

Tax residence and COVID-19

(Lecture P1219 – 15.54 minutes)

In August 2020, HMRC provided updated guidance on how COVID-19 restrictions will impact the statutory residence test for individuals. This latest guidance, which can be found in Para RDRM13410 of the Residence, Domicile and Remittance Basis Manual, is structured in a question-and-answer format and clarifies a number of matters.

The more important ones are summarised below.

If relief for exceptional circumstances has been claimed due to the closure of international borders, individuals must be able to demonstrate that they made every effort to leave once those restrictions had been lifted.

The 60-day limit for exceptional circumstances has not been extended.

Any day spent working in the UK for more than three hours counts as a UK workday, even if that day would otherwise be disregarded because it is part of a period covered by the exceptional circumstances test.

A non-UK resident who came to the UK to assist a vulnerable relative during the COVID-19 pandemic may qualify for exceptional circumstances relief, depending on the facts and circumstances of the case. HMRC state:

‘You will need to be able to demonstrate why it was necessary for you to come and remain in the UK to provide support for a vulnerable member of your family.’

For the purposes of the family tie, children will still be considered to be in full-time education, despite the fact that their schools were closed for the summer term. It is assumed that their education continued over this period, albeit in a different environment.

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