



Thank you for your interest in our immigration practice group. We appreciate the opportunity to assist you. Below is a summary of the EB-5 Immigrant Investor visa. If you have specific questions about this visa, or any others, please do not hesitate to contact Giselle Carson.

EB-5 Visa

The EB-5 visa was created in 1990 by Congress and has in the last few years emerged as a noteworthy alternative for many foreign nationals to obtain legal permanent residence in the U.S. as long as the person is willing and can invest in a new commercial enterprise. Ten thousand immigrant visas are available to investors each year under this category.

In general, to qualify, the foreign investor must meet the following conditions:

1. Invest at least \$1,000,000 in a new commercial enterprise unless the investment is in a "designated targeted employment area" (such as a rural or high unemployment area) where the minimum investment is \$500,000,
2. Create at least 10 full-time jobs for U.S. citizens, permanent residents or other individuals authorized to work in the U.S., not including you or your immediate family, and
3. Be an involved partner in the management of day-to-day activities of the business (ex: board member or corporate officer).

Immigrant investors who obtain EB-5 status are granted conditional resident status. Two years later, they must show continued successful investment and apply to have the conditions removed and be granted legal permanent residency along with their spouse and children.

Foreign nationals can invest in their own businesses or invest in "regional centers" -- public or private enterprises that are certified by the government to receive funds from EB-5 investors and that can count jobs indirectly created by the investment toward the 10 required. Those investing in regional centers do not have to actively manage the business.

With the current variety of investment opportunities, the number of immigrant investors (and their immediate family members) who obtained EB-5 visas has increased from 1,443 in fiscal 2008 to 4,218 in the 2009 fiscal year.



Giselle Carson

Shareholder

1200 Riverplace Boulevard, Suite 800

Jacksonville, Florida 32207

Tel: (904) 398-0900

Fax: (904) 399-8440

gcarson@marksgray.com