



The Eb-5 Investor Program A Two Way Street

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Question: I am a foreign entrepreneur and I would like for myself, my spouse and children to become lawful permanent residents of the United States. How can I accomplish this?

A U.S. business seeks \$500,000 or more of venture capital to expand its operations. A foreign entrepreneur along with spouse and children seek to become permanent residents of the United States and at the same time become a part of a U.S. business.

This is a two way street that meets at a mutually beneficial intersection known as the EB-5 Investor Program. Under this program the foreign entrepreneur can become a lawful permanent resident of the U.S. with as little as a \$500,000 investment of capital by a foreign entrepreneur in a designated target employment area. This is an area which, at the time of the investment, is a rural area or an area which has experienced high unemployment equal to at least 150 percent of the national average. "Rural area" means any area other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more, based on the most recent decennial census of the United States. In non target employment areas, the minimum investment is generally \$1,000,000. The investment of capital can consist of cash, equipment, inventory, other tangible property, cash equivalents, and indebtedness secured by assets owned by the alien entrepreneur.

Alien entrepreneurs/employment creation immigrants must be qualified immigrants seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established, in which the alien has invested the required amount of capital, and which will benefit the United States economy and create full-time employment for no fewer than 10 United States citizens, permanent resident aliens, or other immigrants authorized to be employed in the United States, other than the entrepreneur and his or her spouse or children

The establishment of a new commercial enterprise may consist of:

1. the creation of an original business;
2. the purchase of an existing business and simultaneous or subsequent restructuring or reorganization such that a new commercial enterprise results; or
3. the expansion of an existing business through the investment of the required amount, so that a substantial change in the net worth or number of employees results from the investment of capital. Establishment of a new commercial enterprise in this manner does not exempt the petitioner from the regulatory requirements relating to the required amount of capital investment and the creation of full-time employment for 10 qualifying employees. In the case of a capital investment in a troubled business, employment creation may meet the regulatory criteria regarding maintaining the number of employees at preinvestment levels.

Combining this infusion of capital from the foreign entrepreneur with a package of local, state, and federal funding, the U.S. business would benefit greatly from this program. Thus the EB-5 package is truly a two way street for both the foreign entrepreneur and the U.S. business.