



EB5 AND E2 ROUTE FOR MOVING TO USA

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WHAT IS EB-5

- USCIS administers the EB-5 Program. Under this program, investors (and their spouses and unmarried children under 21) are eligible to apply for a Green Card (permanent residence) if they:
 - Make the necessary investment in a commercial enterprise in the United States; and
 - Plan to create or preserve 10 permanent full-time jobs for qualified U.S. workers.
- This program is known as EB-5 for the name of the employment-based fifth preference visa that participants receive.
- Increased minimum investments
 - The standard minimum investment amount has increased to \$1.8 million (from \$1 million) to account for inflation.
 - The minimum investment in a TEA has increased to \$900,000 (from \$500,000) to account for inflation.
 - Future adjustments will also be tied to inflation (per the Consumer Price Index for All Urban Consumers, or CPI-U) and occur every 5 years.

PRESENT STATUS

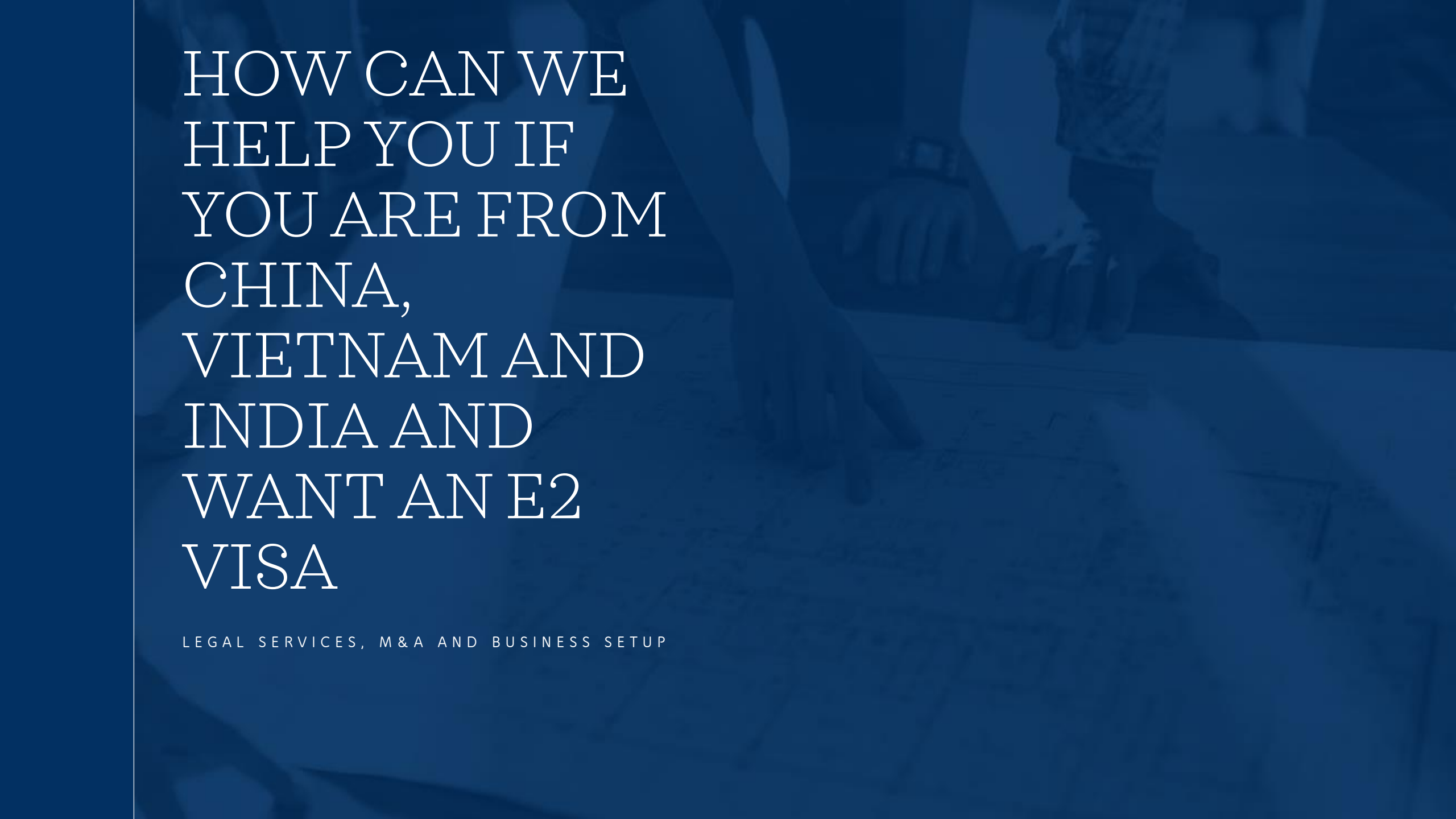
- On June 22, 2021, the U.S. District Court for the Northern District of California, in Behring Regional Center LLC v. Wolf, 20-cv-09263-JSC, vacated the EB-5 Immigrant Investor Program Modernization Final Rule. While USCIS considers this decision, we will apply the EB-5 regulations that were in effect before the rule was finalized on Nov. 21, 2019, including:
 - No priority date retention based on an approved Form I-526;
 - The required standard minimum investment amount of \$1 million and the minimum investment amount for investment in a Targeted Employment Area (TEA) of \$500,000;
 - Permitting state designations of high unemployment TEAs; and
 - Prior USCIS procedures for the removal of conditions on permanent residence.
- A Loan as a Source of Funds Is OK
- In another case, Zhang v. USCIS, the courts addressed a policy change that the United States Citizenship and Immigration Service (USCIS) announced and instituted in 2015.
- Time needed can be several years for China, India and Vietnam.

