C, a citizen of foreign country Y, is an alien who has never before been a United States resident for tax purposes. C comes to the United States for the first time on February 5, 1985, and attends a business conference until February 9, 1985, when she returns to country Y. C is able to establish a closer connection to country Y for that period. On April 20, 1985, C enters the United States as a lawful permanent resident. On November 10, 1985, C ceases to be a lawful permanent resident but stays on in the United States until November 20, 1985 when she returns to country Y. On December 8, 1985, C comes to the United States and stays here until December 17, 1985 when she returns to country Y. She can establish a closer connection to country Y during this time.

C is not a U.S. tax resident in 1984 (if he were, the "no lapse" rule of Sec. 7701(b)(2)(A)(i) would apply so that C would continue as a resident into 1985 and she would not have a residency starting date in 1985).

C spends 5 days in the U.S. in February (Feb. 5-9).

April 20, C enters the U.S. as a lawful perm. resident

Nov. 20, C returns to Country Y

1984 1985 1986

De Minimis?
C has a closer connection to Country Y during this time

C spends 10 days in the U.S. in December (Dec. 8-17).

215 days

RSD on Feb. 5 & RTD on Nov. 20 (de minimis on front end), or RSD April 20 & RTD on Dec. 18 (de minimis on back end)

C spends 10 days in the U.S. in December (Dec. 8-17).

C has a closer connection to Country Y during this time

C has a closer connection to Country Y from November 20 until the end of the year

C has a closer connection to Country Y during this time

C is not a U.S. tax resident in 1986 (if he were, the "no lapse" rule of Sec. 7701(b)(2)(B)(iii) would apply so that C would continue as a resident and she would not have a residency termination date in 1985).

C must attach a statement to her tax return to establish that the period of de minimis presence of ten or fewer days should be disregarded for purposes of C's residency starting or termination date, and to establish the [early] residency termination date. See Reg. 301.7701(b)-8(a)(3), (b)(3). See also IRS Publication 519.