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The Million-Dollar Green Card (EB-5 Investor Visa) Demystified

What is An EB-5 Visa in a Nutshell?

If you want a green card and have ever thought about starting or purchasing a business in the United States an EB-5 Investor Visa could be perfect for you. Generally speaking the EB-5 Immigrant Investor Visa (“EB-5 Visa”) requires that you invest either \$1,000,000 in a city settings, or \$500,000 in rural settings, and in return, the U.S. Government will give you a Green Card. The Government makes 10,000 of these available every year and so far the number of applicants has always been below the cap. The key advantage of this Visa is that you get a green card out of it and the speed of processing. The down side is that it is a very complex legal area and the Visa petition requires extensive documentation. Also, the EB-5 Visa requires a substantial investment.

What Are The Requirements To Get The EB-5 Visa?

There are 5 main criteria to get an EB-5 Visa and they are as follows:

- I. You must invest or be actively in the process of investing either \$1,000,000 in a city settings, or US \$500,000 in rural settings;
- II. You must show that the funds come from a legitimate source
- III. The entire amount of the investment must be active or at risk (this means that you cannot just be thinking about buying a business and you have to put capital up that could be lost)
- IV. You must make the investment in a “new” or “existing business enterprise” (this allows you to create your own business or buy one); and
- V. You must demonstrate that the investment directly or indirectly results in the creation or preservation of ten full time jobs

If you can meet these criteria, you are well on your way to getting an EB-5 Visa. The process though is not simple and you will need a qualified lawyer (and perhaps an accountant) to navigate through this complex area. When filing your petition you must apply to the United States Citizenship and Immigration Service (“USCIS”) and submit a number of required documents including: immigration forms, personal financial information, business plans, a legal

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brief summarizing how you have met all of the elements of the Statute and other supporting evidence. Scott Legal Services, P.C., is the perfect choice to assist you as our founder, Ian E. Scott, is both a Certified Public Accountant and a Lawyer. This combination is very effective for this Visa as the legal work required often overlaps an expensive business and financial statement review that is required.

Can My Family Come With Me and How Long Does An EB-5 Visa (Green Card) Take To Get?

This Visa is a great option if you would like to also get your family green cards as an individual investor and his or her family (husband, wife and any unmarried children under the age of 21) may all get a green card.

The Visa is also fast! The average processing time for the EB-5 Visa (green card) is six months and the initial application and petition are usually approved in 60 days from the date of filing. You will however have to also wait for the United States Citizenship and Immigration Service (“USCIS”) and Department of State forms to schedule an interview. While you get an “official” green card it has conditions imposed for a two-year period. The conditions really relate to making sure the business is legitimate and ongoing and ensuring that you do in fact hire 10 full-time employees. After the two-year period, you go back to the Government and request that they remove the conditions. The removal of the conditions can be complicated but as long as you have met the conditions you will get your unconditional green card.

What is the Designated Regional Pilot Center Program?

The Government has set up a special program called a Regional Pilot Center Program where Investors can act more as passive investors and contribute funds to government recognized entities. Under this program, businesses involved in promoting growth in certain geographic areas are approved as regional centers and may meet the job creation requirements of the law using “indirect employment” based upon approved methodologies. Scott Legal Services, P.C. can help you find a regional center that meets your needs.

Do You Need A Lawyer?

Yes and in most cases an Accountant too as it is a good idea to have an accountant look at the financial statements of any business you may want to purchase. At Scott Legal Services, P.C. you have both as our founder Ian E. Scott is a qualified C.P.A and a Lawyer! You need a lawyer as the EB-5 Visa can bring to the forefront significant tax, financial and liability implications that you should carefully consider so that you set up your business and file your petition the right way. Let Scott Legal Services, P.C. be your guide. Please contact Scott Legal Services, P.C. at 1-888-LAW-2964 or email us at iscott@legalservicesincorporated.com.

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How Can Scott Legal Services Help You?

All in all an EB-5 Visa is a great Visa option for those who have the money and wish to start a business in the U.S.. The Visa does have an extensive documentation requirement and you are strongly advised to seek the assistance of a qualified immigration lawyer. Let Scott Legal Services, P.C., be your guide. Here are some of the ways we can help you with your EB-5 Visa. We can:

- Work with the investor and family to put together an EB-5 Visa green card petition.
- Assist the investor in completing all documents needed for the EB-5 Visa petition.
- Prepare the investor and his family for the Department of State interview
- Appear with the investor and family at the interview (upon the investor's request) with the Department of State at the consular post overseas, and assist in the interview process or appear at the interview before the USCIS in the United States;
- Assist the investor and family in entering the United States and establishing lawful permanent residence in the United States;
- Assist the investor and family in removing the condition from the permanent resident status within the last three months of the second year following the commencement of permanent residence;
- Assist the investor in obtaining any financing services that may be necessary.
- Assist the investor to find a regional center

You can also call us at 1-888-529-2964 or email us at iscott@legalservicesincorporated.com.