E2 VISA

- The E-2 is essentially a visa for entrepreneurs who want to come to the U.S. to open and operate a business. The regulations refer to it as a “Treaty Investor Visa” and this simply means that there must be a treaty between your country and the U.S. that allows you to apply for the E-2. Most countries are eligible, however some major countries like China, India, Vietnam , Russia and Brazil are not.
- To qualify for E-2 classification, the treaty investor must:
 - Be a national of a country with which the United States maintains a treaty of commerce and navigation;
 - Have invested, or be actively in the process of investing, a substantial amount of capital in a bona fide enterprise in the United States; and
 - Be seeking to enter the United States solely to develop and direct the investment enterprise. This is established by showing at least 50% ownership of the enterprise or possession of operational control through a managerial position or other corporate device.
- Benefits:
 - Infinite duration: the E-2 visa can be renewed as long as the business continues to operate
 - Validity periods are often 5 years at a time
 - Does not require a massive investment

Who May File for Change of Status to E-2 Classification

- If the treaty investor is currently in the United States in a lawful nonimmigrant status, they may file Form I-129 to request a change of status to E-2 classification. If the desired employee is currently in the United States in a lawful nonimmigrant status, the qualifying employer may file Form I-129 to request a change of status to E-2 classification on the employee’s behalf.



HOW CAN WE
HELP YOU IF
YOU ARE FROM
CHINA,
VIETNAM AND
INDIA AND
WANT AN E2
VISA

LEGAL SERVICES, M&A AND BUSINESS SETUP

E2 VISA

- We can help you get a passport of an E2 treaty country legally with investment as low as US\$125,000.00
- The above procedure can be done within 3 months
- Once you have the new nationality we can help you legally get your E2 visa.

GET GOOD ADVICE:
IF YOU THINK
EDUCATION IS
EXPENSIVE TRY
IGNORANCE

Moving or expanding to a new country is too complicated and risky to do alone, unless you have plenty of experience. Both USA and Asia are complicated jurisdictions and need expert handling.

Good counsel is indispensable when planning a cross border setup. We will help you avoid the pitfalls and help you glide through the whole process smoothly.



WHO KNOWS: WE DO

We at MLEGAL are among leading law firms in Asia. We work with hundreds of HNI's, Private and public sector clients.

We can offer fully integrated approach: strategy, research, consulting, execution and measurement.

Our Eminent lawyers will take care of the legal hassles of international expansion and also assist you achieving efficiencies that you thought were not possible. We save time, cost and energy that can be better utilized.



PRACTICE AREAS & INDUSTRIES

Practice Areas

- Our Practices include:
- Anti Trust
- Debt Collection, Restructuring and Insolvency
- Data Privacy and Cyber Security
- International Litigation and Arbitration Management
- International Mobility
- Intellectual Property
- Litigation
- Mergers and Acquisition
- Money Laundering
- TAX

Experience by Industries

- Aviation
- Beverage Alcohol
- Banking & Finance
- FMCG (Fast moving Consumer Goods)
- Marine
- Mining and Metals
- Information Technology
- Oil and Gas
- Pharma
- Real estate
- Tobacco

COMING NEXT

➤ H1 and

➤ L1

➤ EB2

Other options



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