

ENTREPRENEUR PATHWAYS

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The Entrepreneur in Residence (EIR) Initiative

On October 11, 2011, USCIS Director Alejandro Mayorkas announced a new initiative to harness industry expertise from the public and private sectors and increase the job creation potential of employment-based and high-skilled visa categories. Called ‘Entrepreneurs in Residence’, the initiative built upon a series of policy, operational, and outreach efforts within the framework of existing immigration laws. The EIR program was part of a wider White House and Department of Homeland Security (DHS) effort to grow the U.S. economy and create American jobs.

USCIS focused the EIR initiative on streamlining the immigration process for foreign entrepreneurs. Visit the EIR website to learn more about the EIR initiative, the EIR Tactical Team, and the Tactical Team’s accomplishments to date.

Getting Started

U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees immigration to the United States. USCIS seeks to secure America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, and ensuring the integrity of our immigration system. The Getting Started tool provides you with a high-level overview of the immigration process, from the perspective of an entrepreneur seeking to start a business in the United States.

In its outreach program and to engage with USCIS, it is stated that to realize our current immigration system’s full potential to attract and retain startup enterprises that promote innovation and spur job creation in America, U.S. Citizenship and Immigration Services (USCIS) is committed to continued engagement with the entrepreneurial community.

USCIS launched the EIR initiative with an information summit in Silicon Valley where stakeholders from the entrepreneurial community shared their feedback on USCIS policies and procedures affecting foreign entrepreneurs. The information gathered at this summit has informed the work of the EIR team.

In 2013, USCIS will host four engagements across the country to learn more about the startup community and to receive feedback on our services. These engagements will provide a forum for entrepreneurs to raise questions and concerns; share ideas to

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help USCIS better understand the issues affecting entrepreneurs in local communities; and validate the effectiveness of the resources that USCIS has developed, such as the [Entrepreneur Pathways page](#).

USCIS will host one engagement per quarter throughout the year. The tentative schedule for these engagements is:

Location	Date
Austin, TX	February 2013
Boston, MA	May 2013
TBD	August 2013
TBD	November 2013

USCIS has provided Entrepreneur Nonimmigrant Visa Guide for the Foreign Entrepreneurs.

Below is a memo of potential visa pathways that may allow foreign entrepreneurs to explore or start a new business in the United States. If you are new to the immigration process, we recommend that you read through our [Getting Started](#) info first. For a complete list of nonimmigrant and immigrant visa pathways, please visit www.uscis.gov.

Choose a visa category to learn if you might qualify.

B-1 Business Visitor

You may be eligible for a B-1 visa if you are coming to the United States as a business visitor in order to secure funding or office space, negotiate a contract, or attend certain business meetings in connection with opening a new business in this country.

Initial period of stay in the United States: Generally up to 6 months. Extensions possible.

F-1/OPT Optional Practical Training

You may be eligible for Optional Practical Training (OPT) if you are an F-1 student in the United States and you seek to start a business that is directly related to your major area of study. However, students in English language training programs are ineligible for OPT.

Maximum possible work authorization: An F-1 student may be authorized for up to 12 months of OPT, and become eligible for another 12 months of OPT when he

or she seeks another post-secondary degree. An F-1 student with a qualified Science, Technology, Engineering or Mathematics (STEM) degree may apply for a 17-month extension of post-completion OPT.

H-1B Specialty Occupation

You may be eligible for an H-1B visa if you are planning to work for the business you start in the United States in an occupation that normally requires a bachelor's degree or higher in a related field of study (e.g., engineers, scientists or mathematicians), and you have at least a bachelor's degree or equivalent in a field related to the position.

Initial period of stay in the United States: Up to 3 years. Extensions possible in up to 3 year increments. Maximum period of stay generally 6 years (extensions beyond 6 years may be possible).

O-1A Extraordinary Ability and Achievement

You may be eligible for an O-1A visa if you have extraordinary ability in the sciences, arts, education, business or athletics, which can be demonstrated by sustained acclaim and recognition, and you will be coming to the United States to start a business in your field. Extraordinary ability means you have a level of expertise indicating you are one of the small percentage of people who have risen to the very top of your field.

Initial period of stay in the United States: Up to 3 years. May extend or renew the period of stay in 1 year increments as necessary to complete or further the event or activity.

E-2 Treaty Investor

You may be eligible for an E-2 visa if you invest a substantial amount of money in a new or existing U.S. business, and are from a country that has a treaty of commerce and navigation with the United States or a country designated by Congress as eligible for participation in the E-2 nonimmigrant visa program. For a list of treaty countries, visit the [Department of State](#). Unfortunately, India does not have a treaty with the U.S. and therefore, nationals of India do not qualify for E visa.

Initial period of stay in the United States: Up to 2 years. May extend or renew the period of stay in 2 year increments indefinitely.

L-1 Intracompany Transferee

You may be eligible for an L-1 visa for "intracompany transferees" if you are an executive, manager, or a worker with specialized knowledge who has worked abroad for a qualifying organization (including an affiliate, parent, subsidiary or branch of

your foreign employer) for at least one year within the 3 years preceding the filing of your L-1 petition (or in some cases your admission to the United States) and the organization seeks to transfer you to the United States to open a qualifying new office in one of the capacities listed above.

Initial period of stay in the United States: Up to 3 years (1 year for new office petitions). Extensions possible in up to 2 year increments. Maximum period of stay: 7 years for managers and executives; 5 years for specialized knowledge workers.

Entrepreneur-In-Residence website portal is announced by the CIS. While the site does neatly summarize the nonimmigrant and immigrant options open to a limited class of well financed business persons, it provides no new routes or interesting ideas for most of the promising young minds the US should be striving mightily to keep.

Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. deals extensively with graduates of the very top U.S. universities, probably the most fertile source of entrepreneurial talent in the world, to whom the site offers little.

We wish to advise our readers that Attorneys Michael Phulwani and David Nachman will be visiting India and available for meetings in January/February 2013.

For more information, please feel free to contact the immigration and nationality lawyers at the NPZ Law Group at 201-670-0006 or by e-mailing us at info@visaserve.com.