

## IBFD Online Course: Residence

### Learning objectives

- Identify the connecting factor between a taxpayer and a national tax system regarding the residence concept
- Recognize the variety of ways in which countries define the residence connection for individuals and companies
- Define the concept of dual residence and possible consequences of being a dual resident
- Distinguish residence for treaty purposes and apply the remaining treaty articles
- Differentiate complex issues related to residence

### Pre-requisites

This course provides an in-depth analysis of the concept of residence in the context of tax treaties. Participants should be familiar with the structure of tax treaties and their allocation rules in addition to the domestic law of at least one country, in particular as it relates to cross-border situations. Participants, particularly those with limited knowledge of tax treaties, are recommended to first complete the course ITA101 Fundamentals of Tax Treaties.

### Study time

Audio lessons: 1 hour 45 mins  
 Self study: 9 hours 30 mins  
 Further reading (optional): 12 hours 30 mins  
 Extra: video interview with international tax expert

### Advanced preparation

No advanced preparation is necessary. All required study material is provided in the online course.

### Course program

Lessons	Topics Covered
Lesson 1: <b>Importance of the residence concept</b>	<ul style="list-style-type: none"> <li>· Importance of residence under domestic law</li> <li>· Importance of residence for treaty purposes</li> <li>· Reliance of treaty definition on domestic law</li> </ul>
Lesson 2a: <b>Corporate residence in domestic law</b>	<ul style="list-style-type: none"> <li>· Function of residence under domestic law</li> <li>· Variety of definitions in domestic law, common residence tests</li> <li>· Risk of dual residence</li> <li>· Exceptions to use of residence – territorial systems</li> <li>· Whether residence is appropriate for companies</li> </ul>
Lesson 2b: <b>Individual residence in domestic law</b>	<ul style="list-style-type: none"> <li>· Importance of residence under domestic law</li> <li>· Variety of definitions in domestic law, common residence tests</li> <li>· Risk of dual residence</li> </ul>
Lesson 3: <b>Introduction to residence for treaty purposes</b>	<ul style="list-style-type: none"> <li>· Importance of residence for double taxation treaties</li> <li>· Interpreting the basic definition of residence in the OECD Model</li> <li>· Introduction to dual residence and role of tiebreaker</li> </ul>
Lesson 4a: <b>Treaty tie-breaker for companies</b>	<ul style="list-style-type: none"> <li>· Interpreting the tiebreaker provision in the OECD Model for dual resident companies</li> <li>· Issues raised by the current tiebreaker provision in the OECD Model</li> <li>· Current trends</li> </ul>
Lesson 4b: <b>Treaty tie-breaker for individuals</b>	<ul style="list-style-type: none"> <li>· Interpreting the tiebreaker provision in the OECD Model for dual resident individuals</li> <li>· Applying the tie-breaker provision</li> </ul>
Lesson 5: <b>Applying treaties to dual residents</b>	<ul style="list-style-type: none"> <li>· How to apply a treaty once dual residence has been resolved</li> <li>· Understand the relationship between dual residence and domestic law</li> </ul>
Revision quiz	<ul style="list-style-type: none"> <li>· Revise key concepts</li> </ul>

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Lesson 7: <b>Introduction to advanced topics</b>	<ul style="list-style-type: none"><li>· Exit taxes</li><li>· CFC and PFIF regimes</li><li>· LOB articles in treaties</li><li>· Triangular cases</li></ul>
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<i>Further reading</i>	<ul style="list-style-type: none"><li>· Core OECD and UN Texts (Model Article 4 and Commentaries)</li><li>· Articles introducing wider residence issues</li></ul>
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**Also included in this course:** *Prof. Hugh Ault, special advisor to the OECD, discusses the policy issues relating to residence*

- Why residence is such an important concept
- The source concept as an alternative basis for taxation
- The problem of increasingly mobile individuals
- Difficulty of applying residence concept to companies
- The treaty tiebreaker for individuals – possible privacy concerns

***How to register:***

To register for an IBFD online course, please visit [www.ibfd.org](http://www.ibfd.org) or contact [onlinecourses@ibfd.org](mailto:onlinecourses@ibfd.org)