

E-2/EB-5 Investor Visa- Criteria

Investor wants to buy or create a US business and want to stay here on a temporary or long term basis. What are their options?

E-2 nonimmigrant visa

Requirements:

1. Investor must have invested or is in the process of investing a substantial amount of capital in a bona fide enterprise in the United States;
2. Is seeking to enter solely to develop and direct the enterprise;
3. At least 50% of the US enterprise is owned by the investor and/or persons of same nationality as investor;
4. Investor must be a citizen of a country that has signed a qualifying treaty with the United States;
5. The US business must be an active and operating business that produces services or goods for profit and is conducting business in the US.

Typically E-2 status is for a two year period but when you enter the US depends from which country your visa could be for five years.

EB-5 Immigrant Visa

Basic Requirements- Stand Alone EB-5:

1. Foreign investor must invest \$1,050,000 dollars in a US business new or in existence;
2. Foreign investor must create 10 full time jobs through his investment;

If investment is in a targeted employment area (TEA) (i.e. one that has experienced unemployment of at least 150 percent of the national average or in a rural area) then a \$800,000 investment is sufficient

Many investments are placed through a Regional Center (RC) which are in an area designated by the U.S. Citizenship & Immigration Services pursuant to a comprehensive plan of investment presented by the promoters of the RC. If an investment is placed through an RC, both direct and indirect job creation towards the 10-job requirement may be credited. If a TEA is located within an RC, an investment through the RC may qualify with only \$800,000 invested and fewer than 10 jobs directly created.

Initial EB-5 status granted conditionally (for a two year period). A petition to remove the conditional status must be filed prior to the end of the two-year period to confirm that the required capital investment and jobs have been maintained. If not, removal of the condition could be denied.

Please note: All information contained in this document is subject to change by the Immigration Service and each specific case may require a much larger analysis to determine the best approach. The information contained herein is only designed as a review of this subject and should not be used to give legal advice to another individual but for your knowledge as brokers. If you feel after review of this that your client may qualify for either of these categories please do not hesitate to have them contact me at 480-994-8888, Weiss & Moy, PC ask for Jessica Weiss, Esq.