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**EXPANDING TO THE US:
VISA & LEGAL STRUCTURES MINI GUIDE**

A Practical Playbook for UK Scale-Ups

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1

Why Timing and Structure Matter





Why Timing and Structure Matter

The US offers huge potential for UK scale-ups — but getting the visa and legal structure right early on can make or break your expansion.

Many businesses underestimate how intertwined these two elements are:

- Your corporate structure affects what visa categories are available.
- Your visa strategy influences who can work, where, and how fast you can launch.
- Both determine how you manage tax, payroll, and liability from day one.



Caxton insight:

Treat visa planning as part of your corporate strategy, not an afterthought. Start early and coordinate across legal, HR, and finance teams.

2

Choosing the Right US Entity Structure



Expert view – Jason Walker, **Cross Border Financial Planning**:

“The structure you choose affects not just tax — but your entire US growth trajectory. Plan with the *long term* in mind.”



Choosing the Right US Entity Structure

Your US entity type affects everything — from investor perception to tax exposure and liability.

Here are the most common options for UK firms:

Structure	Best for	Key Advantages	Key Considerations
LLC (Limited Liability Company)	Early-stage operations; flexible ownership	Simple setup; pass-through taxation; lower admin burden	Not ideal for raising equity; can complicate UK tax treatment
C-Corporation	Venture-backed or growth-stage scale-ups	Recognised by US investors; easier for share options; separates liability	Double taxation; higher compliance
Branch Office	UK business testing the market	Simple to register; direct link to UK parent	No legal separation; UK company liable for US obligations
Subsidiary	Larger or established operations	Clear separation; credibility with banks, investors, and regulators	Higher setup and ongoing compliance costs

3

Visa Pathways for UK Businesses



Expert view – Janice Flynn, **Flynn Hodkinson**:

“Timing is critical — you can’t retrofit a visa strategy once operations are live. Build immigration planning into your expansion timeline from *day one*.”



Visa Pathways for UK Businesses

There's no single "business visa" — the right option depends on the role, ownership, and purpose. Janice Flynn, US immigration specialist at Flynn Hodkinson, outlines the main routes:

Visa Type	Best For	Key Advantages
E-2 Investor Visa	UK owners investing in a US entity	Requires "substantial" investment in a US business and active management involvement. Renewable every 2-5 years.
L-1 Intra-Company Transfer	Key staff transferring from UK to US entity	Ideal for executives/managers of an established UK company opening a US branch/subsidiary.
B-1 Business Visitor	Short-term business travel (meetings, setup)	Allows market visits and initial planning, but not employment or service delivery.
H-1B Specialty Occupation Visa	Hiring skilled professionals	Requires sponsorship by the US entity; subject to annual quota and lottery.
O-1 Extraordinary Ability Visa	Senior specialists or founders	For individuals with proven track record in their field (awards, media, funding, patents).

4

Common Legal Pitfalls to Avoid





Common Legal Pitfalls to Avoid



Leaving US incorporation too late. Without a registered entity, you can't open a US bank account, sponsor visas, or hire employees.



Assuming UK contracts work in the US. US law varies by state – ensure contracts and employment agreements are drafted locally.



Ignoring IP protection. Trademarks and patents don't automatically transfer from the UK. File separately with the USPTO.



Forgetting liability insurance. Litigation risk in the US is higher – secure Directors' & Officers' (D&O) and general liability cover early.

5

Your Legal & Visa Readiness Checklist





CHECKLIST

Your Legal & Visa Readiness Checklist

- ✓ Define your entry structure (LLC, C-Corp, or subsidiary).
- ✓ Register your US entity before hiring or visa sponsorship.
- ✓ Identify which staff will relocate and start visa planning at least 6 months out.
- ✓ Draft US-compliant employment contracts and NDAs.
- ✓ File for IP protection and review liability cover.
- ✓ Align your US and UK tax and compliance calendars.

6

Partnering for Success



Partnering for Success

Navigating visas and legal setup isn't a solo effort — it requires coordination across multiple expert areas.



Simplifies international payments, FX risk, and cross-border financial operations.



Cross-jurisdictional structuring and investment planning.



US immigration and visa strategy for founders and key personnel.



US hiring, HR, and EOR solutions.



Tax, audit, and compliance for US operations.



Caxton insight:

When your payments, people, and paperwork all align, expansion stops being a risk — and starts being a growth strategy.

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