

# Guide *for* Investors



EB-5 VISA



*Dear Prospective Investor,*

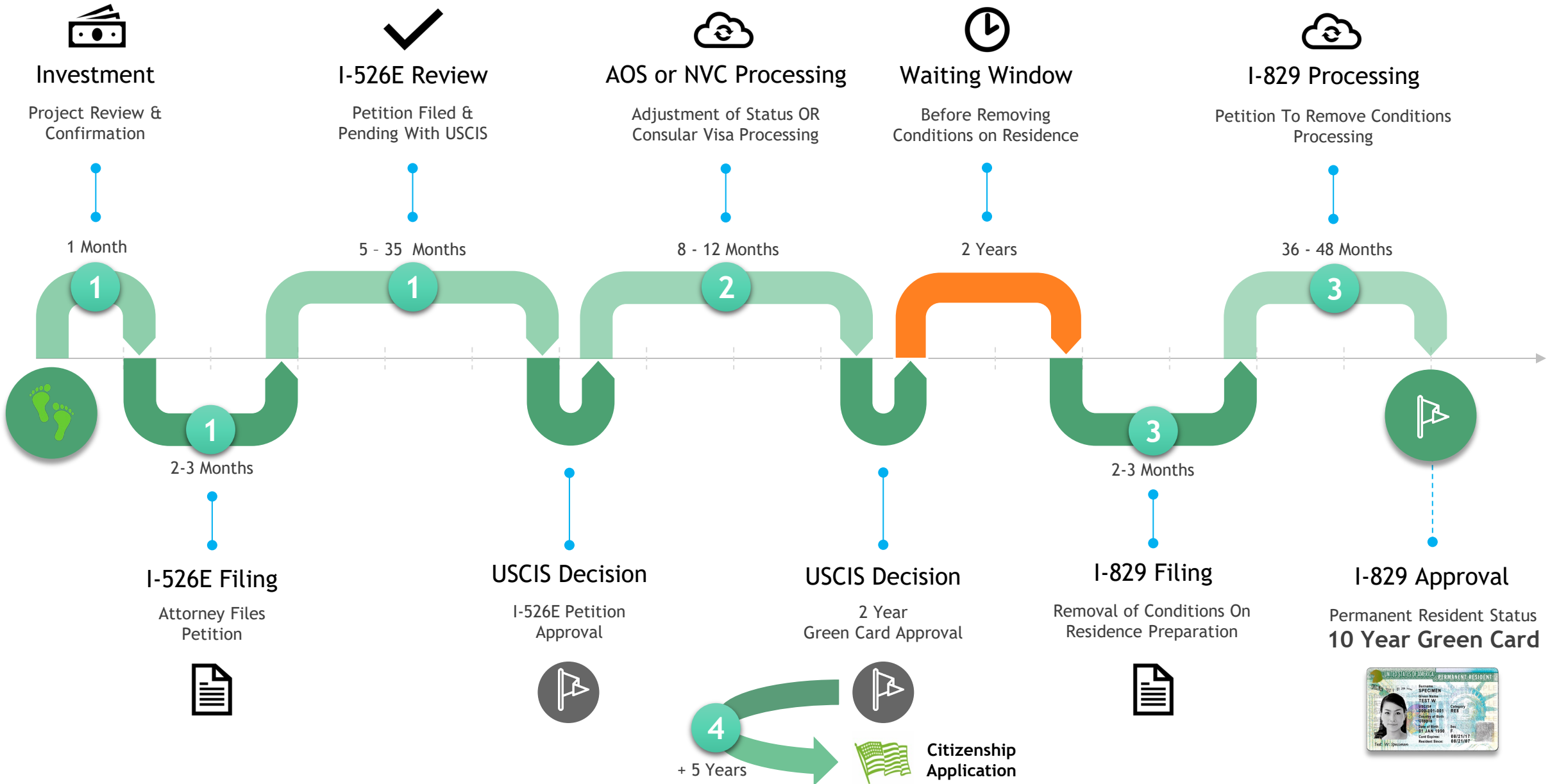
*The **EB-5** Immigrant Investor Visa Program for Regional Centers was created in 1992 and is one of five employment-based preference programs in the United States. This informational brochure was created to help you understand the program and all the steps you need to take to make this entire process as successful and stress free as possible. This detailed guide will navigate you through the timeline, from the initial investment to becoming a **Legal Permanent Resident**.*

*Please keep in mind that all the timelines are only estimates and can change at any time.*

*Irina A. Rostova, Attorney and FINRA registered representative (investment broker)*



# TIMELINE





# **STEP**

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**1**

# INITIAL INVESTMENT AND I-526E FILING

*Investor will be referred to Regional Centers to chose a project for his/her investment. At this step, prospective investor will work directly with a Regional Center or a licensed broker and select a New Commercial Enterprise. Attorney will work on preparing a Lawful Source of Funds\* (LSF) narrative.*

