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THE TAX LAWYER

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### Foreign Accounts? Don't Forget June 30 FBAR Deadline

[FBARs](#) are those ever-present disclosure forms for foreign bank and financial accounts. You must file one—a Treasury Form [TDF 90-22.1](#), also known as an [FBAR](#)— if the combined balance of your foreign accounts (any time during the year) is more than \$10,000. Separate from tax returns, the annual filing is due June 30 for the preceing year.

You must file even if you're just a signatory and it's not your money.

See [Primer For First Time FBAR Filers](#). Yes, even if you only have signature authority over an account and a not a beneficial interest, these forms matter. See [Should You File FBAR For The First Time?](#) The rules are important for employees and officers of companies too. Here are some basics:

1. **Receipt by Due Date.** FBARs aren't governed by the usual "mailing is filing" rule applicable to tax returns. Make sure your FBAR is *received* by June 30. See [E-Filing And Other FBAR Quirks](#).



2. **Who Must File?** U.S. taxpayers including citizens, residents, and entities that have foreign financial accounts totaling more than \$10,000 at any point during the year.
3. **What's an Account?** Foreign bank and brokerage accounts are generally included, as are offshore mutual funds or pooled investments. However, hedge and private equity funds generally don't count. An account with a U.S. institution that holds foreign assets doesn't require a filing as long as you can't directly access foreign assets maintained in a foreign institution. But foreign branches of U.S. institutions are treated as foreign. See [Primer For First Time FBAR Filers](#).
4. **FBAR Penalties.** The [penalty](#) for failing to file an FBAR is \$10,000 for each non-willful violation. If willful, the penalty is the greater of \$100,000 or 50% of the amount in the account for each violation. Each year you didn't file is a separate violation. See [Despite FATCA, FBAR Penalties Still Under Fire](#).
5. **You Can Even Go To Jail.** Tax evasion can carry a prison term of up to five years and a fine of up to \$250,000. Filing a false return can mean up to three years in prison and a fine of up to \$250,000. Failing to file a tax return can mean a one year prison term and a fine of up to \$100,000. Failing to file FBARs can be criminal too with monetary penalties up to \$500,000 and prison for up to ten years. See [IRS May Find "Innocent" FBAR Violation Willful](#).
6. **On Top of FBARs, There's a New Form Too.** Now with your tax return, you may also need to file an IRS [Form 8938](#) to report your foreign accounts and assets. However, these forms are part of your actual tax return. See [IRS Form 8938 Or FBAR?](#) and [More On IRS Form 8938 vs. FBAR](#).

For more, see:

[Living Abroad Sounds Idyllic—Until You Consider Taxes](#)

[Should You File FBAR For The First Time?](#)

[FBARs Exempt From E-Filing Mandate](#)

[Who Pays Tax On Joint Bank Accounts?](#)

[10 IRS Rules For Stress-Free Foreign Accounts](#)

[FBARS & FATCA Form 8938: Maddening Duplication?](#)

*Robert W. Wood practices law with [Wood LLP](#), in San Francisco. The author of more than 30 books, including *Taxation of Damage Awards & Settlement Payments* (4th Ed. 2009 with 2012 Supplement, [Tax Institute](#)), he can be reached at [Wood@WoodLLP.com](mailto:Wood@WoodLLP.com). This discussion is not intended as legal advice, and cannot be relied upon for any purpose without the services of a qualified professional.*