

Coming to America?—Applying Bankruptcy Code Section 109(a) to Vet Foreign Companies Filing US Bankruptcy Cases Under Chapter 15

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Chapter 15 of the US Bankruptcy Code provides a doorway for non-US companies to obtain creditor protection and other benefits of a US bankruptcy in support of insolvency proceedings for those companies in their “home” jurisdictions. But how wide open is that doorway? Recent decisions interpreting section 109(a) of the US Bankruptcy Code in the chapter 15 context provide answers—but not necessarily consistent ones—to this question.

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