

EB-5

Visa

Guide



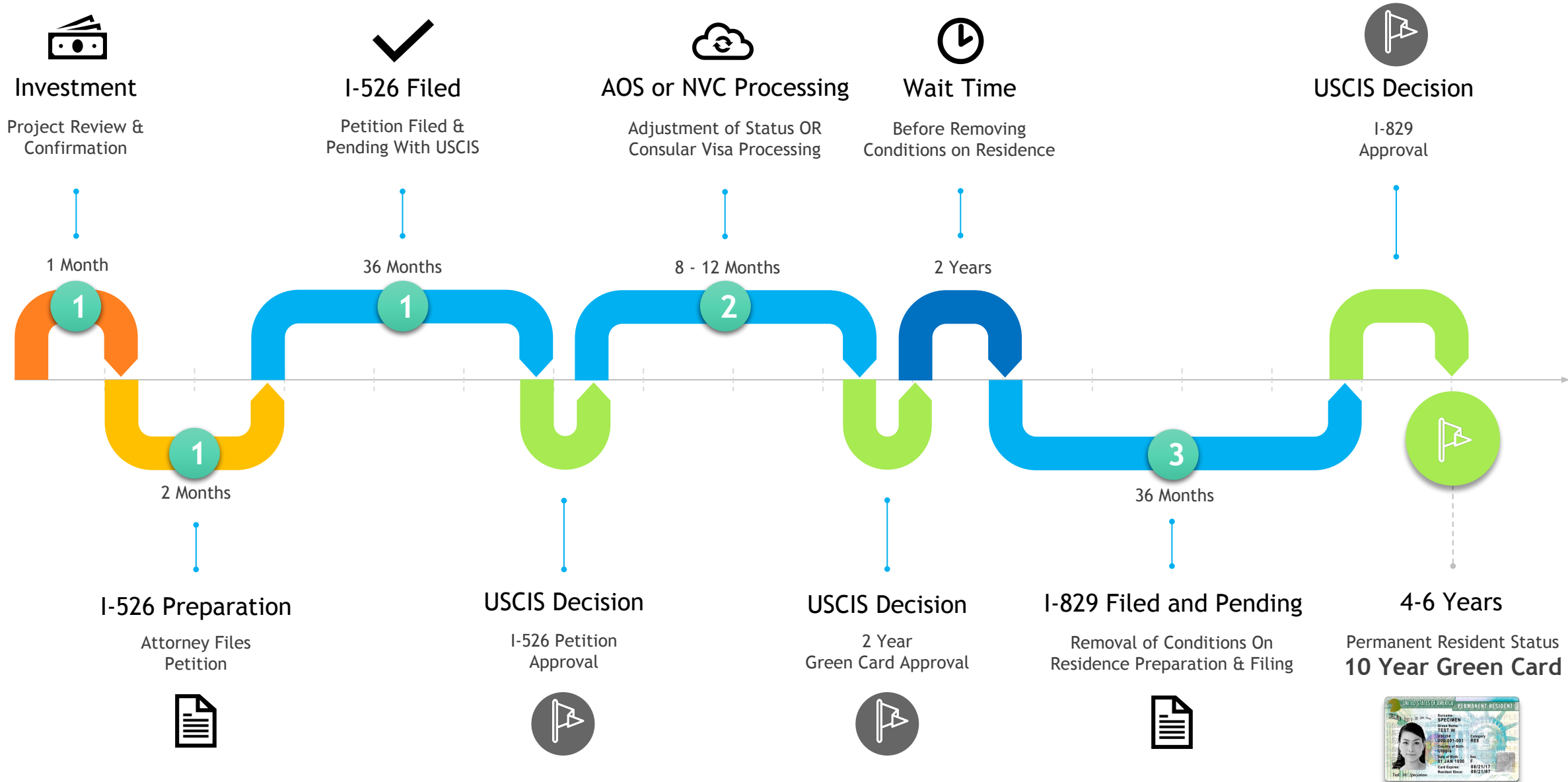
Dear Client,

*The **EB-5** Immigrant Investor Visa Program was created in 1990 and is one of five employment-based preference programs in the United States. If you are considering a U.S. Investment Visa, then Immigrant Investor Program may be a right choice for you and your qualifying family members. Our goal is that you will allow us the opportunity to help you understand the program and all the steps you need to take to make this entire process as stress free as possible and successful. This detailed guide will navigate you through the timeline, from your initial investment to becoming a **Legal Permanent Resident**. Our experienced team is here to help you achieve your dream of immigrating to the United States.*

Andrew Scott Koerner, Esq.



TIMELINE



STEP

1

INITIAL INVESTMENT AND I-526 FILING

Investor will decide whether to invest in their own company or a Regional Center with a qualifying project. At this step, prospective investor will work directly with a Regional Center and select a New Commercial Enterprise. Attorney will work on preparing a Lawful Source of Funds (LSF) narrative.*

1. Investor Reviews **EB-5** Projects
2. Confirmation of U.S. Project
3. Preliminary Preparation for Investment
4. Investor is accredited by Regional Center (if applies)
5. Investor Wires \$800,000 to **New Commercial Enterprise**
6. Attorney reviews Lawful Source of Funds for Investor
7. Attorney prepares I-526 Petition for Filing with USCIS
8. I-526 is accepted and USCIS issues a Receipt Notice

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

STEP

2

ADJUSTMENT OF STATUS (AOS) OR CONSULAR PROCESSING

Upon Approval of I-526 Petition, Investor and his/her qualifying family member will have a choice to adjust status in the United States or obtain Immigrant Visas at the U.S. Consulate in their home country.*

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 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
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*

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

STEP

3

FORM I-829 FILING FOR REMOVAL OF CONDITIONAL PERMANENT RESIDENT STATUS

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

1. Attorney prepares I-829 Petition for Filing with USCIS
2. I-829 is accepted and USCIS issues a Receipt Notices
3. Investor receives **24 Months Extension Notices** and Fingerprint Appointments
4. Within 30 days prior to expiration of 24 Months extension investor must visit local USCIS Field Office and receive an additional **12 months 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 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 180 days or **more*** must maintain his/her permanent resident status by first filing form I-131 prior to departing the United States.*

1. Form I-131 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 (2) 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.*

CITIZENSHIP



NATURALIZATION APPLICATION

FORM N-400

Five years after receiving Conditional Resident Cards, Investor and his/her dependents will be eligible to file Form N-400 - 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
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.*



KOERNER
Immigration Law

Andrew Scott Koerner

Attorney-at-law

+1(855)KOERNER

+1(855)563-7637

info@koernerllc.com

WWW.KOERNERLLC.COM

