

# IMMIGRATION THROUGH INVESTMENT

The Immigrant Investor Visa: EB-5

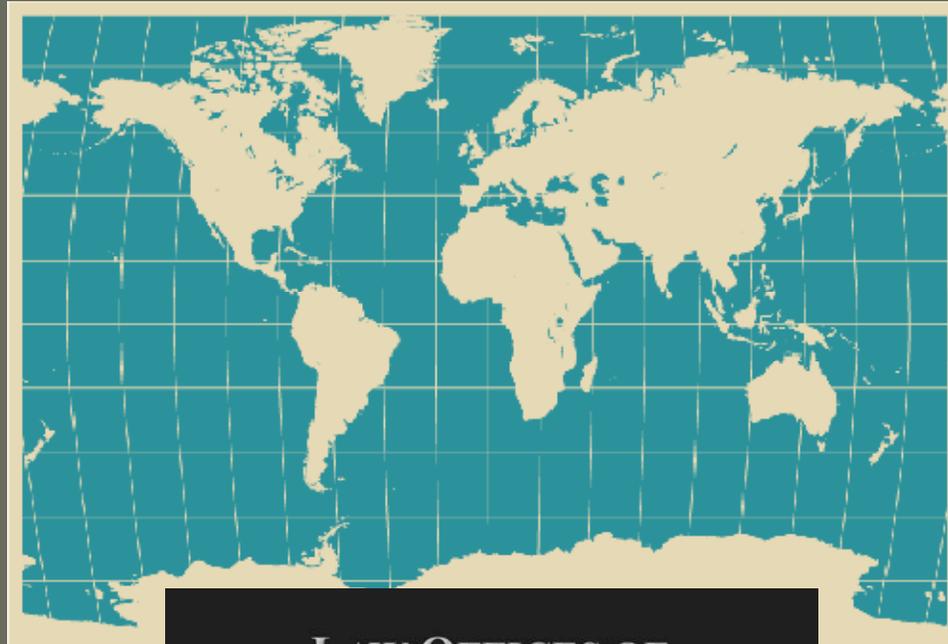
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## What is the EB-5 Visa?

It is an immigrant investor visa available to qualified individuals seeking permanent residence status on the basis of their investment in commercial enterprise.

# Qualifications

➤ Establish a new commercial enterprise by creating an original business, purchasing an existing business or reorganizing the business such that a new commercial enterprise results. Or, if investment is in an approved Regional Center, by investing in a regional center.



- Invested – or be actively in the process of investing – in a new commercial enterprise at least \$500,000 or \$1,000,000.
- Invest in a commercial enterprise which will benefit the United States economy and create full-time employment for more than 10 individuals.
- Prove the investment comes from a lawful source of funds

# Eligibility

In general, "eligible individuals" include those who invest in a commercial enterprise by:

- Creating an original business;
- Purchasing an existing business and simultaneously or subsequently restructuring or reorganizing the business such that a new commercial enterprise results; or
- Expanding an existing business by 140 percent of the pre-investment number of jobs or net worth, or retaining all existing jobs in a troubled business that has lost 20 percent of its net worth over the past 12 to 24 months;



# Eligibility

(Continued)

- Create full-time employment for not fewer than 10 qualified individuals; or
- Maintain the number of existing employees at no less than the pre-investment level for a period of at least two years, where the capital investment is being made in a "troubled business," which is a business that has been in existence for at least two years and that has lost 20 percent of its net worth over the past 12 to 24 months.



# Requirements

- Establishing a new commercial enterprise
- Investing the requisite capital amount,
- Proving the investment comes from a lawful source of funds,
- Creating the requisite number of jobs,
- Demonstrating that the investor is actively participating in the business; and, where applicable,
- Creating employment within a targeted employment area.



# Conditional Residence



- Once the petition is approved, immigrant investors may obtain status as a conditional resident by:
- Filing the Application to Register Permanent Residence or Adjust Status, if residing within the United States; or,
- Applying for an immigrant visa at a U.S. Consulate abroad, if residing outside the United States.
- In order to become a lawful permanent resident, eligible investors must file a Petition by Entrepreneur to Remove Conditions, 90 days before the second anniversary of an Alien Investor's admission to the United States as a conditional resident.

# Multiple Investors

The establishment may be used as the basis of a petition for classification as an alien entrepreneur by more than one investor, even though there are several owners of the enterprise, including persons who are not seeking classification and non-natural persons, both foreign and domestic, provided that the source(s) of all capital invested is identified and all invested capital has been derived by lawful means.



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