

TAX COMPLEXITY: STRATEGIC TAX PLANNING FOR IMMIGRANT ENTREPRENEURS IN THE UNITED STATES

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ABSTRACT

Immigrant entrepreneurship has long played a vital role in the economic development of the United States, with foreign-born individuals demonstrating higher rates of business creation than native-born citizens. However, immigrant entrepreneurs face unique challenges when navigating the U.S. tax system. This article explores the importance of tax planning as a legal and strategic necessity for immigrant-founded businesses. It highlights key regulatory hurdles, such as entity classification, residency determination, and international financial disclosures, emphasizing the role of proactive planning in ensuring compliance and sustainability. Furthermore, the paper identifies support mechanisms and fiscal incentives available to mitigate risks and promote inclusive economic participation. Through a combination of empirical insights and policy analysis, the article underscores tax planning as not merely a compliance tool, but as a catalyst for immigrant entrepreneurial success in the United States.

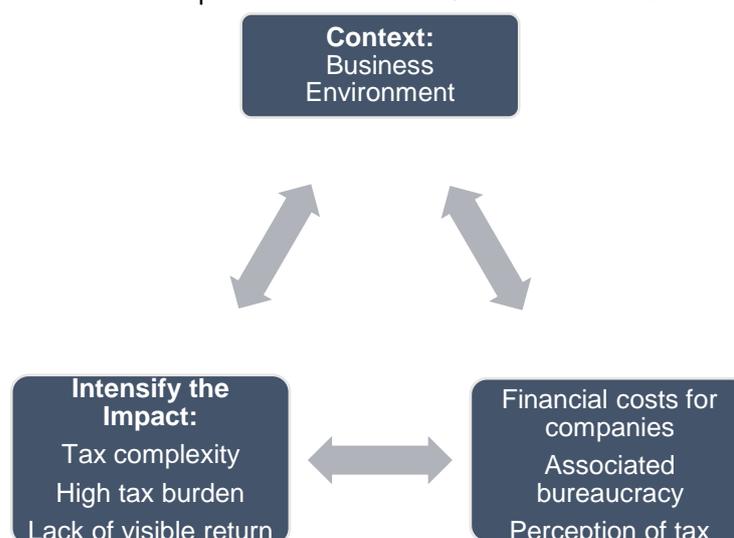
Keywords: Immigrant entrepreneurship. Tax planning. IRS compliance. Small business. U.S. tax system. International finance.

INTRODUCTION

Immigrant entrepreneurship has long been a key driver of economic growth in the United States. Research shows that immigrants exhibit higher rates of entrepreneurial activity than native-born citizens, contributing significantly to innovation and job creation in the country (Chodavadia *et al.*, 2024). Nevertheless, beyond the conventional challenges of launching a business, immigrant entrepreneurs face distinct barriers within the tax landscape. Effective tax planning is crucial to ensure compliance with Internal Revenue Service (IRS) regulations and to support the long-term sustainability of their business ventures. This article explores the role of tax planning in the success of immigrant-owned enterprises, analyzes IRS enforcement practices, and proposes strategies to reduce tax-related risks.

The schematic summary presented in Figure 1 illustrates how the tax environment directly influences the creation of new businesses. Inserted in the broader context of the business environment, the tax system affects entrepreneurs through direct financial costs, bureaucratic requirements and the perception of tax fairness. These impacts are intensified by factors such as the complexity of the tax system, the high tax burden and the lack of visible return on taxes paid, which discourages mainly micro and small entrepreneurs. Thus, poorly designed and difficult to understand taxes can inhibit the emergence of new ventures, while a simpler, more transparent and balanced system can act as a facilitator of entrepreneurship.

Figure 1: Flow of the Impact of Taxes on the Creation of New Businesses.



Source: Pratama (2023).

