



GOVERNMENT OF ANTIGUA AND BARBUDA

Ministry of Finance

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INLAND REVENUE DEPARTMENT

CIRCULAR NO. 3 OF 2025

TO: ALL REPORTING FINANCIAL INSTITUTIONS (RFI)

DATE: 1ST OCTOBER 2025

CIRCULAR CONTENT - AEOI-CRS

SUBJECT: REQUIREMENTS FOR UNDOCUMENTED ACCOUNTS UNDER AEOI-CRS COMPLIANCE

Supersession and Purpose

This Circular supersedes all earlier versions of Circular No. 5 of 2024 and is issued to ensure full alignment with the **Common Reporting Standard (CRS)** as incorporated under the **Automatic Exchange of Financial Information Regulations, 2017**. This revision addresses feedback provided during the AEOI effectiveness assessment and clarifies Undocumented Accounts.

1. Definition of Undocumented Accounts

Undocumented accounts are those accounts for which the financial institution does not have the necessary documentation or information to determine the account holder's tax residency status as required under the CRS.

2. Identification of Undocumented Accounts

Financial institutions must conduct an assessment to identify accounts that lack adequate documentation, including:

- Accounts opened prior to the CRS implementation date that do not have complete self-certification forms, before 31 December 2016.
- Accounts where the provided information is insufficient or cannot be verified.

3. Due Diligence Procedures for Undocumented Accounts

Financial institutions must undertake the following due diligence procedures for undocumented accounts:

- **Initial Assessment:** Review account records to determine which accounts are undocumented and categorize them accordingly.
- **Outreach:** Contact account holders to request the necessary documentation to verify their tax residency status. This may include:
 - Requesting updated self-certification forms.
 - Asking for supporting documents such as government-issued ID or tax residency certificates.

3.A. Treatment of Undocumented Accounts (NEW!)

An account shall only be treated as an “*Undocumented Account*” in accordance with the definition set out under Section V(D)(2) of the Common Reporting Standard (CRS). Accordingly, an account may be classified as undocumented only where all of the following conditions apply:

1. The account is a Preexisting Account;
2. A “hold mail” instruction **or** “in care of” address is associated with the account and no other address or reliable indicia are available;
3. A self-certification or other documentary evidence cannot be obtained despite reasonable efforts; and
4. The RFI has taken active steps to obtain a self-certification or documentary evidence to determine the account holder’s tax residence but has been unable to do so.

For clarity, **accounts shall not be classified as undocumented solely on the basis that a valid self-certification has not yet been obtained**, or due to generally insufficient information, unless the conditions prescribed above are fully met.

RFIs must document all reasonable efforts taken to obtain a valid self-certification or other relevant documentation. Where the conditions required for treatment as an “Undocumented Account” are not met, the account must be treated as reportable based on indicia or escalated in accordance with CRS due diligence requirements.

4. Actions for Non-Responsive Account Holders

If account holders do not respond to requests for documentation within a specified period (e.g., 90 days), financial institutions must take the following actions:

- **Suspension of Transactions:** Temporarily suspend transactions on the account until the necessary documentation is provided.
- **Reporting as Undocumented:** Report the account as undocumented in the CRS reporting, including a note indicating that the account holder did not provide the required information.

5. Reporting Requirements

For undocumented accounts, financial institutions must report the following information:

- Account holder's name.
- Account number.
- Any available information, including TIN, if applicable.
- Indication that the account is undocumented, along with notes on outreach efforts.

6. Non-Compliance with Undocumented Account Requirements

Failure to address undocumented accounts properly may lead to penalties, including:

- Increased scrutiny from the IRD.
- Potential penalties in accordance with Section 10 of the AEOI Act 2016 against the financial institution.

7. Guidance for Financial Institutions

Financial institutions should ensure that:

- Staff are trained on the processes for managing undocumented accounts.
- Robust systems are in place for tracking outreach efforts and documenting responses from account holders.
- Regular reviews are conducted to ensure compliance with procedures related to undocumented accounts.

8. Conclusion

Managing undocumented accounts is a critical component of compliance with AEOI and CRS obligations. Financial institutions are urged to follow these guidelines diligently to ensure accurate reporting and minimize the risks associated with non-compliance.

For further information, please contact the AEOI/EOI Unit at the IRD at aeoi.information@ab.gov.ag. Please also refer to the relevant IRD's legal framework *the Automatic Exchange of Financial Information Act No. 11 of 2016 and the Automatic Exchange of Financial Information Act No. 18 of 2017* together with relevant amendments. The information has also been posted on the IRD website at <https://ird.gov.ag/index.php/fatca-and-crs>.