

The EB-5 visa for Immigrant Investors is a United States visa that allows foreign nationals who invest money in the United States to obtain permanent residency (green card). The usual investment threshold is \$1 million (or \$500,000 in a high unemployment or rural area), creating or preserving at least 10 jobs for U.S. workers excluding the investor and their immediate family.

Investments can be made directly in a commercial enterprise (new, or existing "Troubled Business"), or into a US government approved 3rd party-managed investment which invests the money and takes over the responsibility of creating the requisite jobs. There usually is a management or administration fee for managing the investor's investment.

If the investor's EB-5 visa petition is approved, the investor and any dependents will be granted conditional permanent residence valid for two years. Upon fulfilling appropriate requirements, the conditional permanent residency may then be petitioned to be converted to a permanent residency.

Under the new Immigration Reform bill currently passing through the US Congress, the current EB-5 program is going to be expanded to include a new investor visa □ EB-6 □ that would bring down the investment threshold for those looking to invest and gain residency in the United States. Since over the past many years, barely half of the available EB-5 visas are issues every year, the new visa is designed to make use of the same pool of available visas as the existing EB-5 visa.

The fulfillment requirements attached to EB-6 differ from those for EB-5, and also distinguishes between a non-immigrant or an immigrant visa. To gain permanent residency, the EB-6 visa calls for an investment as well as creation of 5 jobs. Just like EB-5, an application then may be made after 2 years for a permanent residency permit.

For those looking for a non-permanent stay in the United States a three-year non-immigrant visa can be granted upon an investment of \$100,000 in a U.S. company or upon creation of at least 3 jobs and annual revenues exceeding \$250,000 for two years in a row.

While not utilized fully, EB-5 applications are on an upward trend over recent years, according to the United States Citizenship and Immigration Service (USCIS). More and more new investors are able to get assistance with their applications from law firms, who can both represent the investor and advise in the matters of picking the right investment vehicles and/or 3rd party "managed investment" options for both EB-5 and EB-6 visas.

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