1. Review and Select **EB-5** Projects
2. Prepare LSF Documents
3. Invest \$800K + Administrative Fee
4. File I-526E (Petition for Conditional Green Card)
5. I-526E is accepted and USCIS issues a Receipt Notice
6. Wait 5-35 Months for RFE or Approval

*\*All applicable LSF documents must be provided prior to filing of I-526E Petition.*





**STEP**

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**2**

# I-485 ADJUSTMENT OF STATUS (AOS) OR CONSULAR PROCESSING

*Upon Approval of I-526E Petition, Investor and his/her qualifying family members will have a choice to adjust status in the United States or obtain an Immigrant Visa at the U.S. Consulate in their home country. I-526E Petition may also be filed concurrently with an adjustment of status application\*.*

## AOS

1. Attorney Prepares I-485 Application(s)
2. AOS Application(s) are accepted by USCIS
3. Investor receives Notices and Fingerprint Appointments
4. Investor receives Employment Authorization Document and Advance Parole (Travel Document) within 4-5 Months
5. AOS Application(s) are approved by USCIS
6. Investor and qualifying dependents receive *Conditional 2 Year Permanent Resident Cards*

## CONSULAR PROCESSING

1. Case Transferred to National Visa Center (NVC)
2. Attorney reviews DS-260 Form(s)
3. Biographical Documents are submitted to NVC for processing
4. NVC completes case and schedules interview
5. Attorney prepares investor for consular interview
6. Consular officer conducts interview and issues Immigrant Visas to investor and qualifying dependents
7. Investor enters United States on an Immigrant Visa
8. Investor and qualifying dependents receive *Conditional 2 Year Permanent Resident Cards*

*\*Please discuss and confirm this option with your attorney prior to filing.*





**STEP**

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**3**

# REMOVAL OF CONDITIONS ON RESIDENCE I-829 FILING

*Upon receiving Conditional Permanent Residence, Investor and his/her dependents will need to remove conditions on residence by filing a separate Petition, Form I-829. Documents must be submitted to USCIS within 90 days prior to the expiration date of Conditional Green Card.*

1. Attorney and Petitioner prepare I-829 Petition for Filing with USCIS
2. I-829 is accepted and USCIS issues Receipt Notice(s)
3. Investor receives **48 Month Extension Notices** and Fingerprint Appointments
4. Within 30 days prior to expiration of 48 Months extension investor must visit local USCIS Field Office and receive an additional **12 Month Extension/Stamp**
5. I-829 Petition is Approved\* by USCIS
6. Investor and qualifying dependents receive **10 Year Permanent Resident Cards**

*\*Processing Times may increase in case USCIS issues a Request for Evidence.*



**TRAVEL**

# TRAVEL PERMIT (RE-ENTRY PERMIT)

## FORM I-131

*A Re-Entry Permit allows a Lawful Permanent Resident or Conditional Permanent Resident to apply for admission to the United States upon returning from abroad during the permit's validity without the need to obtain a returning resident visa from a U.S. Embassy or U.S. Consulate. In general, any permanent resident who wishes to travel abroad for a period of **one year or more\***, yet maintain his/her permanent resident status must file form I-131 prior to departing the United States.*

1. I-131 Form must be filed with USCIS while the Applicant is **physically present** in the U.S.
2. Applicant must complete biometrics appointment, if any
3. Original Re-Entry Permit must be used to enter the U.S. after traveling abroad for more than one year
4. Generally, Re-Entry Permit is valid for **two years**, unless USCIS decides otherwise
5. Applicant must apply for a new Re-Entry Permit upon its expiration, if additional foreign travel for a period of one year or more is required

*\*Please discuss any foreign travel plans with your attorney prior to filing and departing the U.S.*



**STEP**

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**4**



# CITIZENSHIP

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# NATURALIZATION APPLICATION FORM N-400

*Five years after receiving Conditional Residence Card, Investor and his/her dependents will be eligible\* to file Application for Naturalization. Children under 18 years of age will automatically acquire U.S. Citizenship, if at least one of the child's parents becomes a U.S. Citizen by naturalization. Basic knowledge of English and U.S. History is required, unless exempt. After N-400 submission you'll receive:*

1. A receipt notice confirming that USCIS received your application
2. A notice for your biometrics appointment date
3. A notice for your naturalization interview with an immigration services officer at your local USCIS office (6-12 Months later)
4. A notice to take the *Oath of Allegiance* if your application is approved
5. A **Certificate of Naturalization** after taking the Oath of Allegiance

*After receiving an original Certificate of Naturalization, naturalized citizen can apply for U.S. Passport by completing Form DS-11 and visiting a nearest Passport Acceptance Facility.*

*\*Please discuss and confirm N-400 eligibility with your attorney prior to filing.*



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