



**ATTORNEY AT LAW**

# Intro To EB-5 Petition

INTRO TO EB-5 PETITION

**LAW OFFICE OF LE YE, LLC**

**[WWW.LEYELAW.COM](http://WWW.LEYELAW.COM)**

# Table of Content



ATTORNEY AT LAW

- ❑ EB-5 Overview
  - ❑ EB-5 History
  - ❑ EB-5 Background
  - ❑ Capital Investment Structure
  - ❑ Job Creation Requirement
- ❑ EB-5 Petition Process
  - ❑ EB-5 Vs. F-1
  - ❑ Petition Process (Flow Chart)
  - ❑ Important Statistics
- ❑ Our Firm
  - ❑ Attorney Introduction
  - ❑ Contact Us

# EB-5 Overview



ATTORNEY AT LAW



# EB-5 History



ATTORNEY AT LAW

- USCIS administers the “Employment Based Fifth Preference” Visa, also known as “EB-5”, in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors.
- By definition, a foreign investor can invest 1 million US dollars and create 10 job opportunities to obtain conditional immigration visa (I-526), and have condition removed after 2 years, become permanent resident.

# EB-5 Background



ATTORNEY AT LAW

- Section 203(b)(5) of the Immigration and Nationality Act (INA), allocates 10,000 “EB-5” immigrant visas per year to qualified individuals seeking Lawful Permanent Resident (LPR) status on the basis of their capital investment in a commercial enterprise.
- The EB-5 regulations may be found at 8 CFR 204.6 and 8 CFR 216.6, respectively.

# Capital Investment Structure



ATTORNEY AT LAW

- EB-5 Investors may be eligible for an EB-5 immigrant visa if they have invested – or are actively in the process of investing - the required amount of capital into one of the following for-profit business-types:
  - A new commercial enterprise (created after 11/29/1990);
  - An enterprise which will expand to 140% of pre-investment net worth or number of employees, or;
  - A troubled business in which jobs will be preserved.
- The standard capital investment requirement for an EB-5 investor is \$1 million.

# Job Creation Requirements



ATTORNEY AT LAW

- Each EB-5 investors must demonstrate that their capital investment will create/preserve at least ten (10) jobs for qualified U.S. workers within the United States.
- A qualified U.S. worker is a U.S. citizen, LPR, asylee or refugee.
- Jobs created for nonimmigrant workers and/or members of the EB-5 investor's family are not qualifying.

# Standard EB-5 Petition Process



ATTORNEY AT LAW

leyelaw.com

leyelaw.com

leyelaw.com

leyelaw.com





# EB-5 Vs. F-1



ATTORNEY AT LAW

	EB-5 Requirement	F-1 Student
Investment Amount	\$ 500,000 invested in a USCIS approved regional center project.	Total tuition and board \$200,000 to \$400,000 for a foreign student
Benefits	Same as US resident, students could attend state college with little or no tuition	None
Admission Requirement	Same as US students, SAT score (right after high school)	Need TOFEL, GMAT, GRE for application Need I-20 from school and apply F-1 visa
Application Time	4-6 month for I-526 approval, then investor and family could apply visa (or adjust status if already in the states)	Could take up to 2 years
Family Member	Main applicant and his / her family, including child(ren) under 21 years old	F-1 student self
Job Opportunity	Entitle the same freedom as a US citizen.	Limited by F-1 visa, can't work outside campus, need to apply H-1B visa after graduation to work in the state, and can't not switch employer freely

