EXEO

# Immigration Lawyers

Immigration Made Simple

US PERMANENT RESIDENCY

# EB-5 Program

Offers wealthy investors a simple and hassle-free path to the green card.

## What is the EB-5 Program?

The U.S. **EB-5 program** requires the applicant to make an at-risk investment in a commercial enterprise in the U.S. and create at least ten full-time jobs for U.S. citizens or permanent residents.

The program grants conditional permanent residence for two years, which means the investor, spouse, and dependent children aged below 21 years begin enjoying all the rights and privileges available to green card holders within just two years.

## Main requirements

- $1.05 million investment in an existing or new commercial enterprise in the U.S. If investing in a Targeted Employment Area, then the minimum investment is reduced to $800,000
- Prove that the source of funds of the investment is lawful
- There is no minimum net worth requirement
- No business experience requirement

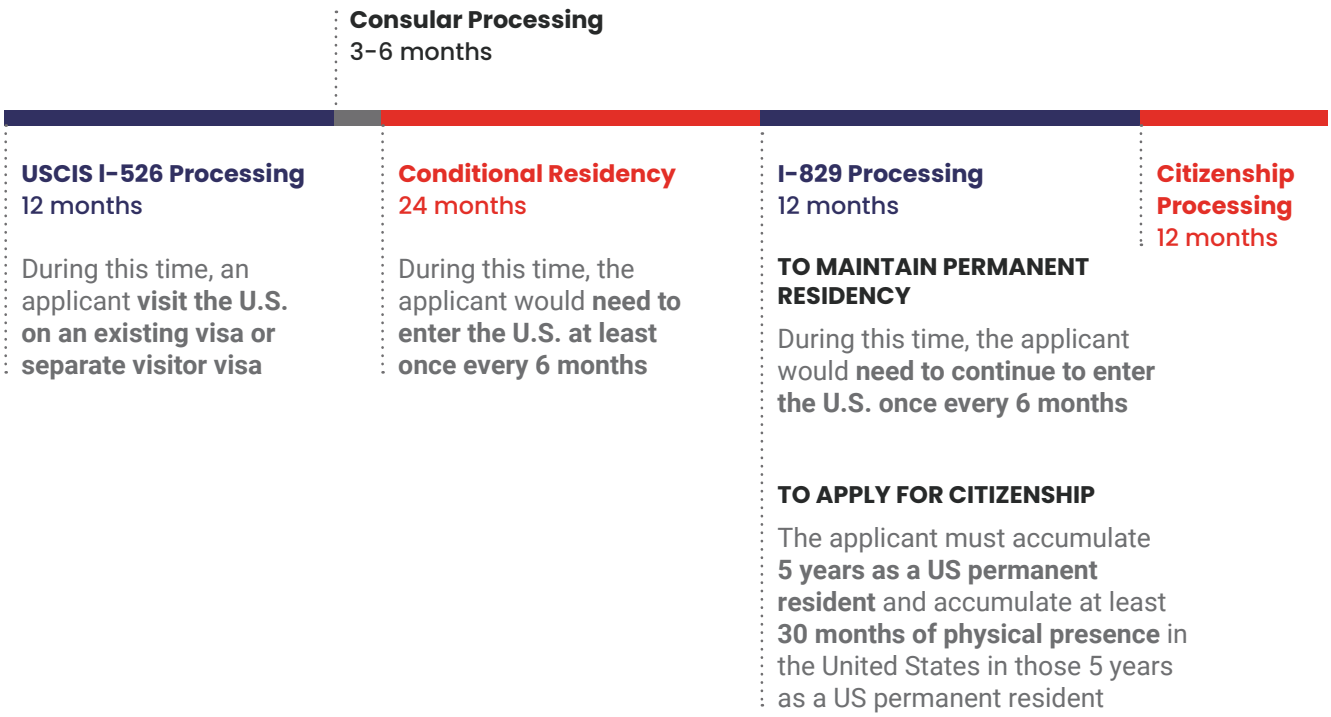
## Advantages

- The program offers a fast-track route to a green card in the world's number 1 economy
- Invest in a business with the potential to earn returns and recover your investment after qualifying for the green card
- Path to U.S. citizenship
- Program set up and managed by the government with transparent, clear oversight

## Age of dependants who can accompany

Spouses and unmarried children under 21 years old can accompany the main applicant

## Processing Time




## Residence obligations

To keep his permanent residence status, the foreign national must continuously intend to maintain his ties to the U.S. This evaluation is qualitative. But below is a non-exhaustive list of factors to consider:

- If absent from the U.S. for less than a year: usually does not pose any problem
- If absent from the U.S. between six months and a year: may raise a red flag and the foreign national may have to explain his prolonged absence from the U.S
- If absent from the U.S. for one continuous year or more: The foreign national will need to apply for a reentry permit prior to leaving the U.S. and show he did not abandon his permanent residency.

