

# EB-5 Immigrant Investor

## Visa Description

The fifth employment based visa preference category, created by Congress in 1990, is available to immigrants seeking to enter the United States in order to invest in a new commercial enterprise that will benefit the US economy and create at least 10 full-time jobs. There are two ways to invest which you may use within the EB-5 category and they are: creating a new commercial enterprise or investing in a troubled business.

## Eligibility Criteria

### New Business Enterprise

To qualify you must:

1. Invest or be in the process of investing at least \$1,000,000. If your investment is in a designated targeted employment area (discussed further below) then the minimum investment requirement is \$500,000.
2. Benefit the U.S. economy by providing goods or services to U.S. markets.
3. Create full-time employment for at least 10 U.S. workers. This includes U.S. citizens, Green Card holders (lawful permanent residents) and other individuals lawfully authorized to work in the U.S. (however it does not include you (the immigrant), or your spouse, sons or daughters).
4. Be involved in the day-to-day management of the new business or directly manage it through formulating business policy – for example as a corporate officer or board member.

**Targeted Employment Area** is defined by law as “a rural area or an area that has experienced high unemployment of at least 150 percent of the national average.” For further detail click on the Laws section of this website and access section 203(b)(5)(B) of the Immigration Nationality Act (INA).

## Troubled Business

To qualify you must:

1. Invest in a business that has existed for at least two years.
2. Invest in a business that has incurred a net loss, based on generally accepted accounting principles, for the 12 to 24 month period before you filed the Form I-526 Immigrant Petition by an Alien Entrepreneur.

3. The loss for the 12 to 24 month period must be at least equal to 20 percent of the business's net worth before the loss.
4. Maintain the number of jobs at no less than the pre-investment level for a period of at least two years.
5. Be involved in the day-to-day management of the troubled business or directly manage it through formulating business policy. For example as a corporate officer or board member.
6. The same investment requirements of the new commercial enterprise investment apply to a troubled business investment (\$1,000,000 or \$500,000 in a targeted employment area).

## Regional Center Pilot Program

To qualify you must:

1. Invest at least \$1,000,000 or \$500,000 in a regional center affiliated new commercial enterprise or a troubled business located within the area of the USCIS designated Regional Center. Regional Centers are defined and discussed further below.
2. Create at least 10 new full-time jobs either directly through the capital investment.

A **Regional Center** is defined as any economic unit, public or private, which is involved with the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment. The organizers of a regional center seeking the regional center designation from USCIS must submit a proposal showing:

- ← How the regional center plans to focus on a geographical region within the U.S., and must explain how the regional center will achieve the required economic growth within this regional area
- ← That the regional center's business plan can be relied upon as a viable business model grounded in reasonable and credible estimates and assumptions for market conditions, project costs, and activity timelines
- ← How in verifiable detail (using economic models in some instances) jobs will be created directly or indirectly through capital investments made in accordance with the regional center's business plan
- ← The amount and source of capital committed to the project and the promotional efforts made and planned for the business project.

A complete list of currently designated "**Regional Centers**" can be found at the link on the right hand side. If you have a question concerning regional centers you may email us at: [uscis.immigrantinvestorprogram@dhs.gov](mailto:uscis.immigrantinvestorprogram@dhs.gov).

