

Wage Withholding Tax



Introduction

The Income Tax Law of Afghanistan 2009 has changed some of the applications of the wage withholding tax. This guide will explain those changes and help you in complying with the law.

Note

There are no fees or charges payable to the Ministry of Finance or its Revenue Department or the Mustufiat for any Tax Guides or Forms or at any stage of the tax assessment, collection or enforcement process.



Who must withhold?

Legal persons and natural persons (individuals) with two or more employees during any month of the tax year are required to withhold tax from employees whose income exceeds the threshold, discussed later (Article 58 Income Tax Law). Legal persons include partnerships, corporations, limited liability companies, organizations, agencies, ministries and other national or local government agencies and departments, enterprises of the State and municipalities, and charitable institutions.

What payments are subject to withholding?

Payments to employees in the form of salaries and wages for work provided are subject to withholding. Salaries and wages include: regular pay for services, overtime pay, cash allowances provided by the employer to the employee (including, but not limited to, food allowances and transportation allowances), and non-cash payments for services. For more detailed information regarding which payments are subject to withholding, see Public Ruling 1384/6

posted on the Ministry of Finance website at www.mof.gov.af/tax

Who is subject to withholding?

All resident and non-resident employees working in Afghanistan whose salaries and wages exceed the tax threshold of 5000 afghanis (or equivalent in foreign currency) per month or equivalent prorated amounts for those paid on alternate payroll periods. Non-resident employees are exempt from withholding if their home country provides the same exemption to residents of Afghanistan. Resident and non-resident employees of foreign governments and international organizations are subject to tax based on existing agreements, treaties or protocols with the State.

Who is an employee? Who is an independent contractor?

It is important to distinguish between employees and independent contractors for tax purposes. Employees will be liable to wage withholding tax while independent contractors will not. Independent contractors will however still be liable to annual income tax.

The Income Tax Law 2009 does not provide a definition of employee or independent contractor. Instead, it is a question of fact decided on the basis of the nature and circumstances of the provision of an individual's services rather than solely on the contract itself or the terms used in a contract. Other factors taken into account include the degree of control over the manner of the work, the payment arrangement, flexibility of place of work, reporting, provision of tools and equipment, duration of relationship, etc.

For more detailed information regarding the determination of employee or independent contractor status for tax purposes, see Public Ruling 1385/5 posted on the Ministry of Finance website at www.mofgov.af/tax.

Who is a resident? Who is a non-resident?

According to the Income Tax Law, a natural person is a resident of Afghanistan (Article 2) for the tax year if:

- 1) The person has his or her principal home in Afghanistan at any time during the year; or
- 2) The person is present in Afghanistan for a

- period of 183 days in the tax year; or
- 3) The person is an employee or an official of the Government of Afghanistan posted abroad at any time during the tax year.

Worldwide income is taxable in Afghanistan for all residents.

Non-residents are those people who do not meet the above requirements. All Afghan-source income is taxable for non-residents. Afghan-source income is defined as any income directly produced in Afghanistan or paid for services provided in Afghanistan regardless of the period over which those services were provided.

Example 1: Joe Brown is a resident of the United Kingdom where he maintains his principal home.

Example 2: Abdul Nasri is an Afghan national who lives in Dubai. He spent three months in Kabul working for the same British firm as Mr. Brown. Since he does not maintain his principal home in Afghanistan, was not in the country for at least 183 days, and is not an employee of the Afghan government, he is considered a non-resident. However, his wages for work in Afghanistan are considered Afghan-source income and subject to tax. The British firm is required to withhold tax on his wages and pay the tax to the Afghan government.

What is the rate of withholding?

Effective as of 1 Hamal 1388, the new tax law reduced the monthly exemption from 12,500 afghanis to 5000 afghanis (or prorated share for alternate payroll periods) per person. The tax law also added a 2% tax bracket. The Income Tax Law (Article 4) provides a monthly schedule of withholding rates.

For monthly payrolls

Income more than	Income up to	Tax
0	5,000	0%
5,000	12,500	2% of amount over 5,000
12,500	100,000	150 + 10% of amount over 12,500
100,000		8,900 + 20% of the amount over 100,000

Employees paid on alternate payroll schedules (weekly, semi-monthly, etc.) are subject to withholding according to the following prorated schedules, which are based on the monthly schedule.

For semi-monthly payrolls

Income more than	Income up to	Tax
0	2,500	0%
2,500	6,250	2% of amount over 2,500
6,250	50,000	75 + 10% of amount over 6,250
50,000		4,450 + 20% of the amount over 50,000

For bi-weekly payrolls

Income more than	Income up to	Tax
0	2,308	0%
2,308	5,769	2% of amount over 2,308
5,769	46,154	69 + 10% of amount over 5,769
46,154		4,108 + 20% of the amount over 46,154

For weekly payrolls

Income more than	Income up to	Tax
0	1,154	0%
1,154	2,885	2% of amount over 1,154
2,885	23,077	35 + 10% of amount over 2,885
23,077		2,054 + 20% of the amount over 23,077

For daily payrolls

Income more than	Income up to	Tax
0	164	0%
164	411	2% of amount over 164
411	3,288	5 + 10% of amount over 411
3,288		293 + 20% of the amount over 3,288

How is wage withholding tax calculated?

