



# YES, THE U.S. STILL WANTS FOREIGN BUYERS

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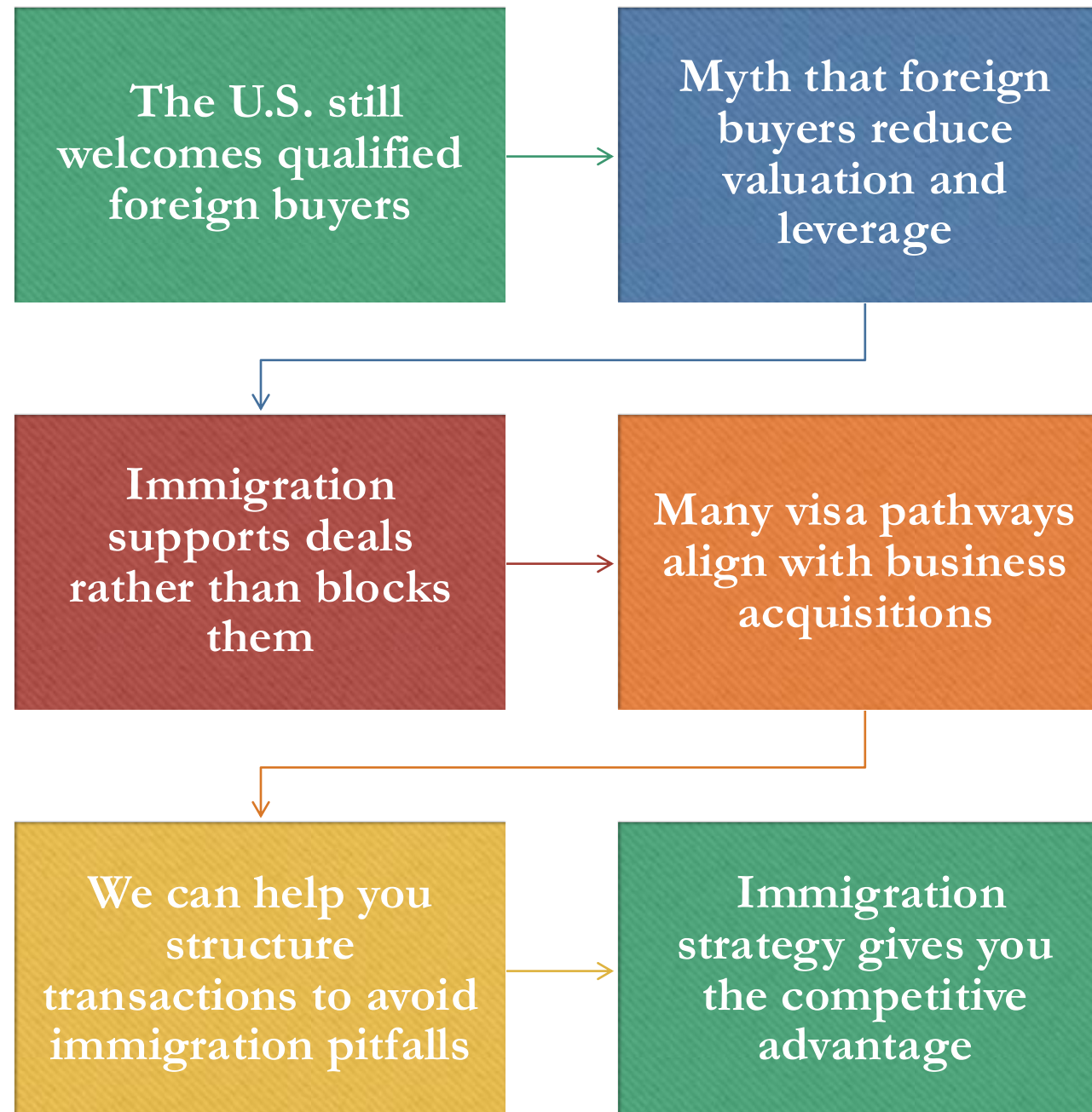
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# PRESENTATION GOALS



# WHY THIS TOPIC MATTERS FOR BROKERS

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- Headlines and politics create misinformation
- Immigration uncertainty causes hesitation
- Some brokers exclude foreign buyers entirely
- Smaller buyer pools reduce valuation and leverage, foreign investment can enlarge Seller options

