

# 763-S Virginia Special Nonresident Claim For Individual Income Tax Withheld 2021



First Name	MI	Last Name	Suffix	Your Social Security Number
Present Home Address (Number and Street, Including Apartment Number or Rural Route)				Spouse's Social Security Number
City, Town or Post Office			State	ZIP Code
<input type="checkbox"/> I (we) authorize the Department of Taxation to discuss my (our) return with my (our) preparer.			<input type="checkbox"/> Amended Claim	
Date of Birth	Your Birthday (MM-DD-YYYY)	- -	<input type="checkbox"/> Primary Taxpayer Deceased (Include Federal Form 1310 if applicable)	

## STEP I - Select Exemption Category

Review categories 1 - 4 below and enter the category number for which you are claiming an exemption.

- 1 Commuter State Exemption:** I declare that during the taxable year shown above I commuted on a daily basis from my place of residence to work in Virginia. My only income from sources within Virginia was from wages and salaries, which are subject to taxation by the state or district checked below. I did not live in nor was I a domiciliary or legal resident of Virginia at any time.  
 Check One:     District of Columbia     Kentucky
- 2 Domiciliary State Exemption:** I declare that during the taxable year shown above I was a domiciliary or legal resident of the state checked below. My only income from sources within Virginia was from wages and salaries, which are subject to taxation by the state checked below. I am not an actual resident of Virginia and I did not maintain a place of abode in Virginia for a total of more than 183 days.  
 Check One:     Maryland     Pennsylvania     West Virginia
- 3 Military Spouse Exemption:** Complete the second page of this form first to provide information regarding your eligibility for this exemption. I declare that, for the entire portion of the taxable year I lived in Virginia, I was present in the state solely to be with my servicemember spouse who was on active military duty and in Virginia pursuant to military orders. To be exempt, either (1) you and your servicemember spouse must have the same non-Virginia domiciliary or legal state of residency or (2) you must elect to use the same residence for purposes of taxation as that of your servicemember spouse. If you are claiming this exemption, enter the 2 letter state abbreviation for the domiciliary or legal state of residency of your servicemember spouse .....
- 4 Tax Withheld in Error by Employer:** I declare that during the taxable year shown above I was not a domiciliary or legal resident of Virginia at any time. I did not perform any services in Virginia and the Virginia tax was erroneously withheld from salary and wages paid to me by my employer. Enter the 2 letter state abbreviation for your domiciliary or legal state of residency . . . . .

**STEP II - Enter amount of Virginia Tax withheld requested to be refunded:**  
 If amended, enter the full refund amount as it should have been reported on the original return. You must provide copies of your withholding statements.      \$

**STEP III - Avoid delays:** If you are a Resident of a State with an Individual Income Tax, **enclose a complete copy of your State of Residence Income Tax Return and check this box.**

If the Direct Deposit section below is not completed, your refund will be issued by check.

<b>DIRECT BANK DEPOSIT</b>	Your Bank Routing Transit Number	Account Number	Checking <input type="checkbox"/>	Savings <input type="checkbox"/>
Domestic Accounts Only	<input style="width: 100px;" type="text"/>	<input style="width: 100px;" type="text"/>		
No International Deposits				

Due by **May 1, 2022**. Mail to the **Department of Taxation, P.O. Box 1498, Richmond, Virginia 23218-1498**.

Both spouses must complete a separate Form 763-S when both filers have Virginia income tax withheld.

I, the undersigned, do declare under penalties provided by law that this is a true, correct and complete return.

<b>Please Sign Here</b>	Your Signature <b>X</b>	Date	Your Phone	Office Use
<b>Preparer's Use Only</b>	Preparer's Name <b>X</b>	Date	Preparer's Phone Number	
	Firm's Name (or Yours if Self-employed) and Address	Preparer's FEIN/PTIN/SSN		Code

# Military Spouse Qualification

Complete each question below and provide copies of the requested documentation before claiming **Exemption Category 3** on the front of this form. Incomplete responses or missing documentation could cause your refund to be delayed. **The provisions of the Servicemember Civil Relief Act apply only to spouses of military servicemembers and do not apply to dependents.**

**I. Your spouse is a member of the armed forces present in Virginia in compliance with military orders.**

1. Was your spouse in active military service for the taxable year in question?  Yes  No

a. If your spouse was discharged from full-time military service, what was the date your spouse left the service? .....  MM/DD/YYYY

b. If your spouse was in the military at any time for the taxable year in question, provide his or her duty station(s) for the taxable year. Additional rows are provided in case your spouse had more than one duty station during the taxable year.

Location of Duty Station (include country if not USA)	Date Assignment Started MM/DD/YYYY	Date Assignment Ended MM/DD/YYYY

2. Where and when were you and your spouse married? . . . . . State   MM/DD/YYYY

3. Enclose a copy of your military ID card. This would be a military identification card issued to spouses of military personnel. If a military identification card has not been issued, check here.

4. What is your spouse's state of domicile or legal state of residency? (Enter here and on Line 3 on the first page of this return). . . . .

Enclose a copy of one or more of the following documents showing the military servicemember's domicile or legal state of residency  
(check the appropriate boxes to indicate which documents you are providing).

- Leave & Earning Statement (LES) for the year in question
- Current driver's license from the military servicemember's domicile state
- DD Form 2058 (State of Legal Residence Certificate)
- Other

**II. You are present in Virginia solely to be with your spouse.**

5. Do you own a business or any income producing property in Virginia?  Yes  No

a. If yes, please describe.

**III. You have the same non-Virginia domiciliary or legal state of residency as that of your servicemember spouse, or you elect to use the same non-Virginia state of residency as that of your servicemember spouse.**

6. Did you file a state income tax return for the year in question with the state reported under question 4 above?  Yes  No

If you answered yes, enclose a copy of your state income tax return for the year in question.

If your state of residency for tax purposes does not have an income tax, check here.

**Note: A copy of documents requested above will assist the Department in speeding up the issuance of the refund.**