



EB-5



USA



**The EB5 “Investor Green Card” is a permanent residency U.S. visa designed to allow permanent U.S. residency to foreign investors who are willing to invest significant capital in American companies.**

## Overview/Description

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 \$1,800,000 in a city settings, or \$900,000 in rural settings (or TEA), 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.

## Requirements/Eligibility

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

- You must invest or be actively in the process of investing either \$1,800,000 in a city settings, or US \$900,000 in rural settings;
- You must show that the funds come from a legitimate source
- 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)
- You must make the investment in a “new” or “existing business enterprise” (this allows you to create your own business or buy one); and
- You must demonstrate that the investment directly or indirectly results in the creation or preservation of ten full time jobs

EB5 visa applications have become much more popular in recent years, after the USCIS relaxed the requirements together with an increase in consistency of granting EB5 applications.



## What are the Types of EB-5 Visas?

Based on these target areas, there are different types of EB-5 visas, such as:

### The T-5 visa

The T-5 visa allows people who are wealthy and want to live in the US to invest in the country's economy and be allowed to gain permanent resident status. The investors for the T-5 visa must invest in an area that has high unemployment and is in a rural place. This investment must create jobs and benefit the community in the area.

The T-5 visas are limited in the number of visas issued each year. Because of this limitation, less than 3,000 T-5 visas are issued each year. This makes the T-5 visa highly competitive and difficult to get.

### The C-5 visa

The C-5 visa allows an investor who has met several conditions to live and work in the US. If the person invests \$1.8 million in the US economy and increases employment in the company that has received the investment, then they can get a Green Card.

### The R-5 visa

The R-5 visa has been created for investors who participate in the Investor Pilot Program in a general area.

It is subject to a cap and has a limited number of visas that will be issued in one year. This means that it is quite difficult to get this visa and that the processing time can be lengthy.

## The I-5 visa

The EB-5 visa is the investor's visa to increase economic activity in the US. It specifies different areas where investors can invest. These areas can be general, targeted areas with high unemployment and rural, as well as Regional Centers.

Regional Centers have been created to increase economic growth through increased exports, employment, productivity, and domestic capital investment. The US created the Investor Pilot Program to stimulate investment in regional centers. Regional Centers can be in general areas or in targeted areas.

The I-5 visa is for those investors who invest in regional centers in targeted areas with high unemployment and in rural places.

Only around 3,000 I-5 visas are given per year to those that qualify.

## 4 Reasons to Consider the EB5 Green Card

- This Green Card is often granted faster, both for the petitioner and any family members.
- Does not require a job offer in place, or labor certification.
- You do not have to disclose your net worth.
- The applicant is not required to be highly involved in the application process.

## T-5 visa requirements

Qualifying for the T-5 visa means that you must fulfill a few requirements as follows:

- An investor in the T-5 category must invest their money in what is called a Targeted Employment Area (TEA). TEA places are those with high unemployment and are also rural and in need of more jobs. For the T-5 visa, the investor cannot invest in a general area with normal levels of unemployment but must contact USCIS to ask which areas are TEA.
- **The investment must create at least 10 new jobs in the TEA area.** The jobs must be permanent and full time. They can be either direct or indirect jobs.

## Requirements for the C-5 visa

To qualify for the C-5 visa there are several requirements that an applicant needs to fulfill as follows:

- The C-5 visa investor must invest outside target areas. Target areas are places within the US which have high unemployment and poverty. So the C-5 investor must make a general investment in an area with a normal unemployment level.
- For the C-5 investment, since it is outside a target area, a **minimum of \$1.8 million needs to be invested**. The money must be the investor's personal asset and must not be borrowed.

## R-5 visa requirements

In order to qualify for an R-5 visa, there are several requirements that applicants must meet, such as:

- Invest money in a Regional Center part of the Investor Pilot Program. The Regional Center must be general and not in a targeted area with high unemployment.
- For the R-5 visa, since it is not in a targeted area, **the minimum amount is \$1.8 million**. The investment must be the investor's personal asset and cannot be borrowed.

## I-5 Visa requirements

To qualify for the I-5 visa, you **must invest in a regional center within a targeted area**. The targeted area must have high unemployment or be in a rural area. The US economic institutions and organizations update the information on which areas count as targeted and where the regional center is located.



## Criteria for Investing in a New Business

1. The investor must be investing at least US\$1 million (or at least \$500,000 if in a designated *targeted employment area*\*).
  - \* The definition of targeted employment area is a rural area or area that has experienced high unemployment rate of at least 150% of the national average.
2. The investment must be shown to benefit the U.S. economy, usually by providing goods or services into domestic markets.
3. The new business must – *directly or indirectly* – create at least 10 full-time positions for U.S. workers.
  - May include citizens, Green Card holders, and others who are permitted by law to work in the U.S.
  - May not include the EB5 petitioner or their family members.
4. The capital investment does not have to be all cash, but may also comprise:
  - Cash equivalents or indebtedness secured by assets that the investor owns and for which they are liable.
  - Equipment, stock, or other tangible property.
5. The EB5 petitioner may be involved directly in a management capacity, or as a limited partner.

## Criteria for Investing in a Failing Business

1. The business must have been running for at least 2 years.
2. It must have returned a net loss for the recent 12/24-month period prior to petition.
3. That loss must constitute at least 20% of the business' net worth on the balance sheet.

