

Obtaining a Green Card Through Investment

Posted by Andrews Law

Obtaining a Green Card Through Investment: You do not have to have a family member or employer sponsor to obtain a green card — certain foreign nationals who would like to invest in a U.S. enterprise can receive permanent resident status (“green card”) through the EB-5 Immigrant Investor Visa program.

What is the EB-5 Immigrant Investor Program?

The EB-5 Immigrant Investor Visa allows a foreigner to obtain Permanent Residency (Green Card) by investing in a business that will benefit the economy and create at least 10 full-time jobs. Typically, the investment required is \$1 million, but this amount can be lowered to \$500,000 if the investment is made in “target employment areas.”

What is the Advantage of Investing Through a Regional Center?

The Regional Center Pilot Program allows foreign investors to put their money in a Regional Center (as opposed to a specific business under the regular EB-5 program). Typically, these Regional Centers are in “target employment areas” which means that the investment required is \$500,000 instead of \$1 million. The advantages of investing in a Regional Center are that there is no requirement that the investor engage in the day-to-day management of a business, the jobs created by the investment can be direct or indirect, and the investor need not reside in the same area as the Regional Center. Additionally, some Regional Centers offer “payment plans” for individuals in case the full \$500,000 cannot be delivered by the investor up front. It is possible to provide a portion of the investment initially and the balance to be paid within a period that is agreed upon by the Regional Center and the investor. There are a wide variety of businesses/industries that Regional Centers across the US engage in. It is thus possible for one to find a Regional Center that is generating jobs in an area that one wishes to help generate commerce as well as an industry that one wishes to be involved in.

How Does One Apply to Become an EB-5 Immigrant Investor?

With the EB-5 Investor Visa program works an investor submits a petition with the United States Citizenship and Immigration Services (USCIS). Along with the petition, documentation regarding the enterprise to be invested in, the source of the investment (i.e.

funds obtained through lawful means), and business plans indicating how the enterprise will create at least 10 jobs, among other items, will need to be submitted.

cWhat Happens After the Petition is Approved?

When USCIS approves the petition, the foreign investor can become a conditional Permanent US Resident for two years (if residing outside the U.S., the investor and eligible immediate family members use the approved petition to apply for visas to emigrate to the U.S. at a Consulate.) Prior to the expiration of the conditional residency, the foreign investor must demonstrate to USCIS that he or she actually invested the required capital, that the enterprise was sustained during the period, and that at least 10 full-time jobs were created or are expected to be created within a reasonable amount of time. The EB-5 Investor visa is not for everyone, but for those who qualify, it is certainly a quick (USCIS is reporting processing times of 5 months) and attractive option that allows a foreign petitioner to self-petition for a green card (without being sponsored by an employer or family member). Given the relatively weak US Dollar vis-a-vis many foreign currencies at this time, there has never been a better time to invest in the US.

For additional information, contact the experienced business law and immigration attorneys at Andrews Law, PLC at 1.888.955.95111 or 480.237.9756 for a confidential consultation to discuss how you can invest to become a U.S. Permanent Resident.