

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 a 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**

Current **approved projects** include:

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

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

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. *(If applicable)*
- 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. *(If applicable)*
- 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.