

**SECTION 206.
USE OF ITIN BY ILLEGAL ALIENS RESTRICTED.¹**

IRLI Comment: The IRS has testified that use of a government-issued ITIN is only permissible by non-resident aliens (as defined by the tax code, not immigration law) in connection with the processing of tax payments and tax returns. However, IRS believes Congress has not given it the statutory authority to punish persons who misuse ITINs for non-official purposes, including applications, establishing personal identity, or non-tax-related private and public transactions. Section 404 makes unofficial use not expressly authorized by the federal government a state misdemeanor.

(A) As used in this section, “individual taxpayer identification number” means a tax processing number issued by the United States Internal Revenue Service for the purpose of facilitating federal tax reporting by those individuals who are not eligible to obtain a federal social security number.

(B) It shall be unlawful for any person to offer in writing, to accept, or to record an individual taxpayer identification number as a valid form of identification for any public or private purpose other than the reporting, payment or other processing of federal or state personal taxation for which provision of a social security number would otherwise be required of a United States citizen.

(C) Penalty. [Violation of this shall be a misdemeanor...]

¹ Source: IRLI.