

# SCOTT LEGAL SERVICES, P.C.

The Law Firm For Entrepreneurs, Business Owners & Investors

Ian E. Scott

400 Chambers Street, Suite 15A

New York, NY 10282

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TELEPHONE: (212) 223-2964

[www.legalservicesincorporated.com](http://www.legalservicesincorporated.com)

[iscott@legalservicesincorporated.com](mailto:iscott@legalservicesincorporated.com)

## How To Develop an EB-5 Immigration Compliant Business Plan

For every Business Owner, Investor & Entrepreneur, the thought of putting together a business plan is very daunting but is often a necessary evil for those who want to succeed. There are a few popular Immigration Visas where you are required to put together a comprehensive business plan and the E-2 Treaty Investor Visa, L-1 Visa and the EB-5 Visa are good examples. These Visas are often granted (or denied) primarily based on your business plan and the plan is not something that you can gloss over. This is particularly the case if you are submitting an EB-5 application to United States Citizenship and Immigration Services (USCIS) as the Immigration Courts have held that the business plan must adhere to stringent standards.

The Immigration Appeal's Board Case, *Matter of Ho*, sets out all of the key aspects that must be in an EB-5 business plan and if you review the case you will see that there are no real surprises. That is, all of the factors that *Matter of Ho* says should be in your business plan are really things that any good business plan developer would include. According to the case, when you file a I-526 petition an EB-5 investor must submit a **credible** comprehensive business plan demonstrating the following:

1. A description of the business, what the business produces or the services provided and the objectives of the business. In addition, where relevant or applicable, the plan should describe the manufacturing or production process, the inputs required, and the supply sources.
2. A comprehensive market analysis that includes an assessment of competitors (names and why you can compete with them) along with the strengths and weaknesses of these competitors. This has to be a detailed analysis that includes financial data and looks at the competitors product, service and pricing structure.
3. You must describe your target market and who you expect to buy your product or service and why. In addition, you should also detail any business that you have already secured and describe executed contracts. To the extent contracts have been executed, the specific terms and detail should be included in the plan.
4. Where applicable, you should also outline in the plan that the company has received or will receive project specific permits and/ or licenses.
5. You must provide a comprehensive overview of the marketing strategy of the business, including pricing, advertising, and how you will provide your products or services. You should detail the exact forms of marketing (eg. Google Ads, Newspapers, etc.) as well as the strategy.
6. A detailed personnel plan is also required that outlines the business's

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organizational structure and personnel. You should detail both current and future hires along with pay, job description and benefits.

7. Your plan must include a significant amount of financial data including sales, cost/expenses, balance sheet, cash flow, and income projections. You should also include all relevant assumptions.

Developing a good business plan takes a particular expertise and you should hire a qualified professional to develop your plan. This is particularly the case if you are seeking bank financing and/or applying for an immigration petition. While the above detail came from an EB-5 case, business plans for E-2 & L-1 Visas should follow a similar format.

Scott Legal Services, P.C. is the law firm for Entrepreneurs, Business owners and Investors and we can help you with the development of your business plan, your related immigration petition, or the effective and profitable management of your business. Our Founder, Ian E. Scott, is both a Corporate Lawyer and a C.P.A. so who better to guide you through the complex world of Business Plans. Let **Scott Legal Services, P.C.** be your guide and please contact Scott Legal Services, P.C. at 1-212-223-2964 or email us at [iscott@legalservicesincorporated.com](mailto:iscott@legalservicesincorporated.com).

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