

“Top Questions asked by Immigrant Investors” by Adam Edward Rothwell, Esq.

The following are some of the most common questions with answers that I am asked by potential and committed immigrant investors in the United States.

1) Is the investment guaranteed?

Investments by foreign citizens in the United States, in furtherance of either investment based green cards or any other matter for that reason, are not guaranteed. The nature of any valuable investment is that there exists a degree of risk with the potential for return. Also the United States does not offer investment based green cards to primarily benefit foreign citizens but rather to spur US investment and job development.

Still, while I have been contacted on multiple occasions by foreign citizens who claimed to have tens of thousands of dollars or more taken from them by supposed business brokers in furtherance of investment green cards, the investment based green card program is now highly regulated. Also with now over 530 regional centers approved by the USCIS alone, foreign investors have substantial opportunity to choose a wise investment. With such a diverse range of investments, the investment based green card program now provides the real possibility for foreign investors to profit their investments in the US as well as receive green cards for themselves and family members.

2) May the amount of money I spend on a primary residence in the US be counted towards the amount I invest for an investment based green card application?

No. No it may not.

3) From the date I start the process, how long will it take to receive a green card?

This is not the easiest question to answer, because processing times change and everything depends on what the person asking the question means by “the date of starting the process.” From the date investment funds are committed and the EB-5 paperwork is filed, it usually takes about two years to receive a green card. It may take less or even a little more than two years, but two years is a good expected timeframe for planning.

4) How much choice do I actually have in choosing the investment?

The foreign citizen is free to choose the investment and for that reason would be wise to do as much homework as possible. The amount of funds that must be committed are too substantial for a rash decision. I have seen too many cases where foreign citizens entirely committed to investments in furtherance of green card applications without realizing the process, timeline or even investment requirements. Additionally, foreign citizens considering investment should be aware that, depending on who they contact, they will likely be steered towards engaging certain investments. Foreign citizens should be fully counseled on the investment details and compensation of all interested parties before engaging an investment.

5) What is the biggest screwed up investment situation I ever encountered

I once had a consultation with a representative of a family that had investment over \$6 million in US real estate and related projects entirely to then be able to receive green cards through investment. Otherwise fairly worthless land was purchased and construction was started, but the construction was faulty. Everything had to be torn down, and the fund transfers had been incorrectly accounted for. Also the project ownership was incorrectly titled. In my opinion there was no real chance for anyone to receive an investment green card and the investment itself was a washout. I felt it was \$6 million thrown away and there was nothing I could do to fix it. This is a prime example of why foreign citizens interested in any US immigration application, more or less investment, need to be fully aware of all requirements before proceeding.

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