



McCandlish Holton
A PROFESSIONAL CORPORATION

Green Cards For Investors

A controversial Green Card option is the Job Creation or “Million Dollar” Investment Visa.

Requirements: To be eligible for this important *Permanent Resident Visa*, you must:

- § Invest in and actively manage or establish policies for a “qualifying commercial enterprise” which will employ at least ten (10) U.S. workers; **and**
- § Be in the process of investing or have invested a minimum of \$1,000,000. **Exception:** Certain “targeted areas” (rural or high unemployment) require an investment of **only \$500,000**. Your State or local economic development agency can provide you with a list of rural and urban areas qualifying for the lower \$500,000 investment rules.

A “qualifying commercial enterprise” can be any of the following:

- § the creation of a brand new or original business; or
- § the purchase of an existing business and “simultaneous or subsequent restructuring or reorganization such that a new commercial enterprise results;” or
- § an investment in an existing business which increases its net worth and number of employees by 40%, resulting in at least ten new jobs and a new net worth which is 140% of the pre-expansion net worth; or
- § an investment in a troubled business which has been in existence for at least two (2) years and has incurred a net loss equal to at least twenty percent (20%) of its prior net worth, and the investment saves at least 10 jobs.

Type of Investment: The *capital investment* can be a combination of cash, inventory, equipment or loans, so long as borrowed funds are not secured by the assets of the new or existing enterprise. Qualified corporate/immigration counsel can assist you in properly structuring your investment and

in reducing the amount of cash required. The investment capital can be from a U.S. source, such as a commercial bank, or from overseas.

Employment of Ten U.S. Workers: The investor can take up to two years to create the required ten (10) full-time employment positions if he submits a comprehensive business plan. A new *Pilot Program* liberalizes the job creation rules for investments in export related industries in “***Regional Centers***” approved by the Immigration and Naturalization Service (“CIS”).

Family: A qualifying Investor and his spouse and children under 21 will receive Conditional Permanent Residence for two (2) years and then Permanent Residence (Green Card) based upon the continued viability of the investment.

STRATEGY TIP: *The actual amount of cash required to qualify can be reduced by resorting to a number of corporate financing options. Immigrant Investor Visas will be of greatest benefit to residents of Hong Kong, China, Indonesia, Israel, South Africa, Saudi Arabia, Brazil, and other Asian, African, Middle Eastern and South American countries. Many nations from these areas do not have commercial treaties with the U.S.A. which qualify their nationals for other investment visas, such as the E-2.*