# Petition Process (Flow Chart)



ATTORNEY AT LAW

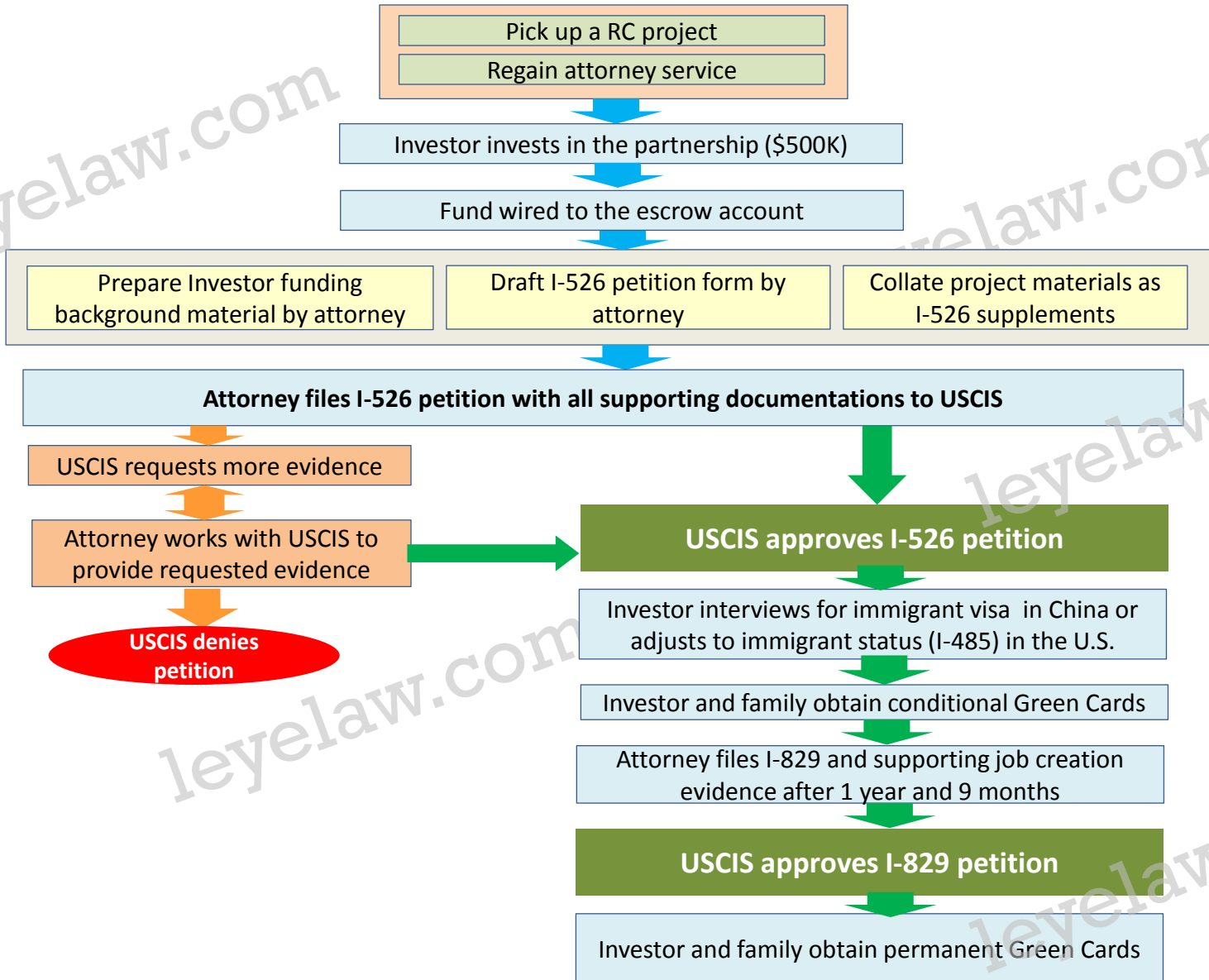
leyelaw.com

leyelaw.com

leyelaw.com

leyelaw.com

leyelaw.com



# Important Statistics: I-526



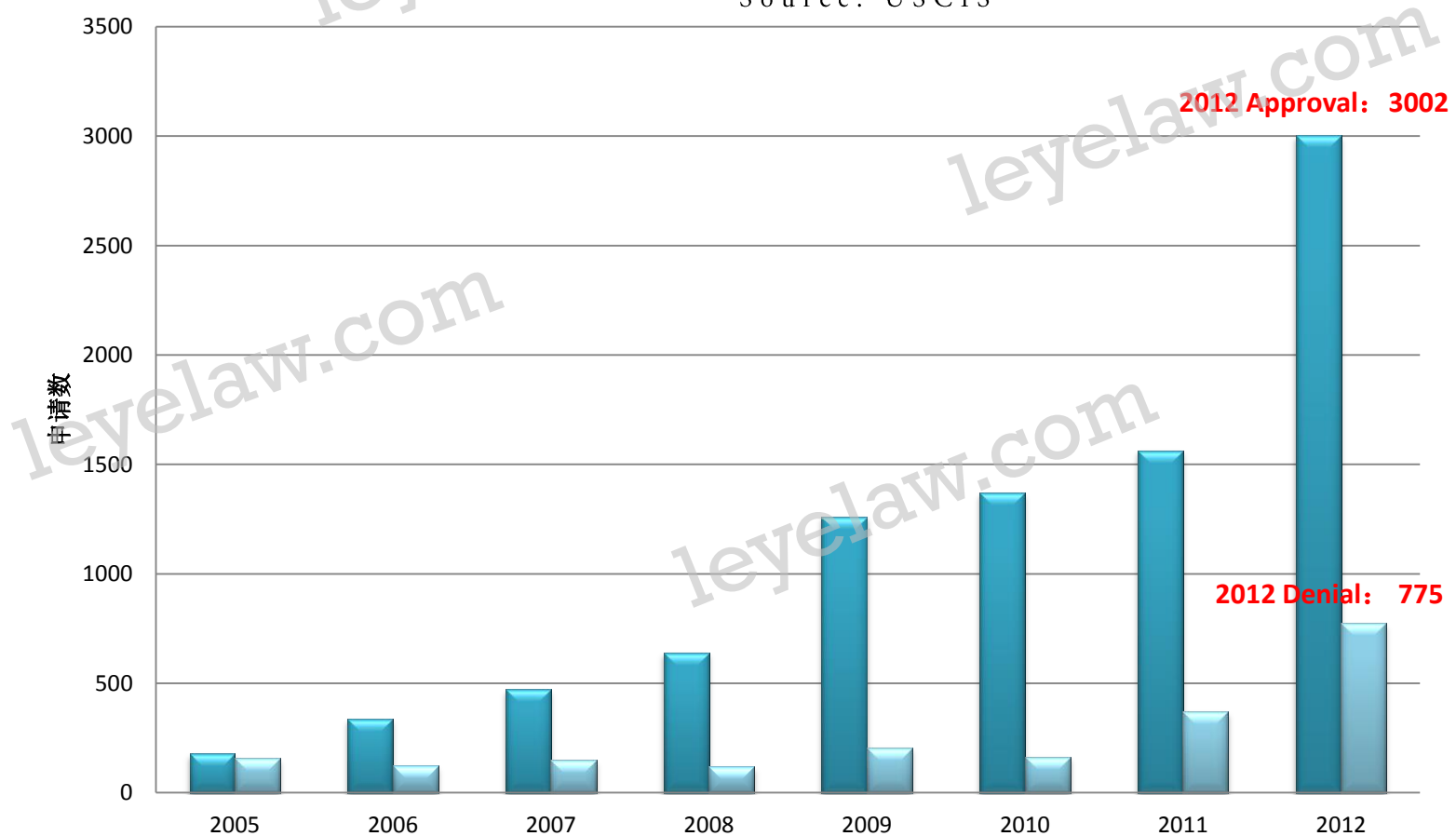
ATTORNEY AT LAW



U.S. Citizenship and Immigration Services

## 2005 - 2012 I-526 Petition Approval Data

Source: USCIS



# Important Statistics: I-829



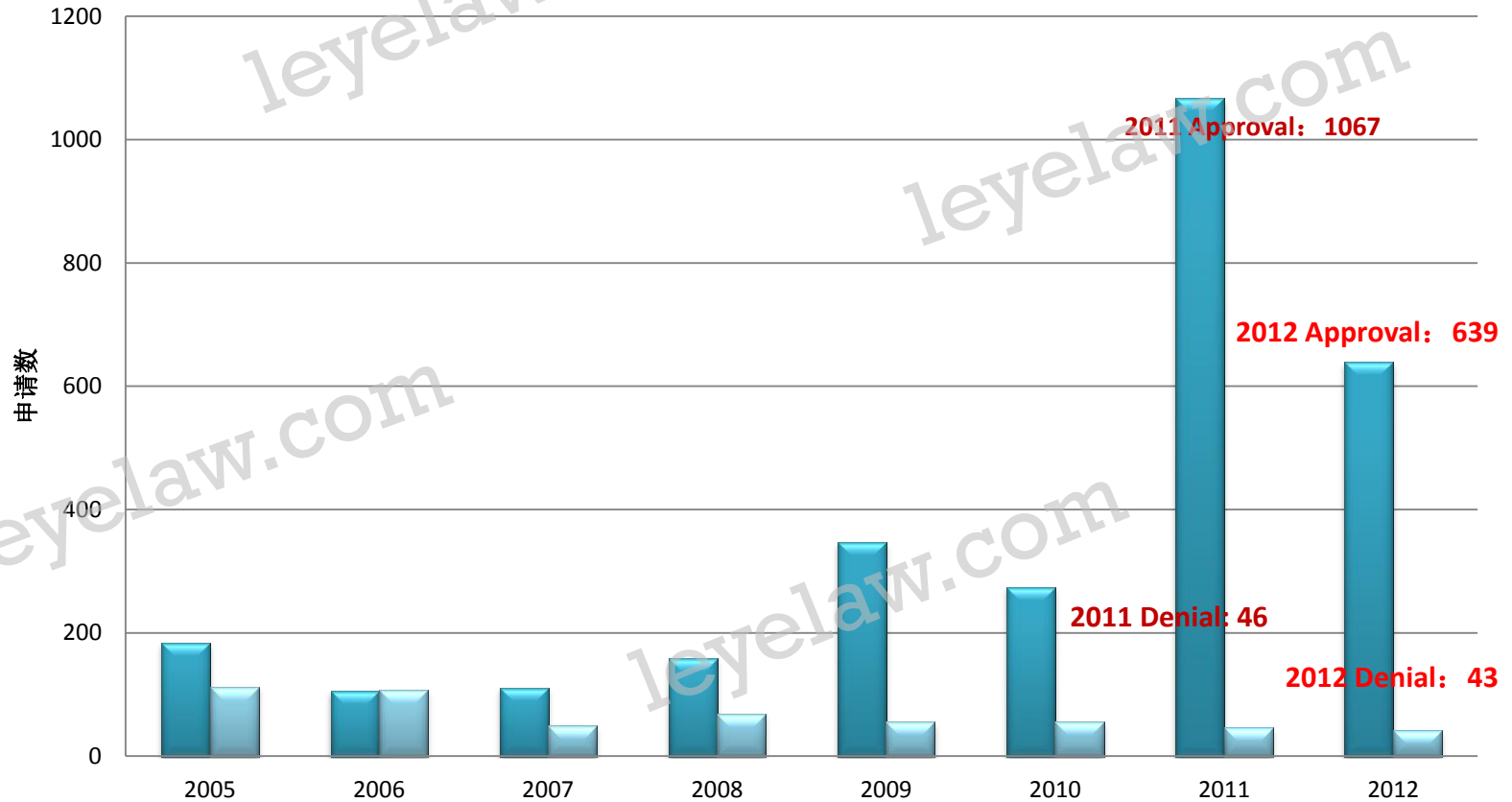
ATTORNEY AT LAW



U.S. Citizenship and Immigration Services

## 2005 - 2012 I-829 Petition Approval Data

Source: USCIS



# Our Firm



ATTORNEY AT LAW

leyelaw.com

leyelaw.com

