

SCOTT LEGAL SERVICES, P.C.

The Law Firm For Entrepreneurs, Business Owners & Investors

Ian E. Scott

110 East 59th Street, Suite 25

New York, NY 10022

TELEPHONE: (212) 223-2964

www.legalservicesincorporated.com

iscott@legalservicesincorporated.com

Top 6 Questions Clients Ask About the EB-5 Immigrant Investor Visa Program

Scott Legal Services, P.C. often fields questions from potential investors regarding the EB-5 Immigrant Investor Visa program. In order to assist our clients, we have developed this summary of the top 6 questions asked about the EB-5 program. The EB-5 process is a complicated one but if you have the funds, this is an excellent way for someone and their family to get a green card and ultimately become a U.S. citizen. 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 and your family a Green Card. In order to qualify, you must also create 10 full-time jobs for U.S. workers and meet some other requirements. Read more about the [EB-5 requirements](#) by clicking [here](#). Also, read more about the six steps required to get an EB-5 Visa by clicking [here](#). Here are the top 6 EB-5 Immigrant Investor Visa Program.

1. **I heard that in order to get an EB-5 Visa I have to create jobs for 10 people. If I buy a business that already has 10 employees, have I met the 10 employee hiring requirement?**

Generally No. In order to qualify for an EB-5 Visa an investor must create (rather than preserve) at least 10 full time jobs for U.S. workers within two years after you are given the green card and enter the country. The key here is that the jobs must be CREATED and generally existing jobs do not count towards the total. In a simple example, if a company has 10 full-time employees on day 1 and 20 after 2 years has past, this is what the government is looking for. More often than not though, the calculation related to employees is complicated as people resign, are terminated and retire and this is all factored into the calculation. Your lawyer will work with you to best position your application and make sure that you are aware of how employees are counted.

The above answer is “generally” no as in certain situations you may be able to prove that you “preserved jobs” instead of creating them but in order to do this you must meet very specific criteria that demonstrate that the business you purchased is a troubled business and those jobs would have been lost if you did not step in.

2. **Do I have time to create 10 full-time jobs or do I have to hire the employees on day 1?**

When you obtain a green card under the EB-5 program, you are initially given a “conditional” green card and the conditions are removed in two years after you show that you have created 10 full-time jobs. You do not have to create the jobs on day one and generally speaking you have 2 years to create the 10 full-

SCOTT LEGAL SERVICES, P.C.

IAN E. SCOTT, ESQ.

(212) 223-2964

<http://www.legalservicesincorporated.com>

time jobs. The job creation estimate should be clearly delineated in your business plan which should specify when you plan to hire the employees. See more about developing effective business plans by clicking [here](#). In certain circumstances, you may even be able to hire employees within a reasonable time after the two-year period.

3. I have heard that I can invest \$500,000 in a regional center that has been approved by the government. As the regional center has been “government approved” does that mean that I will get my green card for sure?

No. In order to attract foreign investors as a regional center, regional centers must submit an application and be approved by the government. This approval does not mean that your green card will be approved though as the regional center must still meet the stringent criteria of creating jobs. If the regional center does not do this, you will not get your green card.

4. As the regional centers have to be approved by the government, is my investment safe?

No. When you invest in a regional center your investment is like any other investment and you could lose all of it. You should evaluate the risk reward profile related to the investment and many hire a professional (eg. C.P.A.) to evaluate the investment. Regional centers have been known to go bankrupt and if that happens you lose your money and you will not get your green card.

5. How long does the EB-5 Investor Visa take to get & How Much Does It Cost?

Processing times vary depending on the volume of applications USCIS received. Estimated Processing times are 6-8 months for the I-526 petition and just over 4 months processing of the applications for consular processing or adjustment of status. All in all you should have a green card in about a year. The timing could be longer if there are issues with you application or security concerns and the number of applications has significantly increased over the last year.

EB-5 Visas are complicated Visas and your lawyer will work with you throughout a 3 year period. Given the complexity of the Visa, the number of applications/petitions that must be filed and the extensive consult that is typically required, this Visa is expensive.

Legal fees usually start at around \$15,000 and this amount will rise for complex cases. In addition, this amount does not include the hefty filing fees for the various petitions that must be filed. EB-5 visa investors also need to budget for regional center administration costs which vary considerably from center to center; currently the range is \$25,000 at the lower end to above \$60,000 at the higher end. Additionally some regional centers charge an upfront deposit for a copy of their prospectus. You may also incur costs for investment evaluation and business plan development.

6. Are there other good Investor Visa options?

The E-2 Visa is also a great Visa for an Investor if you are from one of the treaty countries. Some opt for this Investor Visa because the investment requirement is significantly less and you do not have any

SCOTT LEGAL SERVICES, P.C.

IAN E. SCOTT, ESQ.

(212) 223-2964

<http://www.legalservicesincorporated.com>

specific job creation requirements. This Visa is particularly attractive for those who have foreign source income that they may not want taxed in the U.S.. The drawback of the E-2 Visa is that it does not lead to a green card. Find out more about the E-2 Visa by clicking [here](#).

How Can Scott Legal Services, P.C. Help You with Your EB-5 Visa?

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 as our firm can provide you with a Certified Public Accountant and Corporate Lawyer. 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 1-212-223-2964 or email us at iscott@legalservicesincorporated.com.

Also, Click [here for your free White Paper](#) that summarizes the top 10 Immigration Questions and Answers.