date using the current IRS validity and change-in-circumstances wording for that form (not a remembered “three years”)
- ☐ When the first payment arrives, I will check whether anything was withheld and compare that with the form the payer has on file
- ☐ If the wrong form went in, I will send the correct one and ask the payer to update their records

6. Common traps (tick to confirm you have read them)

- ☐ **Living abroad does not turn a US citizen into a W-8BEN filer.** US citizens use Form W-9.
- ☐ **“Non-US individual” does not always mean W-8BEN.** US-performed services, entity payees, disregarded-entity owners and effectively connected income can require different forms.
- ☐ **Sending a W-9 when you are not a US person** tells the payer to treat you as a US taxpayer.
- ☐ **Sending no form, or the wrong form,** can lead to withholding. Rates and rules are set by the IRS, so check current figures on irs.gov.
- ☐ **A W-8BEN does not mean you pay no tax.** It tells a US payer your status. You still report income where you are tax resident.

7. Further reading

IRS (checked 10 November 2026):

- Instructions for Form W-8BEN
- Instructions for Form 8233
- Instructions for Form W-9
- Claiming tax treaty benefits

Bankrolled guides (checked 10 November 2026):

- W-9 or W-8BEN? Which form to send a US client when you live abroad
- W-8BEN for freelancers living abroad
- US dividend withholding for non-US investors: 30% vs treaty rate (brokerage dividends, not client invoices)
- Tax residence vs where your client is

Disclaimer. General information only. Forms, rates and treaty positions change. Always use the current IRS forms and instructions, and your payer's current request. Nothing here is personalised tax, legal or immigration advice.

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