

## USCIS EB-5 Immigrant Investor Program

### Employment Based Immigration: Background

The United States Customs and Immigration Service (USCIS) has five programs to allow for Employment Based (EB) immigration into the United States that provides a path to obtain Permanent Resident Status Visa (green card). The first four programs (EB-1 through EB-4) Allow for petitions based on extraordinary ability, advanced educational attainment or exceptional ability, skilled worker, and special immigrants under certain job categories or circumstances.

### EB-5 Foreign Investor Program and its relation to Regional Centers:

The EB-5 Program allows for immigration based on foreign investors making capital investments into a new business or an existing business that is restructured or reorganized in such a way that a new commercial enterprise results, or expanded through the investment, so that a 40-percent increase in the net worth or number of employees occurs. Individual investors can enter the EB-5 program directly by making the required capital investment, creating the specified number of jobs, following the program requirements and submitting the required documents & forms at the specified time periods to USCIS or they can choose to invest through an EB-5 Regional Center designated by USCIS based on proposals for promoting economic growth.

### Program Requirements

The program requirements and criteria are essentially the same for both individual investors pursuing an EB-5 visa directly through USCIS **or** through investing with an EB-5 Regional Center. All Foreign Investor immigrant petitioners must create at least 10 full time jobs within two years of the investor's admission to the U.S. as a conditional Permanent Resident.

### Advantages to investing through a Regional Center:

There are three main advantages for immigrant investors to invest through an EB-5 Regional Center:

1. **Lower Qualifying Investment Amount:** The EB-5 Regional Center can allow investors to qualify for investments of \$500,000 for projects in Targeted Employment Areas (TEA) whereas individual investors entering the program directly through USCIS must meet a minimum investment threshold of \$1,000,000.
2. **Streamlined paperwork and reporting:** The EB-5 Regional Center will submit all the required qualifying documentation, reports, job creation analysis and maintain all the milestone /benchmark deadlines for form submission. The foreign investor will pay a fee and usually some percentage of their return on investment for this service.
3. **Count indirect jobs towards job creation numbers:** Utilizing an EB-5 Regional Center allows foreign investors to count indirect job creation in their application. An investor pursuing an EB-5 visa directly through USCIS **cannot** count indirect job creation.