Wage withholding tax is calculated based on the above tables. Determine which payroll period you use. For each employee, look at the total salary (including taxable benefits). If it is in excess of the highest threshold (100,000 for monthly payroll, 50,000 for semi-monthly payroll, etc.), use the fourth row of the appropriate schedule. If the total salary (including taxable benefits) is more than the next highest threshold (12,500 monthly, 6,250 semi-monthly, etc.), but does not exceed the highest threshold, use the third row of the appropriate schedule. If the total salary (including taxable benefits) is more than the lowest threshold (5,000 monthly, 2,500, semi-monthly, etc.), but does not exceed the second lowest threshold, use the second row of the appropriate schedule. If the total salary is less than the lower threshold, there is no withholding requirement.

Example 3: Abdullah earns 20,000 afghanis per month. His monthly withholding rate would be 900 afghanis based on the following calculation from the third row of the monthly payroll table:

$$\begin{aligned}20,000 - 12,500 &= 7,500 \\7,500 \times 10\% (0.1) &= 750 \\750 + 150 &= 900\end{aligned}$$

Example 4: Joe Brown from example 1 earns the equivalent of 55,000 afghanis twice a month. His withholding rate would be 5,450 afghanis on a semi-monthly basis based on the following calculation from the fourth row of the semi-monthly payroll table:

$$\begin{aligned}55,000 - 50,000 &= 5,000 \\5,000 \times 20\% (0.2) &= 1,000 \\1,000 + 4,450 &= 5,450\end{aligned}$$

When does the tax withheld have to be paid?

The employer is required to remit to the State the amount withheld no later than 10 days after the end of the month in which the amounts were withheld (Article 60).

Example 5: ABC Inc., a foreign firm, pays its foreign employees working in Afghanistan bi-weekly. However, the firm pays its local employees on a monthly basis. The firm would be required to withhold from each group of

employees on each separate pay date, but file and pay the withheld tax within ten days of the end of the month.

Example 6: XYZ Inc., another foreign firm, pays its foreign employees semi-monthly and its local employees monthly. This firm would also have one filing requirement per month.

How is wage withholding tax reported?

Annual salary and tax statement: The employer must give each employee an annual salary and tax statement showing the employer's name, address and employer Taxpayer Identification Number (TIN); the employee's name, address, and employee's TIN; and the amount of the employee's total salary or wage, as well as the amount withheld. A copy of this annual statement will be forwarded to the Ministry of Finance as well (Article 61).

Annual summary report of tax withheld: The employer will file an annual summary of all wages or salaries paid to all employees during the tax year and all taxes withheld (Article 61).

Wage withholding report and deposit form: This form must be completed and filed within 10 days of the end of the month in which the salaries were paid, reporting total wages or salaries paid for the month and taxes withheld. Payment is due in afghanis at Da Afghanistan Bank with the form (Article 60).

What is the employee's responsibility?

If the employee has only one job they have no further responsibility or filing requirements. The Ministry of Finance will receive the appropriate information through the employer's annual summary report filing.

If the employee has any other income (including, but not limited to, another job, self-employment, dividends, rental income, etc.) he must file an individual income tax return and calculate his total tax for the year. He will be able to take credit for any tax withheld against his total tax liability (Article 63).

Talking to your employees about withholding tax

Changes to the tax law changes and tax rates, have resulted in higher amounts of withheld

tax for many employees, and new withholding requirements for many more. It is important to explain to employees that the income tax requirement has been a part of Afghan tax law for years, and that compliance with the withholding tax is a legal requirement under the Income Tax Law 2009.

If your employees have questions regarding the wage withholding specifically, or income tax filing in general, please direct them to contact the Afghanistan Revenue Department. If you would prefer to have a representative of the Afghanistan Revenue Department come to your place of business to address your employees regarding these or other tax issues, please contact the Revenue Department or Mustufiat to arrange a convenient time.

Enforcement provisions

Failure to comply with the requirements of the Income Tax Law may result in the Ministry of Finance using administrative powers within the tax law to ensure compliance. These provisions are contained in Chapters 14 and 16 of the Income Tax Law and include fines, penalties and imprisonment.

Tax forms and information



For tax forms, guides, other information and assistance, you can visit the Afghanistan Revenue Department, your local Mustufiat Office, or the Tax Information Page at www.mof.gov.af/tax where you can also find and download the Income Tax Law 2009.



Note

The Taxpayer Information Page at www.mof.gov.af/tax makes it easy for taxpayers to find and download useful information to meet their needs. Here the taxpayer can find the Income Tax Law 2009, various public announcements and rulings, forms, along with instructions for completing same, guides, archived documents, Questions & Answers regarding wage withholding tax, and more. The page also includes an Income Tax Manual. The manual discusses separately each article of the law, along with relevant regulations, often with helpful examples.

1389

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