Tax planning is a critical component for the sustainability of immigrant-founded enterprises in the United States, particularly given the complexity of the tax system and local regulatory demands. While public initiatives exist to promote immigrant entrepreneurship, significant barriers persist, including limited access to credit, restricted support networks, and difficulties navigating the regulatory environment (Chiswick & Miller, 2014). The Internal Revenue Service (IRS) enforces strict compliance mechanisms, requiring entrepreneurs to adopt tax strategies that include proper legal structuring of their businesses, optimization of deductions, and accurate reporting of foreign-sourced capital. In this context, proactive and cross-sectoral tax planning becomes indispensable to ensure the viability and longevity of immigrant entrepreneurial ventures in the U.S. market (Azoulay et al., 2022).

The U.S. tax system is complex, involving federal, state, and local taxes. Immigrant entrepreneurs often newly arrived must understand not only business and labor laws but also the specific tax regulations applicable to their type of business, whether it be a Limited Liability Company (LLC), S-Corporation, or C-Corporation (IRS, 2023). Among the main challenges is obtaining an Employer Identification Number (EIN), which is required for tax filing and formalizing banking operations. Another critical issue is choosing the right tax structure: while an S-Corporation offers tax advantages by allowing profits and losses to be reported directly on individual tax returns, it imposes restrictions on the types of shareholders permitted a potential hurdle for immigrants in certain immigration situations (Lora, Nassau & Rock, 2022).

It is important to emphasize that immigrants must also be aware of the rules regarding "tax residency." According to the IRS, a foreign national may be considered a tax resident if they stay in the U.S. for more than 183 days in a year, which triggers the obligation to report worldwide income (IRS, 2023). The IRS has intensified enforcement efforts, particularly concerning international money transfers and income reporting for small businesses. Immigrants bringing capital from abroad must properly disclose it through forms such as the FBAR (Foreign Bank Account Report) and Form 8938 (Statement of Specified Foreign Financial Assets) (IRS, 2023).

Failure to comply with tax obligations can result in severe penalties and, in more serious cases, immigration complications including the risk of deportation (Lora, Nassau & Rock, 2022). Entrepreneurs should therefore adopt strict documentation practices, maintain proper accounting records, and consider hiring accountants specialized in international tax law.

To mitigate risks, immigrant entrepreneurs should invest in tax planning from the moment they establish their business. Choosing the right corporate structure is crucial for optimizing tax burdens and protecting personal assets. Additionally, taking advantage of tax credits such as the Small Business Health Care Tax Credit and local small business incentives can help ease the initial tax burden (Malki, Uman & Pittino, 2022).

Tax education is another crucial aspect. Programs offered by organizations such as the Small Business Administration (SBA) and the Service Corps of Retired Executives (SCORE) help immigrants understand tax obligations, filing deadlines and legally structured forms of financing.

In addition to the formal tax aspects, immigrant entrepreneurs face financial and cultural integration challenges that directly impact the effectiveness of tax planning. According to Fairlie (2012), unfamiliarity with tax terminology, language barriers and distrust of financial institutions can delay the formalization of businesses, making it difficult to comply with tax obligations and access government incentives. These barriers are even more pronounced in immigrant communities with low incomes or lower levels of education.

Finally, it is necessary to consider the geographical and sectoral impacts. States like California, New York and Texas have local policies that directly affect small business taxation. For example, the New York State Minority and Women-Owned Business Enterprise (MWBE) Certification offers tax incentives and priority access to public contracts, but requires strict compliance with state tax regulations (NY Empire State Development, 2023).

Faced with such complexity, tax planning should not just be seen as a technical mechanism, but as an integral part of the strategy for growth, sustainability and legitimacy of immigrant businesses in the US. The success of immigrant entrepreneurs is intrinsically linked to their ability to navigate the country's complex tax system. Tax planning, more than a financial efficiency practice, is an essential strategy for legal compliance and protection against tax and immigration risks. The actions of the Federal Revenue Service are rigorous, requiring entrepreneurial immigrants to be attentive to reporting obligations, accounting documentation and transparency in the movement of international capital. Investing in tax education and specialized advice are promising ways to promote the economic inclusion and prosperity of immigrant businesses.

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