



DON GONZALEZ, P.A.

ATTORNEYS AT LAW

DON GONZALEZ, J.D., M.B.A., L.L.M.
Master of Laws in Taxation

Foreign Investment in Real Properties for Immigration Purposes by Don Gonzalez, Esq.

The million dollar question which is often posed to me by investors and Realtors is:

“Can investments in Real Properties be used to obtain a U.S. Visa and possibly a Green Card?”

My answer is *“Under the right circumstances, yes.”*

The United States has several types of business related investor visas available. Foreign Nationals can use their investment in a business or real property within the United States to obtain visa benefits for themselves and eligible members of their families, provided these investments are structured correctly. The purchase of a business such as a restaurant, gas station, Laundromat, or franchise can easily be used to obtain a U.S. Visa. Foreign Nationals can also be eligible for U.S. Visas in the situation in which they create a corporation that purchases three or more properties such as commercial properties, single family homes, condos, foreclosures and/or short-sales. All of these transactions require an experienced and qualified Immigration Attorney to prepare and supervise the case. Below is a brief synopsis of the various business related investor visas available.

EB-5 Investor Visa

The EB-5 Visa is available to Foreign Nationals who make an investment of at least \$1 million into a new commercial enterprise or troubled business. The investment must also create at least ten full-time jobs for U.S. workers in the case of a new commercial enterprise, or maintain the number of jobs that existed prior to the investment in the case of a troubled business. The investor must also manage or be involved in the day-to-day operations of the enterprise. If the investment is made in a business within an area that is designated as a Targeted Employment Area (TEA), the minimum amount needed for investment is reduced to \$500,000. An example of the type of investment that could be used for this visa category would be a franchise business such as a McDonald's, Burger King, or any other national franchise that would normally employ at least ten U.S. workers on a full-time basis.

EB-5 Regional Center Pilot Program – In order to further stimulate the economy with foreign investments, the Regional Center Pilot Program was created. Under this program a Foreign National who invests either \$1 million or \$500,000 in an EB-5 Regional Center and creates directly or indirectly 10 new full-time jobs is eligible for an EB-5 visa, along with his eligible

family members. An EB-5 visa holder is eligible for U.S. Legal Permanent Residency (Green Card) after two years of meeting the EB-5 requirements.

The United States Customs and Immigration Services (USCIS) allocates a maximum of 10,000 EB-5 visas each year, only 3,000 of which are available for the Regional Center Pilot Program. I call these government approved investments whereby an investor who is capable of investing \$500,000 and does not wish to have any type of managerial control or be involved in the day-to-day operations of the business, but only wants to be a passive investor can basically purchase his Green Card for a fee of \$500,000 plus costs.

E-2 Treaty Investor Visa

A Foreign National from a country which has a navigation and commerce treaty with the United States is eligible for the E-2 Treaty Investor Visa if they invest a substantial amount of capital into a U.S. business. The investor in this case must come to the United States solely to develop and direct the business and must show at least 50% ownership or operational control through a managerial, directorial or executive position. The business must generate more than a marginal income, which means more than just enough to support the investor's family. The investor's accompanying spouse and unmarried children under 21 are also eligible for the E-2 visa. There is no USCIS annual maximum of E-2 visas. E-2 visa holders are allowed an initial stay of two years and may be given extensions of two year terms. There is no maximum on the amount of extensions granted for an E-2 visa. There is also no minimum or maximum amount which needs to be invested. The investment amount must be considered by the USCIS to be a substantial amount in relation to the business, and the amount needs to be enough to establish the business. The smallest amount that our firm has dealt with successfully in an E-2 Visa application is between \$30,000 and \$50,000. This visa can also be used to create your own new business enterprise should the investor desire that instead. In our firm, this is the preferred visa category to use for investors who want to invest in real estate properties such as foreclosures, condos, and residences.

L-1A Intra-Company Transferee Visa

The L-1A visa is available to Executives or Managers of a U.S. employer who wish to transfer from an affiliated foreign office to the U.S. office. This visa is also available to executive or managers of a foreign company who come to the U.S. for the purpose of establishing an affiliated U.S. office. The initial term of the L-1A visa is 1 year for those establishing a new U.S. office and three years for all others. L-1A visa extensions are given in increments of two years with a maximum stay of seven years. This is the preferred strategy to be used when the investor is the owner of a company or self-employed in his foreign homeland. The individual owns the company and must appear in the payroll records of the company in at least one of the last three years. The self-employed individual basically creates the new affiliated company in the United States and transfers himself to the United States. For example, Mr. Gomez, a Colombian National who owns a tire company in Colombia, creates his own U.S. subsidiary corporation which is involved in the investment and selling of real property within the United States. He will basically transfer himself as the executive in Colombia to be the manager of the new U.S. company.

Summary

For the serious investor, there are various options available to immigrate to the United States if this also is one of their goals.

There is new legislation presently before Congress that, if passed, would create new Visa categories and opportunities for the Foreign Investor. If you should have any questions or need additional information or wish to schedule a consultation, feel free to contact me at the office by phone at (954) 598-0660, or by email at: dongonzalez@aol.com, or visit our website at: **www.dongonzalezpa.us** Consultations can be done via Skype for clients anywhere in the world. If you are serious about achieving your immigration goals through your investment in the United States, please contact us.

Sincerely,

Don Gonzalez, Esq.

ADVERTISEMENT

This is general information and should not be construed as legal advice. Please consult an attorney for information and advice regarding your specific circumstances. The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.