Silicon Valley Tax

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美国报税指南

U.S. Tax Filing Guide

面向与中国有资产联系的纳税人 —— 申报截止日期、FBAR / FATCA 海外账户申报、PFIC 问题、简化合规程序,以及湾区科技员工与小企业主须知。

For taxpayers with financial ties to China — deadlines, FBAR / FATCA reporting, PFIC issues, streamlined compliance, and Bay Area tech & small-business notes.

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概述 · OVERVIEW

本指南涵盖与中国有资产联系的纳税人最常遇到的美国联邦报税主题:申报截止日期、海外账户申报(FBAR与FATCA)、被动外国投资公司(PFIC)问题、错过以往年度申报的纳税人可用的简化合规程序,以及湾区科技员工和小企业主特别需要注意的事项。本指南仅为一般性说明,不能替代针对您具体情况的专业建议。在采取任何行动前,请务必与合格的税务顾问确认每一项内容。

This checklist covers the U.S. federal tax filing topics that come up most often for taxpayers with financial ties to China — deadlines, foreign account reporting (FBAR and FATCA), Passive Foreign Investment Company (PFIC) issues, streamlined filing options for taxpayers who missed prior-year filings, and a few items specific to Bay Area tech employees and small-business owners. It is descriptive, not a substitute for advice on your specific facts. Every item below should be confirmed with a qualified tax advisor before you act on it.

01 申报截止日期

Filing Deadlines

联邦个人所得税申报表(Form 1040)通常截止日期为4月15日。可通过提交Form 4868申请自动延期至10月15日,但延期只延长申报表的提交时间,不延长缴税时间——欠税部分仍须在4月15日前缴清,否则可能产生罚款和利息。

> Form 1040 is generally due April 15. Filing Form 4868 grants an automatic extension to October 15, but that extension applies to the paperwork only, not to payment — any tax owed is still due April 15 to avoid penalties and interest.

02 FBAR —— FinCEN Form 114

FBAR — FinCEN Form 114

根据31 CFR 1010.350,如果您是美国税务居民,并对海外金融账户拥有所有权或签字权,当这些账户总额在一年中的任何时点超过一万美元时,您必须提交FinCEN Form 114(FBAR)。这个门槛是所有海外账户的合计金额,不是单个账户的余额,且以全年最高点计算,不是年末余额。FBAR通过FinCEN的BSA电子申报系统单独提交,不随Form 1040一起申报,截止日期为4月15日,自动延期至10月15日。中国银行账户(工商银行、中国银行、建设银行等存款账户)、A股证券账户,以及具备账户功能的支付宝/微信支付余额,均可能计入申报范围;需具体分析。

> Under 31 CFR 1010.350, a U.S. person with a financial interest in, or signature authority over, foreign financial accounts must file FinCEN Form 114 (FBAR) if the combined value of those accounts exceeded $10,000 at any point during the year. The threshold is aggregate across every account, not per account, and tested at the year's highest point, not year-end. FBAR is filed separately from Form 1040 through FinCEN's BSA E-Filing System, due April 15 with an automatic extension to October 15. Chinese bank deposit accounts (ICBC, Bank of China, China Construction Bank, and similar), A-share brokerage accounts, and WeChat Pay/Alipay balances that function as a stored-value account may all be reportable, depending on the specific facts.

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03 FATCA —— Form 8938 (IRC §6038D)

FATCA — Form 8938 (IRC §6038D)

依据《美国国内税收法典》第6038D条(FATCA),特定海外金融资产需在Form 8938中申报,该表格随Form 1040一起提交。截至2025纳税年度,门槛为:单身且居住在美国境内的申报人,年末资产超过5万美元或全年任何时点超过7.5万美元;已婚联合申报,门槛翻倍为年末10万美元或全年任何时点15万美元。Form 8938涵盖的资产范围比FBAR更广,包括直接持有的海外股票和海外合伙权益。

> Under IRC Section 6038D (FATCA), specified foreign financial assets are reported on Form 8938, filed with Form 1040. As of tax year 2025, thresholds for a single filer living in the U.S. are $50,000 at year-end or $75,000 at any point during the year; married filing jointly doubles those to $100,000 and $150,000. Form 8938 reaches a broader category of assets than FBAR, including foreign stock held directly and interests in foreign partnerships.

04 PFIC 被动外国投资公司问题

PFIC Issues (IRC §1291–§1298)

许多中国公募基金、ETF以及投资连结型保险产品可能符合《国内税收法典》第1297条对"被动外国投资公司"(PFIC)的定义。如未依据第1295条及时做出合格选择性基金(QEF)选举,相关收益及部分分红将适用第1291条规定的"超额分配"制度征税——通常远比普通资本利得税负更重,且需缴纳递延利息。每一项持仓都应单独评估。

> Many Chinese mutual funds, ETFs, and investment-linked insurance wrappers meet the definition of a Passive Foreign Investment Company under IRC Section 1297. Without a timely Qualified Electing Fund election under Section 1295, gains and certain distributions are taxed under the excess distribution regime of Section 1291 — generally far more punitive than ordinary capital gains treatment, plus a deferred-tax interest charge. Each holding should be evaluated individually.

