

International Tax

Overview

Carlton Fields handles international tax matters of all types, including tax planning for U.S.- and non-U.S. multinationals, structuring inbound and outbound business and real estate investments, and handling international tax controversies before the U.S. Internal Revenue Service and in the courts. We represent major companies with worldwide operations as well as small companies with local operations and global expansion plans. We also advise domestic and foreign high net worth individuals, trusts, and entities on federal, state, and local tax laws applicable to conducting business in the United States and abroad. Our goal is always to minimize worldwide tax consequences for our clients.

Our tax advice to multinational clients covers a wide range of cross-border business activities, including:

- Group planning for multinational corporations
- Inbound and outbound direct investments
- Mergers and acquisitions
- Post-acquisition restructuring
- International joint ventures
- Intellectual property development and migration
- Tax controversies
- International securities offerings
- Private equity fund formation and investment
- Cross-border employee transfer planning
- International trusts and estates planning, administration, and litigation
- Pre-immigration and expatriation tax planning

We have particular experience in the following substantive areas.

Outbound Investments

We advise individual and corporate clients in the United States that are seeking to expand their operations abroad, either alone or through joint ventures with foreign businesses. We advise clients on outbound transaction strategies to minimize taxes in the host country, minimize withholding taxes on repatriation of earnings, maximize creditability of foreign taxes against U.S. tax liability, and plan for tax-efficient exits. We have significant expertise with respect to anti-deferral rules under the controlled foreign corporation (CFC) and passive foreign investment company (PFIC) regimes. We have gained significant experience advising clients under new complex provisions concerning the foreign-derived intangible income (FDII) deduction, and global intangible low-taxed income (GILTI) under recently enacted tax legislation.

Inbound Investments

We represent foreign individuals, corporations, and institutions that wish to make an investment in or expand their existing operations in the United States. The issues we advise on include choice of entity, permanent establishment exposure, qualification for treaty benefits, minimization of dividend withholding or branch profits tax, earnings-stripping limitations, and tax-efficient financing structures using portfolio interest debt. We also represent foreign investors in U.S. real estate transactions and advise on issues related to compliance with tax withholding obligations and mitigate the burdens imposed by the Foreign Investment in Real Property Tax Act (FIRPTA). We advise companies on the implications of the recently enacted base erosion and anti-abuse tax (BEAT).

International Trusts and Estates

Our attorneys represent clients in all aspects of international trust and estate planning. For non-U.S. clients, we advise on inbound transfers of wealth and issues bearing on U.S. or multijurisdictional estate tax residency. We help them form both domestic trusts and offshore trusts, including domestic trusts that are intentionally designed to be characterized as foreign trusts for U.S. federal income tax purposes. We also help our nonresident clients form offshore trusts in jurisdictions that are not on the so-called black list issued by the nonresident client's country of residence. We have considerable expertise advising U.S. clients who are beneficiaries of foreign trusts and estates with respect to U.S. compliance issues and mitigating the adverse consequences of the so-called throw-back rules associated with foreign nongrantor trusts.

Tax Controversy/Disputes

We represent clients in international tax controversy matters during all phases of the dispute resolution process including audits, appeals, mediation, and litigation. Our federal tax controversy experience covers a wide range of substantive issues, including Section 482 allocations, foreign tax credits, Subpart F issues, sourcing and expense allocation, income tax treaties, tax accounting issues, debt versus equity issues, valuation disputes, deductibility of captive insurance premiums, and reorganization issues. We have represented numerous clients with respect to offshore holdings under various iterations of the IRS voluntary disclosure program and have defended clients against foreign bank account report (FBAR) penalties imposed under the Bank Secrecy Act.

Insights

05.11.2021

Les Obligations Fiscales et Formulaires Fiscaux aux États-Unis

07.31.2018

Cost-Sharing Regulations Revived By Ninth Circuit

04.20.2018

Get Ready: IRS to End OVDP

01.25.2018

A Day of Reckoning for Recalcitrant Taxpayers?

11.22.2017

How to Manage Foreign Trusts With U.S. Beneficiaries

10.06.2017

BEPS Developments Usher in New Era of International Taxation

10.03.2017

Comprehensive Tax Reform in the News: The Republican Framework Released

08.29.2017

Statute of Limitations and International Reporting Obligations – Be Sure to Close the Door!

08.22.2017

Foreign Partner's Gain on Disposition of U.S. Partnership Interest Is Not Taxable

Our Team

Key Contacts



Rahul P. Ranadive

SHAREHOLDER

Additional Members



Daniel A. Badovinac

SENIOR COUNSEL

Miami

📞 305.539.7327



Thomas F. Morante

SENIOR COUNSEL

Miami

📞 305.539.7252

Related Capabilities

Practices

- Corporate Law and Governance
- Estates, Trusts and Probate
- Immigration Planning and Compliance
- Intellectual Property
- International
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Securities Transactions and Compliance

- Tax
- Tax Litigation & Controversy
- International: Latin America
- International: Europe
- International: Cuba
- International: Brazil
- International: Asia
- International Litigation & Arbitration
- Investment Funds
- International: Mexico
- Captive Insurance