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The 6 Steps Required to Apply For An EB-5 Visa (How To Get A Million Dollar Green Card)

There are a number of steps that investors must complete to get a green card through the EB-5 visa program. The 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 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 those requirements by clicking here. Here are the 6 key steps to get an EB-5 Visa.

1. Find The Appropriate Investment “Project”

The first step is for the EB-5 applicant to find a project to invest in and this generally takes the form of either a new commercial enterprises for individual investors or Regional Center projects. If the applicant chooses to invest as an individual investor then they must locate an investment project or business of their own. For example, the investor could start or buy a manufacturing company or start a restaurant franchise. This is a great option for people who really want to come to the U.S. to run their own business and is also the option where the investor may be able to realize significant returns.

Investors can also choose to invest through a mechanism called “Regional Centers.” To this end, the Government has set up a special program called a Regional Pilot Center Program where Investors can act more as passive investors and contribute funds to government recognized entities. Under this program, businesses involved in promoting growth in certain geographic areas are approved as regional centers and may meet the job creation requirements of the law using “indirect employment” based upon approved methodologies. With this option, you would simply invest the money with the regional center and get a very small return (usually about 1%-2%) on your investment. There are ranges of risk profiles associated with the regional centers and they are a great choice if you do not mind a low return and do not want to manage a business.

Scott Legal Services, P.C. can assist you to determine which “project” is best for you and this assessment will involve an extensive review of your documentation and goals.

2. You Make a Capital Investment and Your Attorney Files A I-526 Petition

The next step of the process is for the applicant to invest the required investment amount in the project

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that they have chosen. That is, the investment of either \$500,000 for a regional center or \$1 million dollar for other investments. These investments are often made into an escrow account. After the money has been put in escrow, your qualified immigration lawyer will file a petition (I-526) with the government. In order to file an I-526 petition, the applicants must also present evidence that their investment will lead to the creation of 10 fulltime jobs for U.S. workers and this is usually supported by a comprehensive business plan. In addition, the applicant must also prove that the funds came from a legitimate source. The government usually informs the applicant whether or not their I-526 petition has been accepted after 4 to 6 months.

3. Request for Information

An EB-5 Visa petition is an extremely complex and document intensive petition. Moreover, as some applicants may be starting up a new enterprise, it may not be apparent to immigration officials the exact nature or basis of the financial data or strategy. As such, the government often requests additional information from applicants after the I-526 has been filed. This is a normal part of the process and allows the government to inquire about areas that they may not be clear about. You should take any requests for information to your attorney as soon as you receive them so that he/she can respond to the government appropriately.

4. Apply For A Conditional Green Card Step 1

As outlined in one of our previous posts, there are a number of requirements that must be met to apply for an EB-5 Visa and one of those requirements is hiring 10 full-time U.S. workers. As you do not have to hire the workers immediately, the government will issue you a conditional green card for two years. At the end of the two years, you will be required to prove that you have met the conditions and hired the required employees. EB-5 investors are eligible for this conditional green card once their I-526 petition has been approved and the exact forms that have to be filed depend on whether you are in the U.S. or not. If you were in the country when the I-526 is approved, you would file a change of status petition (I-485). If you are out of the country, you will file documents so that your green card can be processed at a Consulate.

5. Apply for Green Card Step 2 – Removal of Conditions (I-829) Petition

The last step in the EB-5 visa process is for applicants to become unconditional permanent residents by removing their two-year conditional status. To do this, your immigration attorney would file an I-829 petition 90 days prior to the anniversary of the date that the applicant first received their conditional residency. This application proves that the investor has met all requirements of the EB-5 visa program and the government usually issues a permanent green card around 6 months after the I-829 has been submitted.

6. Call an Experienced Lawyer

Many ask whether or not they need a lawyer to guide them through the process. The clear answer is Yes and in most cases an Accountant too as it is a good idea to have an accountant look at the financial

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statements of any business you may want to purchase and/or review Regional Center data. At Scott Legal Services, P.C. you have both as our founder Ian E. Scott is a qualified C.P.A and a Lawyer! You need a lawyer as the EB-5 Visa can bring to the forefront significant tax, financial and liability implications that you should carefully consider so that you set up your business and file your petition the right way. Let **Scott Legal Services, P.C.** be your guide. Please contact Scott Legal Services, P.C. at 1-212-223-2964 or email us at iscott@legalservicesincorporated.com.

How Can Scott Legal Services 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. 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 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.