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05 简化申报合规程序

Streamlined Filing Compliance Procedures

如果您过去因非故意疏忽而未申报海外账户,IRS的"简化申报合规程序"(Streamlined Filing Compliance Procedures)允许以较低罚款补报。境内简化程序(SDOP)适用于美国居民,需补报近三年税表及近六年FBAR,并对最高账户余额缴纳5%的境外资产罚款。境外简化程序(SFOP)适用于符合"非居民测试"条件的纳税人,无需缴纳境外资产罚款(0%)。是否符合"非故意"标准,须由合格税务顾问依据具体事实判断。

> If past non-compliance was non-willful, the IRS Streamlined Filing Compliance Procedures allow a reduced-penalty path back into compliance. The Streamlined Domestic Offshore Procedures (SDOP) apply to U.S. residents: amended returns for three years, delinquent or amended FBARs for six years, and a 5% miscellaneous offshore penalty on the highest aggregate account balance. The Streamlined Foreign Offshore Procedures (SFOP) apply to taxpayers who meet a non-residency test and carry no offshore penalty (0%). Whether your facts support the non-willful standard is a determination a qualified tax advisor should make with you.

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06 常见中国资产类型对照表

Common China-Based Assets

资产类型 / Asset	典型处理方式 / Typical Treatment
存款账户 (工商/中国/建设银行) Deposit accounts	一般在超过FBAR一万美元合计门槛时需申报;若同时满足Form 8938更高门槛,亦需申报。 Generally reportable on FBAR above the $10,000 aggregate threshold; Form 8938 if the higher threshold is also met.
A股经纪账户 A-share brokerage	通常两表均可能适用;应对底层持仓进行PFIC筛查。 Generally reportable on both forms where applicable; underlying holdings should be screened for PFIC status.
香港账户 HK bank/brokerage	一般与大陆账户适用相同规则。 Generally treated on the same basis as mainland accounts.
支付宝 / 微信支付余额 Alipay / WeChat Pay	若余额具备储值账户性质而非单纯支付通道,通常需申报;须具体分析。 Reportable if the balance functions as a stored-value account rather than a pure payment pass-through; facts-and-circumstances review.
社保 (中国社会保险) 待核实 UNVERIFIED China social insurance	一般被视为政府项目而非个人持有账户,通常本身无需申报,但请务必就您的具体情况向合格税务顾问核实后再行判断。 Generally understood as a government program rather than an individually held account and typically not itself FBAR/8938-reportable, but this should be confirmed for your specific facts with a qualified tax advisor before relying on it.
海外房产 Real estate in China	直接持有的房产本身通常不构成FBAR意义上的账户,但用于持有房产的相关现金、托管账户或实体权益可能单独需要申报。 Directly held real estate is generally not itself an FBAR account, but associated cash, escrow, or entity interests used to hold it may independently be reportable.

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07 湾区科技员工须知

Bay Area Tech Employees

- 限制性股票单位(RSU)归属时通常按普通收入计税;需确认雇主预扣税是否足额。
  RSUs are generally taxed as ordinary income at vesting; confirm whether employer withholding is sufficient.
- 激励型股票期权(ISO)可能触发替代性最低税(AMT);非法定股票期权(NSO)行权时通常按普通收入计税。
  ISOs can trigger the Alternative Minimum Tax (AMT); NSOs are generally taxed as ordinary income at exercise.
- 季度预估税:依据第6654(d)(1)(B)条,若上一年调整后总收入超过15万美元(已婚分别申报为7.5万美元),安全港比例为上一年税额的110%(而非通常的100%)。
  Quarterly estimated tax: under IRC Section 6654(d)(1)(B), if prior-year AGI exceeded $150,000 ($75,000 if married filing separately), the safe harbor is 110% of the prior year's tax (rather than the usual 100%).

08 小企业须知

Small Business

- LLC(有限责任公司)与S公司(S corp)的选择,会影响自雇税、合理薪资要求及行政成本,应在成立实体前评估。
  The choice between an LLC and an S corporation affects self-employment tax, reasonable-compensation requirements, and administrative cost — evaluate before the entity is formed.
- 独资经营者通常在Schedule C申报业务收入;是否改设实体应结合具体收入水平与业务结构评估。
  Sole proprietors generally report business income on Schedule C; whether to switch to an entity depends on income level and business structure.
- 依据第280A条,主页办公室扣除要求该区域须为定期、专属的业务使用场所。
  Under IRC Section 280A, the home office deduction requires the space to be used regularly and exclusively for business.

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09 各类申报所需文件

Documents Needed by Return Type

个人所得税申报(Form 1040) *Individual Return*

- W-2、1099(NEC/DIV/INT/B/MISC等)
  W-2s, 1099s (NEC/DIV/INT/B/MISC, etc.)
- RSU/ISO/NSO归属与行权确认文件
  RSU/ISO/NSO vesting and exercise confirmations
- 海外银行/证券账户对账单(用于FBAR/Form 8938)
  Foreign bank/brokerage statements (for FBAR/Form 8938)
- 房产贷款利息表(Form 1098)、房产税缴纳记录
  Mortgage interest statement (Form 1098), property tax records
- 上一年度税表副本
  Prior-year return copy

企业申报(1120-S / 1065 / 1120) *Entity Return*

- 全年损益表与资产负债表
  Full-year profit & loss statement and balance sheet
- 银行与信用卡对账单
  Bank and credit card statements
- 工资记录(如适用)
  Payroll records (if applicable)
- 合伙人/股东出资与分配记录
  Partner/shareholder contribution and distribution records
- 上一年度税表与K-1副本
  Prior-year return and K-1 copies

下一步 · NEXT STEP

如果您在准备今年的报税材料,或希望核实过去几年的海外账户申报是否合规,欢迎预约一次免费咨询,我们会根据您的具体情况给出建议。

If you're preparing this year's filing, or want to confirm whether past-year foreign account reporting was handled correctly, book a complimentary consultation and we'll advise based on your specific facts.

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