

Internal Revenue Service

Department of the Treasury

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Washington, DC 20224

Person to Contact:

Telephone Number:

Refer Reply To:

CC:INTL:PLR-107742-00

Date:

September 11, 2000

In re:

LEGEND

Taxpayer =

Date A =

Date B =

Date C =

Date D =

CPA Firm =

Individual A =

Dear :

This replies to a letter dated March 28, 2000, requesting that Taxpayer be granted an extension of time under Treas. Reg. § 301.9100-3 to submit a ruling request provided by I.R.C. § 877(c) and Notice 97-19, 1997-1 C.B. 394, as modified by Notice 98-34, 1998-2 C.B. 29. The information submitted for consideration is substantially as set forth below.

The ruling contained in this letter is predicated upon facts and representations submitted by Taxpayer and accompanied by a penalty of perjury statement executed by Taxpayer. This office has not verified any of the material submitted in support of the request for a ruling. Verification of the factual information, representations, and other data may be required as a part of the audit process.

Taxpayer obtained his green card on Date A to work in the United States for a United States company. About five months later, during Date B, Taxpayer's employer transferred him overseas where he worked in various countries. On Date C, Taxpayer was en route to the United States when immigration authorities confiscated Taxpayer's green card because Taxpayer had not resided in the United States for approximately

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twelve years.

Individual A is an employee of CPA Firm, which was engaged to assist Taxpayer with respect to the U.S. tax ramifications of his expatriation. Taxpayer should have requested an I.R.C. § 877 ruling by Date D. On Date D, Individual A was given a package which contained Taxpayer's I.R.C. § 877 ruling request to mail to the I.R.S. Individual A attempted to mail the package at two different U.S. post offices but discovered that both were closed. However, Individual A was unaware that the package needed to be postmarked on Date D. The package was then mailed the day after Date D.

Treas. Reg. § 301.9100-1(c) provides that the Commissioner has discretion to grant a reasonable extension of time under the standards set forth in § 301.9100-3 to make a regulatory election under all subtitles of the Internal Revenue Code except subtitles E, G, H, and I.

Treas. Reg. § 301.9100 -1(b) defines a regulatory election as an election whose due date is prescribed by a regulation, a revenue ruling, revenue procedure, notice, or announcement.

Treas. Reg. § 301.9100-3 provides standards for extensions of time for making regulatory elections when the deadline for making the election is other than a due date prescribed by statute.

Treas. Reg. § 301.9100-3(a) provides that requests for relief subject to this section will be granted when the taxpayer provides the evidence (including affidavits described in § 301.9100-3(e)) to establish to the satisfaction of the Commissioner that the taxpayer acted reasonably and in good faith, and the grant of relief will not prejudice the interests of the Government.

In the present situation, Notice 97-19, section IV, fixes the time for an individual to submit a ruling request for a determination as to whether such expatriation had for one of its principal purposes the avoidance of U.S. taxes. Therefore, the Commissioner has discretionary authority under § 301.9100-1(c) to grant Taxpayer an extension of time, provided that Taxpayer satisfies the standards set forth in § 301.9100-3(a).

Based on the facts and circumstances of this case, we conclude that Taxpayer satisfies § 301.9100-3(a). Accordingly, Taxpayer is granted an extension of time until 30 days from the date of this ruling letter to submit a ruling request provided by Notice 97-19 as modified by Notice 98-34.

As discussed with one of the Taxpayer's authorized representatives during a telephone call with a representative of this Office, no ruling is expressed as to the application of any other section of the Code or regulations to the facts presented. Specifically, no

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opinion is expressed as to the tax consequences under § 877.

A copy of this ruling letter should be associated with the ruling request to be filed under § 877 pursuant to Notice 97-19 as modified by Notice 98-34.

This ruling is directed only to the taxpayer who requested it. I.R.C. § 6110(k)(3) provides that it may not be used or cited as precedent.

Pursuant to a power of attorney on file in this office, a copy of this letter is being sent to Taxpayer and the other representative.

Sincerely,

/s/ Allen Goldstein

Reviewer

Office of the Associate Chief Counsel (International)