



# Understanding the EB-5 Visa Process in 8 Steps

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# EB-5 Visa Process Overview

# EB-5 Visa Process Overview

**The EB-5 process is complex but can be divided into two basic phases with a total of 8 steps.**

## Planning Phase

1. Conduct initial research
2. Find a project
3. Conduct due diligence

## Investment Phase

4. Invest in the project
5. Compile personal documents
6. File Form I-526
7. Apply for conditional residency
8. File Form I-829 to remove conditions



# Understanding the EB-5 Visa Process in 8 Steps



# Step 1: Conduct Initial Research with an Immigration Attorney

Find a qualified immigration attorney to help you determine whether the EB-5 program is a fit for you.



Conduct some basic research into the EB-5 program to determine whether it aligns with your investment and immigration goals and whether you meet the program's criteria.



Factors you should consider:

- Are you an accredited investor?
- Are visas for your country of origin presently subject to visa backlogs?



Due to the complexities of U.S. immigration laws and policies, you should hire an experienced immigration attorney to assist you in this initial research.

# Step 2: Find One or More Potential Projects

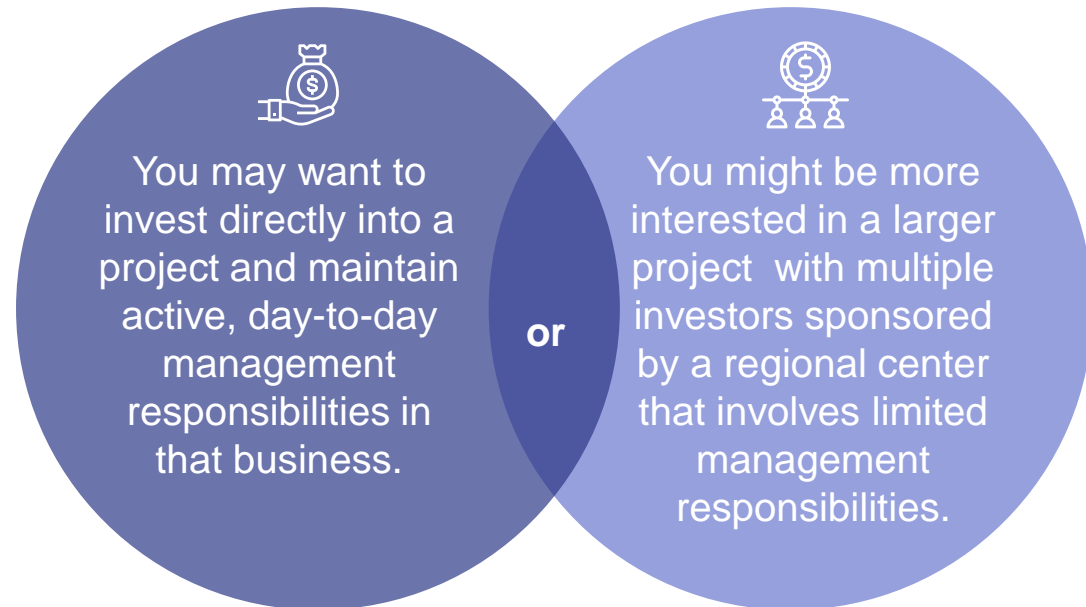
Search for at least one project you are comfortable with that offers low financial and immigration risk.



A suitable project accomplishes the following:

- Meets your investment goals
- Bears limited financial risk
- Has low immigration risk

## Example



# Step 2: Find One or More Potential Projects

Search for at least one project you are comfortable with that offers low financial and immigration risk.



A suitable project accomplishes the following:

- Meets your investment goals
- Bears limited financial risk
- Has low immigration risk

**What you define as suitable depends on your goals.**



Direct  
investment



Single investor or  
known partners



Active daily  
management

or

or

or



Regional center  
investment



Multiple  
investors



Limited management  
responsibilities



# Step 3: Conduct Careful Due Diligence on Your Preferred Project

Conduct comprehensive due diligence on a potential investment to avoid fraud and ensure low financial and immigration risk.



To conduct due diligence on a project, you'll need access to the project's full set of documents, which will likely require signing a confidentiality agreement. Signing a confidentiality agreement does not represent a commitment to invest in the project.

**Careful, comprehensive due diligence accomplishes the following:**



Determines whether a project is legitimate



Establishes the track records of those involved with the project



Discovers whether the project offers low financial risk



Discovers whether the project offers low immigration risk

# Step 3: Conduct Careful Due Diligence on Your Preferred Project

Conduct comprehensive due diligence on a potential investment to avoid fraud and ensure low financial and immigration risk.



Low-risk projects are characterized by the following:



Job creation exceeds the requirements of the EB-5 program.



The project offers a high degree of transparency and compliance.



All assumptions and economic analyses are validated by objective third parties.

If the due diligence process reveals problems with the project, select the next project on your list and conduct due diligence on it.

# Step 4: Invest the Necessary Capital in the EB-5 Project

Execute all necessary offering documents and transfer the necessary funds.



Follow the procedures outlined in the offering documents to invest your capital into the project.

1

Work with your immigration attorney to ensure all laws and procedures are followed.

2

Execute the offering documents.

3

Transfer your EB-5 investment plus any fees into the designated account—often an escrow account.

# Step 5: Work with Your Immigration Attorney to Compile Personal Documents

Compile all the documents required for visa processing.



Compile all the necessary documents for submitting Form I-526, Immigrant Petition for Alien Entrepreneur, which is filed with USCIS to request an EB-5 visa and conditional permanent resident status.

**The list of required documents includes the following:**



Copies of vital documents (e.g., birth certificates, marriage licenses, passports, etc.)



Sufficient evidence of the legal source of your investment capital (e.g., bank documents, employment and wage documents, documentation of gifts, etc.)



# Step 6: File Form I-526, Immigrant Petition for Alien Entrepreneur

**Instruct your attorney to file Form I-526 with USCIS.**

File Form I-526.



When USCIS receives the petition, you will receive a receipt notice, which indicates the form has been successfully filed and provides you with your priority date.



The priority date is used to determine when a petitioner may apply for his or her EB-5 visa.

# Step 7: Apply for Conditional Legal Permanent Resident Status

**Instruct your attorney to submit the appropriate application for conditional residency status.**



If already residing in the United States, instruct your attorney to file Form I-485 to adjust your resident status.

If still living in your home country, instruct your attorney to file Form DS-260 to apply for consular processing.

Once the U.S. Department of State processes the application, you will be required to appear at the nearest U.S. consulate for an interview

**At the conclusion of this process, you will receive conditional legal permanent resident status and a conditional green card.**

# Step 8: File Form I-829, Petition by Entrepreneur to Remove Conditions on Permanent Resident Status

**At the conclusion of your conditional residence period, instruct your attorney to file Form I-829 to remove conditions on your resident status.**



Within the last 90 days of your two-year period of conditional residence, instruct your attorney to file Form I-829.



This form, which must demonstrate that you have met all the requirements of the EB-5 program, is prepared by your attorney in conjunction with the project developer.



Once USCIS approves your I-829 petition, you will attain the status of lawful permanent resident and receive a permanent green card.