The information above is provided on a best effort estimate based on USCIS data and internal projections. EB-5 processing timelines fluctuate often and Exeo cannot guarantee that this will be your experience. If time is of the essence to you, we recommend that you let us know so that we may evaluate the best scenarios that could apply to your circumstances.

## Main requirements for naturalization (citizenship)

- Maintain continuous residence in the United States as a Green Card holder for at least 5 years immediately preceding the date of filing the application (4 years and 9 months)
- Be physically present in the United States for at least 30 months out of the 5 years immediately preceding the date of filing the application
- Reside continuously within the United States from the date of application for naturalization up to the time of naturalization
- Be able to read, write, and speak English and have knowledge and an understanding of U.S. history and government (civics)

## Process

- Invest in an EB-5 project
- File I-526 Immigrant Petition by Foreign Investor
- After USCIS approves I-526 petition, file DS-260, Application for Immigrant Visa and Alien Registration with the U.S. Department of State to obtain an EB-5 visa abroad to seek admission to the United States
- File I-829 Petition by Investor to Remove Conditions on Permanent Resident Status, within the 90-day period immediately before the second anniversary of foreign investor's admission to the United States as a conditional permanent resident

If this petition is approved, USCIS will remove the conditions from the permanent resident status as well as any dependents included and will issue a renewable green card valid for 10 years.

## Main documents required

- Evidence that the investor has invested or is in the process of investing the amount required ($800,000)
- Documents to support the lawful source of the investment
- Proof of Business Ownership
- Copy of any and all Business Licenses
- Last 5 years of Tax Returns (both business and personal)
- Last 5 years of Bank Statements
- Evidence of other Sources of Capital
- Financial Statements for each business
- Investment documents
- Etc.

### EXEO AND GOVERNMENT FEES

**Step 1: I-526 Petition**

- USD $20,000 for I-526 legal work
- USD $3,675 for filing fees for I-526
  (government fee subject to change by authorities)

**Step 2: Consular Processing**

- USD $4,000 for consular processing legal work upon I-526 approval
- Adjustment of status filing fees: roughly USD $4,000 for a family of four (estimate may vary according to age of children, and this government fee subject to change by authorities)

**Step 3: I-829 Petition for Removal of Conditions**
(filed two years after issuance of Conditional Green Card)

- USD $6,000 for I-829 filing legal work
- USD $3,750 for filing fees for I-829
  (government fee subject to change by authorities)

* Please note that an additional **administration fee** will be required by your project's EB-5 Development Costs to namely pay for the project's escrow fees, economic impact studies and job creation reports, as well to cover other compliance-related administrative costs. While this fee is not charged or controlled by EXEO, the administration fee is **USD $150,000** and payment is required at the beginning of the application process. Please ensure you confirm the administration fee in writing at the beginning of your communications with your selected investment project.

# Frequently Asked Questions

**There are two types of investments that qualify for EB-5: indirect investments or direct investments.**

Indirect investments are controlled through a Regional Center to be allocated to one of their designated EB-5 projects. Both indirect and direct jobs can be accounted for to satisfy the necessary job creation requirements. Through the direct investment, the EB-5 investor controls his or her funds, however they must research and identify an investment project that meets the standards and regulations of the EB-5 visa. Only direct full-time employees can be accounted for to satisfy the necessary job creation requirements. Both options are currently available

**Does the entire $800,000 investment have to be made at the time of applying for an EB-5 visa?**

Yes. You are required by law to demonstrate that your investment has been completed or is actively in the process of being completed before we can file your I-526 petition. Therefore, we can say that everything in EB-5 begins with the investment. However, most projects require that the funds be held in escrow until the petition is submitted and will not deploy the funds into the project until that time.

**Can debt be used as an EB-5 investment?**

Yes, but only to the extent that the debt is secured by assets owned by the investor, and the investor is personally and primarily liable. This is because U.S. immigration law requires the EB-5 investment to be “at risk”, meaning the investor must have some accountability for the funds used in the designated project. It may be possible to use unsecured debt in certain limited circumstances.

**Can money gifted by a parent, relative or anyone else be used for an EB-5 investment?**

Yes, as long as we can demonstrate the lawful nature of the gift as well as a lawful origin of the funds. Any applicable gift taxes must also be paid.

**Does the investment amount have to come from one single source?**

No. You can combine different forms of your total investment from any array of legal and traceable sources.

**Can money for the investment come from joint accounts?**

Yes, but only to the extent that the account is owned by the main applicant and the main applicant’s spouse. For legal purposes, we must be able to show that the funds come from the investor personally.

**How can the investor submit his investment funds?**

As previously mentioned, the projects our clients will invest in have a policy that does not require you to deploy funds into the project right away. The funds will first be transferred to an escrow agent, who will hold the funds on your behalf. Once your petition has been submitted, the funds will then be deployed into the project in accordance with the subscription agreement that you will sign with the project developer.

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