## THE ECONOMIC REALITY

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- \$151 billion in foreign acquisitions and expansions in 2024
- \$52.8 billion in foreign investment in the first quarter of 2025 alone, early indicators suggest continued strong foreign investment in U.S. businesses.
- Nearly 8 million U.S. jobs supported by foreign direct investment
- Foreign capital strengthens innovation and exports
- Consideration: Certain sensitive industries may require additional review



WHY  
BROKERS  
SHOULD  
KEEP  
SELLING  
TO  
FOREIGN  
BUYERS



Larger buyer pool increases competition



Competition improves pricing and deal terms



Immigration-motivated buyers can be highly committed clients



Better buyer matching increases certainty of close

# HIGHER VALUATIONS AND BETTER TERMS

- Immigration value layered on top of business value
- Market-entry premium
- Safe-haven premium
- Family relocation incentive
- All-cash or low-leverage offers more common



**Limitation: Business must be operational & passive investments do not qualify**



## ACCESS TO A LARGER CAPITAL POOL

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- Global investors hold trillions in U.S. assets
- Capital allocated specifically for U.S. expansion
- Broader capital base increases certainty of close

**Considerations:** Currency risk, Source-of-funds documentation & Cross-border and International tax planning

Approval and visa timelines create urgency

Decisive and responsive buyers

Long-term commitment to business success

Strong incentive to close

Caution: Emotional urgency requires disciplined due diligence

**IMMIGRATION-  
DRIVEN  
BUYERS  
CAN BE  
HIGHLY  
MOTIVATED**

# STRATEGIC MARKET ENTRY AND DIVERSIFICATION



# IMMIGRATION SHOULD SUPPORT THE DEAL

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- Immigration is a deal variable — not a deal stopper
- Early screening prevents delays
- Ownership percentages matter
- Salary and role titles matter
- Asset vs. stock purchase impacts eligibility
- Coordination protects timelines

# OUR ROLE IN THE TRANSACTION

You sell the business....

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1. We review the deal to confirm it should work for immigration purposes.
2. We evaluate the deal through an immigration lens — not just a financial one.

**What We Evaluate Before (and During) the Deal:**

## **Buyer Eligibility**

- Nationality (treaty country for E-2)
- Ownership structure (must control at least 50%)
- Lawful, traceable source of funds

## **Business Eligibility**

- Real and operating (not passive)
- For-profit enterprise
- Structured for active direction and development



# STRUCTURE, TIMING & RISK



## Investment Structure

- Funds must be “at risk”
- Escrow language must meet immigration rules
- Seller financing structured carefully



## Marginality & Job Creation

- Must support more than just the investor
- Show capacity for growth and hiring



## Timing Strategy

- When funds move
- When filing occurs
- Travel planning



We try to raise red flags early — to fix structure before denial.



## How This Helps You

- ✓ Prevents late-stage deal failure
- ✓ Makes listings more attractive to foreign buyers
- ✓ Positions you as cross-border savvy



# E-2 TREATY INVESTOR VISA

## Most common visas used for business acquisitions

- Available to nationals of U.S. treaty countries
- Requires a substantial investment in an operating U.S. business or create a new one.
- Investor must direct and develop the company
- 55,324 E-2 visas were issued worldwide in FY 2024
- Japan was the largest E-2 country, receiving the most E-2 visas that year

## Key structuring considerations

- Business must be real and operating -passive investments do not qualify
- Investment must be “at risk”
- Ownership must show control (typically at least 50%)
- Source of funds must be documented

# E-1 TREATY TRADER VISA

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## **Ideal for businesses engaged in international trade**

- Available to nationals of treaty countries
- Requires substantial ongoing trade between the U.S. and the treaty country
- Majority of trade must be between the U.S. and the investor's home country
- Common for import/export, logistics, distribution, and manufacturing
- 5,639 E-1 visas were issued in FY 2024
- **Japan** was also the top E-1 country with 1,565 visas issued

## **Key structuring considerations**

- Trade must be continuous and substantial
- Business model must support regular transactions
- Documentation of trade activity is critical

# L-1A EXECUTIVE OR MANAGER

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## **Used when a foreign company expands into the United States**

- Requires an existing foreign company
- Allows executives or managers to open or acquire a U.S. business
- Investor must serve in a managerial or executive role
- Strong pathway toward permanent residence
- 83,307 L visas were issued worldwide in FY 2024
- India, the United Kingdom, and Brazil are among the top countries using L visas

## **Key structuring considerations**

- Foreign company must remain operational
- Organizational structure must support managerial role
- Job titles must match actual duties



