



Making the Transition from an H1-B Visa to a Permanent Green Card with an EB-5 Investment

Overview of How to Transition from an H1-B to a Permanent Green Card with an EB-5 Investment

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H1-B Visa Overview

H1-B Visa Basics

What it is, why it exists and who it is for

What it is

It is a nonimmigrant visa granted to foreign workers sponsored by U.S. employers.

Why it exists

It allows foreign nationals to work in the U.S. for a predetermined period, with a maximum of six years in three-year increments

Who it is for

It applies to those who wish to perform services in specialty occupations, fashion model, or those with exceptional merit and ability to work in Department of Defense research and development projects.

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What is the EB-5 Program

EB-5 Visa Basics

What it is, why it exists and who it is for

What it is

It allows foreign entrepreneurs to obtain permanent U.S. residence by investing \$900,000 or \$1.8 million in a project that creates 10 full-time, permanent jobs for U.S. workers.

Why it exists

It offers foreign nationals the opportunity to gain permanent resident status through investment in projects that create jobs and stimulate the U.S. economy.

Who it is for

Foreign nationals who seeks permanent residency in the U.S. with the option of obtaining U.S. citizenship.

Investors can also choose between direct investments and regional center investments, each of which has pros & cons.

	Regional Center Investment	Direct Investment
Investment Amount	\$900,000 projects located within targeted employment area (TEA) / Rural	\$1,800,000 projects that are non-TEA/non-Rural
Good For	Investors who want to become part of a new commercial enterprise as a passive investor with minimal to no daily management responsibilities	Investors with managerial experience who wants to engage directly in managerial tasks and retain more control over their investment.

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The following are questions frequently asked by H1-B visa holders who want to apply for an EB-5 visa:



Can an H1-B visa holder apply for an EB-5 visa?

Yes, H1-B visa holders are free to submit multiple petitions, including EB-5 visa application, with United States Citizenship and Immigration Services (USCIS).

Should I cancel my H1-B visa before applying for an EB-5 visa?

No, you can take part in the EB-5 program while working in the U.S. without canceling your H1-B visa or any pending green card petition.



What does “dual intent” means for H-1B visa holders?

“Dual intent” means that even though you have entered the U.S. In a nonimmigrant visa, you will probably pursue an immigrant visa at some later stage and you are allowed to do so.

Why should I apply for an EB-5 visa?

Making an EB-5 investment while holding H-1B status can serve as a backup plan or insurance to safeguard your immigration to the United States.

What is the first step for an H1-B holder in applying for an EB-5 visa?

The first step in the process is to consult an immigration attorney to ensure that you fully understand the implications of submitting simultaneous applications and of committing the investment amount required by the EB-5 program.

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Potential EB-5 investors who are already in the United States must be an “accredited investor” to invest in a securities-related offering.

HOW DO YOU QUALIFY AS AN ACCREDITED INVESTOR?



You must earn \$200,000 in your individual capacity for two consecutive years and expect similar income for the current year.

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You and your spouse must earn a combined income of \$300,000 for two consecutive years and expect similar income for the current year.

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R**

You and your spouse must have a net worth of \$1 million, excluding your primary residence, based on assets anywhere in the world.

While no official form needs to be submitted to a government or other agency to become certified as an accredited investor, for the purposes of EB-5 petitions, it is best to obtain a letter from your accountant or immigration attorney verifying your accreditation status.

If you do not meet any of the three requirements to become as an accredited investor:



- You can still invest in EB-5 projects as the manager of an entrepreneurial or direct pooled project.
- If you hold an H-1B visa, you can own and manage your own company, and you are allowed to invest in an existing business under the EB-5 program.

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TBD

Consult an immigration attorney



- Speak with an experienced immigration attorney to determine the best options for you.

Identify an EB-5 project that suites your need.



- You must be an accredited investor to be able to invest in a securities-related offering.

Invest the required capital amount.



- Projects located within a TEA requires \$900,000 minimum invest, while non-TEA projects require \$1.8M.

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



- When USCIS approves this petition, you will attain the status of lawful permanent resident and receive a permanent green card.

File Form I-485, Application to Register Permanent Residence or Adjust Status



- Upon approval, you will receive conditional legal permanent resident status and a conditional green card.

File Form I-526, Immigrant Petition for Alien Entrepreneur



- The I-526 petition requests information on you, your EB-5 capital, and the viability of the project you are investing in.



Thank you for attending.
Please call or write us if you have
any questions.



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