

FORBES > BUSINESS > POLICY

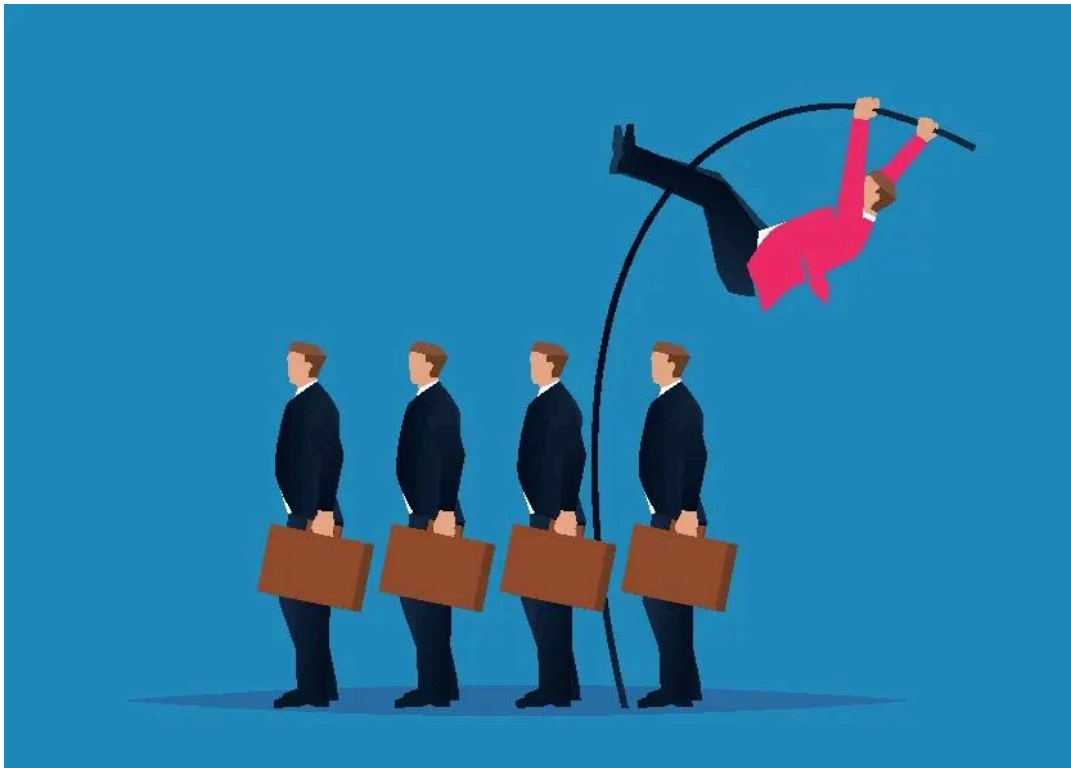
The Golden Years Of The EB5 Investor Immigration Program Are Now

Andy J. Semotiuk Contributor ⓘ

I write about investor immigration and about Immigration issues.

[Follow](#)

Jun 10, 2024, 06:52am EDT



Foreign investors now have a way to jump to the front of the immigrant line. GETTY

This is the golden age for investor immigration in the United States. That is because there is a special policy that was implemented by the introduction of the [Reform and Integrity Act](#) (RIA) of March 15th, 2022 to make it possible for many foreign investors to quickly

[Privacy](#) - [Terms](#)

get green cards under the EB-5 program, the primary route for foreign investors to come to the United States.

Getting Over Backlogs



Line-ups are frustrating but can be overcome with set-asides. GETTY

For many immigrants, especially from China or India, immigration backlogs for getting green cards are so long that they are almost impossible to deal with. However, the special policy that was implemented by the RIA involves so-called set-asides that include priority processing for such foreign investors. By introducing these set-asides in the revised EB-5 program, Congress isolated three special places where they wanted to channel foreign investment dollars. Those three places were high unemployment areas, infrastructure, and rural development.

The result has been that investors who are prepared to invest in a regional center project in any of these three areas can bypass the backlog and jump to the front of the immigration line. In short, for these foreign investors in EB-5 projects, the lights are on, the doors are open and there is no lineup. Let's take a look at how this system operates and how you can take advantage of this opportunity as a foreign investor who wants to get a green card in the United States.

Background

The EB5 program was [introduced](#) in the United States in the early 1990s to attract foreign investment, and to create American jobs. Initially it was created to be a direct investment program, but a few years later, a regional centre [program](#) was developed and it has taken over as by far the most popular aspect of the EB5 investor program. The reason is that instead of having to invest \$1,050,000 U.S. in an investor's own direct EB5 project, the foreign investor needs only to invest \$800,000. However, in the regional center

case, the investor invests in someone else's project being undertaken through a regional centre which has been approved by the United States Citizenship and Immigration Services (USCIS). In creating 10 permanent jobs for each investor, under the regional centre program indirect jobs are counted in addition to direct jobs, making it easier for the investor to comply with this requirement.