# O-1A EXTRAORDINARY ABILITY VISA

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For founders, executives, or innovators with significant recognition

- Based on extraordinary ability and sustained recognition
- Can be used by high-level founders and company leaders
- No fixed investment requirement
- Useful when treaty visas are unavailable
- 19,457 O-1 visas were issued in FY 2024
- Great Britain and Northern Ireland led O-1 issuances in FY 2024 with 2,691

Key structuring considerations

- Requires strong evidence of professional achievements
- High evidentiary standard
- Must show ongoing role with a U.S. company

# EB-5 IMMIGRANT INVESTOR GREEN CARD

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## **Investment-based path to permanent residence**

- Provides direct path to a U.S. green card
- Requires significant capital investment
- EB-5 investors must create at least 10 full-time U.S. jobs.
- 8,354 EB-5 immigrant visas were issued in FY 2024
- Each EB-5 investor must invest \$800,000 to \$1,050,000 in the United States

## **Key structuring considerations**

- Strict compliance and documentation requirements
- Job creation must be demonstrated
- Processing timelines may vary

# WHAT IS THE “TRUMP GOLD CARD”?

- The “*Gold Card*” investor visa program is currently open for applications.
- Designed as an expanded investor-immigration pathway.
- Enables qualified foreign investors to obtain U.S. residency through defined investment criteria.
- Provides an additional option for high-value strategic investors.
- USCIS now uses Form I-140G for the Gold Card program

## **Key Broker Takeaway:**

- This new pathway adds flexibility and attractiveness for foreign buyers.
- Foreigners wanting to obtain the Gold Card may also want to buy US businesses.
- Knowledge of current requirements gives brokers a strategic advantage.





## H-1B for Founders: Yes, But Structured Properly

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- A foreign national can start a business and qualify for an H-1B — but only with the right structure in place.
- Real employer-employee relationship (company controls the role)
- Independent oversight (board or management separation)
- Specialty occupation position (not just “CEO”)
- Ability to pay prevailing wage
- With the right setup, H-1B for founders is absolutely possible

COMMON  
PITFALLS  
THAT  
DERAIL  
DEALS

Immigration issues addressed too late

Assuming visa eligibility

Misunderstanding treaty nationality requirements

Poor advisor coordination

Misaligned timeline expectations

# HOW THIS BUILDS BROKER CREDIBILITY

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- Differentiation in competitive markets
  - Expanded international referral networks
  - Ability to close complex transactions
  - Stronger long-term portfolio results
  - International expertise enhances brand value
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# Why the U.S. Welcomes Foreign Investors

- Foreign direct investment supports nearly 8 million American jobs
- International capital strengthens U.S. businesses and innovation
- Foreign buyers expand the pool of qualified purchasers
- Cross-border investment creates jobs and economic growth

## **For brokers this means:**

- More buyers
- Higher valuations
- More competitive transactions

# Interesting Facts About U.S. Visa Categories

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## E-2 Investor Visa

- There is no limit on size of investment for E-2 it can be millions of dollars and can be renewed indefinitely as long as one qualifies.

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## E-1 Treaty Trader Visa

- Intl. trade doesn't have to be goods — it can chiropractic services, staffing agencies, keynote speakers, digital marketing, logistics, tech greenhouse systems, etc.

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## O-1A Extraordinary Ability

- You do not need to win a Nobel Prize or Olympic medal to qualify.
- Famous people that got this visa: Justin Bieber, Hugh Hackman, David Beckham, Arianna Huffington, etc., not Melanie Trump

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## L-1A Intracompany Transfer

- To EB-1A is fastest track to a Green card besides marrying a US Citizen.

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## EB-5 Investor Program

- 10,000 EB-5's are issued per year. 80% success rate when filed initially. Trump can't unilaterally end this program without Congress.

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## “Gold Card” / Investment Migration

- Trump hopes to offer a platinum card- \$5 mil per person/ 270 days live here no tax on non-US Income. Over 100 countries worldwide offer residency or citizenship through investment programs.

# How Weiss & Moy, P.C. Can Help



Identify the best visa strategy for your clients



Guide investors and business owners through U.S. immigration options



Prepare and file visa petitions (E-2, L-1A, O-1, EB-5 and more)



Coordinate immigration with your business plans and investments



Provide ongoing immigration and compliance support

# QUESTIONS AND DISCUSSION



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We offer free brief consults to give your clients some direction.