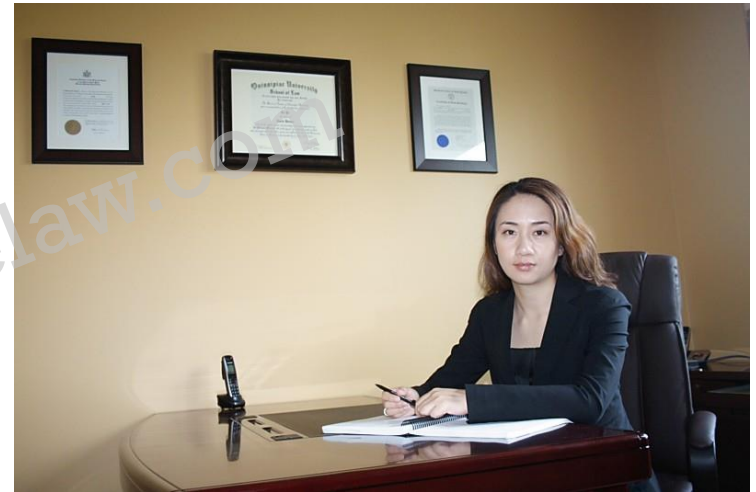


# Attorney Introduction

**Attorney Ye** is one of a few American Chinese attorneys who have a J.D degree and are licensed in both New York and New Jersey. Attorney Ye is a member of American Bar Association, New York State Bar Association, and New Jersey State Bar Association. She is also a licensed attorney for the United States Federal District Court for the District of New Jersey. Attorney Ye worked for several prominent firms in New York City. She specializes in various immigration law issues, with a concentration in EB-5. Attorney Ye has a 100% successful rate in EB-5 petitions.



ATTORNEY AT LAW



# Contact Us



ATTORNEY AT LAW

## Law Office Of Le Ye, LLC

1501 Broadway, 12th FL, New York, NY  
10036

Tel: 646-450-6603

Fax: 609-269-5388

International Toll Free: 950-403-23795

E-MAIL: [leye@leyelaw.com](mailto:leye@leyelaw.com)

We are located at the heart of Times Square in  
NYC, between 43th and 44<sup>th</sup> St.

Public Transportation:

Subway 1, 2, 3, 7, A, C, E, S to 42<sup>nd</sup> St.

Building entrance is right across street from ABC  
studio.





**ATTORNEY AT LAW**

ATTORNEY AT LAW



**LAW OFFICE OF LE YE, LLC**

[WWW.LEYELAW.COM](http://WWW.LEYELAW.COM)