MORE FROM [FORBES ADVISOR](#)

Best High-Yield Savings Accounts Of 2024

By **Kevin Payne** Contributor

Best 5% Interest Savings Accounts of 2024

By **Cassidy Horton** Contributor

Priority Processing

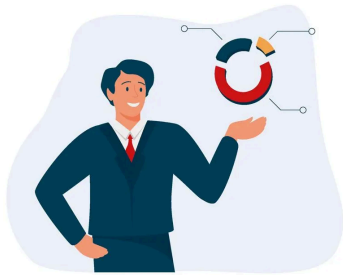
But the most exciting aspect of the program is the priority processing of applications connected with set-asides. Until now, one of the challenges the EB5 program has had to face was delays in processing. Slow processing was particularly perplexing for investors from countries like China and India. That is because there are far more investors interested in coming to the United States from these countries than there are visas allocated for them. Normally, this means that such investors have to wait many years, sometimes more than 10 or 20, to get green cards. Through the introduction of these set-aside visas, the EB5 program made it possible for investors from these backlogged countries to jump to the front of the line by investing in the priority areas mentioned. Experts predict that these set-aside visas will remain current for at least a year, or possibly even two.

Forbes Daily: Join over 1 million Forbes Daily subscribers and get our best stories, exclusive reporting and essential analysis of the day's news in your inbox every weekday.

[Sign Up](#)

By signing up, you agree to receive this newsletter, other updates about Forbes and its affiliates' offerings, our [Terms of Service](#) (including resolving disputes on an individual basis via arbitration), and you acknowledge our [Privacy Statement](#). Forbes is protected by reCAPTCHA, and the Google [Privacy Policy](#) and [Terms of Service](#) apply.

What this means for foreign investors is that without the set-asides, in addition to waiting many years for their [priority dates to become current](#), an applicant would have to have to wait four or five years to get their papers approved and to get their green card. Now, that is all gone for set-aside investors.



An example illustrates how the EB-5 set-aside program works. GETTY

An Example

Let's take an example to illustrate how this may help you as an investor. Let us say you are from China or India and currently are looking for a way to come to the United States as soon as possible.

Under the old system, as outlined above, after filing your petition, you have to wait for your priority date to come current - probably 10 or more years before you can get green card. Now, however, all you need to do is identify one of the priority area projects that are available to foreign investors under the EB5 program and invest in it. Since the doors are open for such investors, your priority date will be current and your paperwork will be processed on a priority basis. Anecdotally, in some cases this has meant approvals of the investor petition in less than six months.

Internal Or Consular Approvals

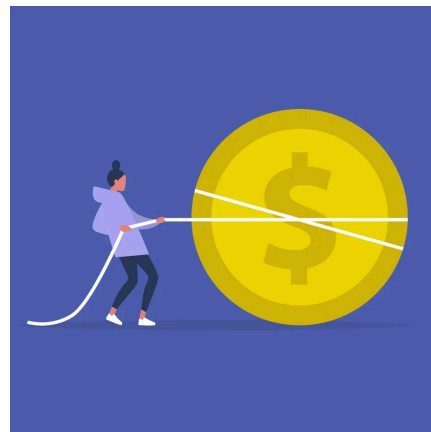
For foreign investors currently in the United States, there is another **great advantage**. They can apply immediately for an adjustment of status, a work permit and a travel document all at once. While awaiting the overall approval of their case, such investors can expect relatively quickly to get work permits and travel approval, and then in due course to get their internal conditional green card with a two year term. There is no need for them to travel home for this purpose.

For investors overseas, the approval of their EB-5 petition leads to U.S. consular processing and then entry as conditional green card holders.

Either way, after two years, the investor can apply to remove his conditions on the green card by proving the funds remain invested in the regional center project and that they have led to the creation of at least ten new permanent jobs. Once established, the conditions on the green cards are removed and the investor and his family members all get regular green cards to live permanently in the United States.

The Return Of Funds

What is equally exciting about these set-aside visas is how soon the regional centre can return the funds invested by the investor. In some cases regional centres are taking the position that the investment can be returned to the investor in a matter of approximately 2 years, having created the necessary permanent 10 jobs and having satisfied the requirement of keeping the funds in the project for the necessary period. While the exact term of the



Once the conditions are met on the green card, the invested money is returned. GETTY

investment will be regulated by the terms of the regional center project requirements, and there is [debate](#) about whether this should be two years or five or more, either way the investor is made whole by getting green cards for him and his immediate family and the return of all the funds invested, in some cases even with some income over and above the return of capital.

Why It's Working

As Armand Arton, President of Arton Capital put it, “In the face of world instability and migration, instead of putting up barriers, or just approving wealthy migrants, it is better to use filters to maximize the benefits of incoming capital for countries accepting investor immigrants.” This is what this EB-5 program is doing for America. In that sense, the program is working. That is certainly the view of many leading EB-5 attorneys, and those working in this field like Steven Reingold of Saul Ewing LLP and Jill Jones of JTC USA Holdings Inc., for example.

Follow me on [Twitter](#) or [LinkedIn](#). Check out my [website](#) or some of my other work [here](#).



Andy J. Semotiuk

Follow

I am a U.S. and Canadian Immigration attorney and have helped over 10,000 clients with various legal problems. I am a... **Read More**

[Editorial Standards](#)

[Reprints & Permissions](#)

ADVERTISEMENT