

Green Card for Investors

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For those who have the money to invest, the Immigration act of 1990 provides a shortcut by which one can obtain a green card without having to wait very long. This new category, known as fifth preference employment creation, provides 10,000 visas annually. So far it has failed to attract the foreign investors for whom it was designed, so unlike the other categories where a wait of several years is often expected, no backlog exists in this one.

To qualify for an investors visa, several requirements have to be met. Aside from investing a million dollars, the investor must also take an active role in the running of the business either through day-to-day managerial control or through the formulation of management policies.

The source of the funds to be invested is closely scrutinized by the INS before the investor can even start investing. This provision of the law tries to prevent money acquired through criminal activities such as drug money from being used to obtain a green card. The foreign investor is required to submit evidence identifying the source of his capital such as his personal savings, proceeds from the sale of his assets, or borrowed capital from a foreign bank if such is the case.

It is not necessary that the investor starts an original commercial enterprise to qualify for a visa. He could purchase an existing business for instance and reorganize or restructure it into a new commercial enterprise. What is important is that the newly restructured business will result in 10 new employment opportunities aside from those already employed. A new business could also be created by expanding an existing one. Such expansion should result in at least 40% change in the net worth of the business and should create more than ten new jobs. One type of business which does not require the creation of 10 new jobs is if the investor acquires a troubled business that has at least 10 employees already. If the business goes bankrupt however the investor, aside from losing his investment, will not be able to change his provisional visa into a permanent one.

An investor who comes short of the 1 million amount may still be able to get his green card. If he invests in an area that is identified as a high unemployment or rural area, he may just have to invest half the amount or 500,000.

To deter fly-by-night investors who might establish businesses for the purpose of evading immigration laws and then diverting the capital elsewhere after getting a green card, the investor is given a two-year conditional permanent residence. After the two-year period the alien businessman and his family will be given a permanent green card if he provides sufficient evidence that he is indeed operating a bona fide thriving commercial enterprise, he invested or is in the process of investing the required capital, he is actively running the business and it is financially sound due to his capable management, provide proof that he employs at least 10 Americans of permanent residents and other evidence as may be requested by the INS.