

Immigrant Investor VISA PROGRAM EB-5

An Investor Visa category that has attracted the attention of many prospective immigrants is the **EB-5 Investor Visa** created under the **Immigration Act of 1990**. This Visa category allows **qualified foreign nationals to obtain lawful Permanent Resident Status (Green Cards)** through investment in a U.S. enterprise. **Ten thousand (10,000) Immigrant Visas are available each year to foreign investors establishing a “new commercial enterprise”** or are in the process of investing in an existing enterprise on Guam.

A **“new commercial enterprise”** is any lawful, for-profit business established after November 29, 1990. Both the creation of a new business, and the purchase and re-capitalization or reorganization of an existing business is allowed.

The *minimum investment* in the fifty United States and U.S. territories such as Guam is **\$500,000USD**, with the exception of the villages of Yigo and Dededo. The investment instruments required for Guam may include *legally obtained cash, equipment, inventory, or other tangible property, and cash equivalents*, such as: certificates of deposit, Treasury bonds, and other instruments, which are easily converted into cash.

- The primary focus of the program is the creation of employment. Employment must be created within 2-year time frame. Enterprise creates at least 10 full-time jobs for U.S. citizens, permanent residents, exclusive of Investor's spouse and children. “Full-time employment” is defined as employment in a position requiring a minimum of thirty-five (35) working hours per week.
- The commercial enterprise may be a sole proprietorship, limited or general partnership, joint venture, corporation, business trust, or any other publicly or privately owned business. Non-commercial activities, such as owning a personal residence, do not apply.
- An EB-5 Visa can be obtained without a regional center. The disadvantage is that the project must create 10 direct jobs. If done in conjunction with Guam Strategic Development Regional Center then the 10 jobs can be direct, indirect and induced.
- Multiple Investors are permissible, provided each Investor seeking a visa has invested the \$500,000 required amount and created the required number of full-time positions.
- Investor personally manages the investment either through exercising day-to-day managerial control or through policy formulation and direction.

GUAM STRATEGIC DEVELOPMENT REGIONAL CENTER APPLICATION PROCESS

Current **approved categories** include:

- 1 **New, For-Profit Commercial Enterprise**
- 2 **Existing “Troubled” Businesses**
- 3 **Approved Projects**

Investments can be made for existing businesses **if**:

- Creation or preservation of 10 new full-time jobs for at least 10 U.S. Resident or citizen employees
- Distressed business – saving jobs
 - Loss of 20% asset value
 - Loss of 20% revenue

Current **approved projects** include:

- 1 **Retail**
- 2 **Hotel**
- 3 **Restaurants**
- 4 **Warehouses**
- 5 **Office Complexes**
- 6 **Mix-Use Developments**

Obtain application **Form I-526** (*Alien Entrepreneur Petition*) and **Form I-485** (*Adjustment Status Application*) from **Guam Strategic Development Regional Center**:

GUAM STRATEGIC DEVELOPMENT REGIONAL CENTER

139 Murray Boulevard, Suite 100 Hagatna, Guam 96910

CONTACT: Mr. John Ryan **W:** www.guameb5.com
E: office@guameb5.com **T:** (671) 475-9800

APPLICATION PROCESS

- 1 Submit a one page summary for consideration outlining: amount, timeline, needs, principals, etc
- 2 If requested, submit a bonafied business plan
- 3 Subject to economist review for program guidelines
- 4 Regional Center will list business opportunity on website and transmit to agents
- 5 Interested Investors are required to submit a Due Diligence Plan for background checks. Once vetted, they have access to download full opportunity package.
- 6 If a match is made, negotiations will then take place
- 7 Regional Center and investor enter into an LLC arrangement. The new entity does not need to have majority ownership. Note: The project driver will receive the investment capital.
- 8 Immigration process processing – 45 days.
- 9 Minimum total time is 60 to 90 days.
- 10 Subscription, agent and other fees are applicable. (Acceptable forms of payment - cashiers check, money order, personal check.)

CONDITIONAL VISA APPROVAL

When the *Investor Visa Application is approved*, the Investor and his/her spouse and children under 21 years of age receive **conditional Permanent Residence** for a **two-year period**. The Investor and family members may then *work and/or attend school* in the United States, and travel at will on temporary visits abroad.

The commercial enterprise, including the **10 full-time jobs** must be satisfactorily *maintained for a two-year period*. There is no requirement that the enterprise make a profit. At the **end of the two-year conditional period**, the Investor is granted full Permanent Resident (Green Card) status. This must be done within the *ninety (90) days preceding the end of the Investor's second year*. At this time, the Investor must have the **intent to continue** with the enterprise.

590 S. Marine Corps, Dr. Suite 511 ITC Building
Tamuning, GUAM 96913

T 671.647.4332 F 671.649.4146
www.investguam.com