4. The investment must maintain at least as many jobs as there were prior to investment for a minimum of 2 years.
5. Invest or be in process of investing \$1,000,000. Or at least \$500k if investment is in a designated “Targeted Employment Area \*\*”.
  - \* A rural area or an area that has a high unemployment rate (at least 150% of the national average)
6. The petitioner may be involved in day-to-day management or as a limited partner.

## Family Members

The legal spouse and any unmarried children under 21 years may be admitted to the U.S. on a 2-year conditional period. A petition (I-829) may then be filed to remove conditions from family member Green Cards.

As lawful permanent residents (Green Card holders) in their own right, family members will be authorized both to work and attend school in the U.S.

## How to apply for the EB-5 visa?

The application procedure for the EB-5 visa is divided into two parts:

- Getting an approved petition from the US Citizenship and Immigration Services (USCIS)
- Applying for the EB-5 visa immigrant visa

## Filing the petition

Before you are allowed to apply for the EB-5 visa, you must first confirm your eligibility with the US authorities. The organization in charge of administering the EB-5 visas is USCIS.

In order to make yourself eligible, you must file the petition to them through [Form I-526, Immigrant Petition by Alien Entrepreneur](#).

Different from the other types of employment visas, you can file the petition yourself and do not need a US employer to do that. When USCIS gets the petition they will review it and inform you whether you have been approved or denied. If your petition is approved, it will be sent to the National Visa Center (NVC) who will be responsible for your application from that point onwards.

The NVC will assign a case number and invoice ID number to you and send you a package with instructions and forms about how to apply. The package will only be sent to you when your priority date becomes current and you are allowed to apply. If your priority date is not current, you will have to wait and then apply.

## Apply for the EB-5 visa

When your priority date is current and you receive the instructions from NVC, you can then apply for the EB-5 visa at the US Embassy or Consulate in your country of residence. You must follow these steps:

1. Apply online by submitting Form DS-260, Online Immigrant Visa Application. The form serves as your application and you can access it through your case number. When you are done, you will get a confirmation page and code which you will later send to the NVC.
2. Complete a medical examination and get the necessary vaccines which are outlined in your instructions from the NVC. Your medical examination documents must be signed by a licensed doctor.
3. Compile your supporting documents and send them to the NVC. Your file must include:
  - Your passport which must be valid for more than 6 months after your intended departure to the US
  - Your investment plans
  - Your bank statements proving you have the necessary amounts of money
  - The approved petition
  - Your DS-260 confirmation page
  - Your signed medical and vaccine documents
  - Two photographs meeting the US Visa Photo Requirements
  - Academic achievements (diplomas and certificates)
  - Your CV or resume
  - Court and criminal records
  - Depending on the case, the NVC might require other supporting documents, so you must follow their instructions carefully.
4. Attend the visa interview which is scheduled by the NVC at your US Embassy after they have reviewed your supporting documents.
5. Receive your immigration package and travel to the US. The NVC will send you this package after your visa has been approved and you must not open it. You must travel with it to the US and an immigration official at the US port of entry will open it and determine whether you are allowed to enter the country.



## What are the EB-5 visa fees?

There are many fees which you are responsible for paying while you apply for the EB-5 visa. The amounts vary and are decided by USCIS and the US Embassy in the country you are applying from. In general, you will have to pay the following fees:

- USCIS Form I-526 petition filing fee
- Form DS-260 processing fee
- Medical examination fees
- Fees to obtain supporting documents
- Any translation fees from foreign language to English

## How long is the EB-5 visa processing time?

Since the investor visa has a cap, the EB-5 processing time can be quite long. Depending on the number of people who have applied before you and the priority dates, the processing time can be from a few months to a few years. This is all determined by when you apply and whether you are next in line from USCIS and NVC.

## Do I Get Access to American Healthcare With an EB5 Visa?

Yes, you will have access to healthcare in the United States as an EB5 visa holder, however, the costs of getting medical treatment in the US are one of the highest in the world.

**The treatment of a broken leg or broken arm will cost you \$2,500, while staying at a US hospital may cost over \$10,000, on average.** You should pick a health insurance plan that fits you best, which overall is also affordable and covers your needs.

## How to get a Lawful Permanent Resident (LPR) status?

The next step after you have gotten your EB-5 visa is to become a Lawful Permanent Resident (LPR) of the US. This is usually known as getting the Green Card. To change your status from your immigrant visa to an LPR, you must first have an approved petition from USCIS and the visa, as well as live in the US.

Afterward, you must file Form I-485, Application to Register Permanent Residence or Adjust Status to USCIS. This form will be processed and if approved you will get your Green Card in the mail after a few weeks.

## Can I bring my family to the US with an EB-5 visa?

Once you have your approved EB-5 visa, your family can also join you. The US considers family to be your spouse and unmarried children under 21 years old, so they are the only ones allowed to apply. The application procedure will be similar to yours, with the exception that they will not need to prove they are making an investment in the US.

After they get their visas, your spouse can apply for an Employment Authorization Document (EAD) and be allowed to work in the US. The spouse can choose to work in the commercial enterprise you invested in or started or find a job somewhere else.

## EB-5 Visa Service

- ✓ Apply Today!
- ✓ 100% Approval Rate!
- ✓ Investment From \$900,000!

