2018 LAS VEGAS

EB-5 & GLOBAL INVESTMENT IMMIGRATION CONVENTION

2018拉斯维加斯EB-5投资移民大会

BELLAGIO RESORT & CASINO | 百乐宫酒店

JANUARY 26 - 27 | 1月26日至27日

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NIV to EB-5

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OVERVIEW

- CONVERTING AN INVESTMENT TO EB-5
- EB-5 AS AN ALTERNATIVE STRATEGY FOR EXISTING CLIENTS
- NIV AS UNTAPPED MARKET FOR DEVELOPERS AND OTHERS

CONVERSION: NIV TO EB-5

- GENERALLY INVESTORS IN E-2, H-1B, OR L-1A STATUS
- E-2 REQUIREMENTS:
  - SUBSTANTIAL INVESTMENT
  - DEVELOP AND DIRECT
  - NATIONALITY

CONVERSION: E-2 TO EB-5

- ADMITTED TO US WITHIN 2-3 MONTHS
- REDUCED CAPITAL INVESTMENT INITIALLY
- UNIVERSAL STRATEGY?
  - GRENADA? CANADA?
- SOF AND STRUCTURE MUST COMPLY WITH EB-5 REQUIREMENTS AT OUTSET
  - CONSIDER FILING AFTER JOB CREATION
  - RELY ON JOBS CREATED AFTER SUBSTANTIAL INVESTMENT ONLY?

CONVERSION: H-1B OR L-1A TO EB-5 (CONT.)

- H-1B REQUIREMENTS:
  - SPECIALTY OCCUPATION
  - PREVAILING, ACTUAL WAGE
  - BA OR HIGHER
- L-1A REQUIREMENTS
  - MANAGER OR EXECUTIVE ABROAD AND IN US
  - ONE YEAR OF QUALIFYING EMPLOYMENT
  - RELATIONSHIP BETWEEN ENTITIES

CONVERSION: H-1B OR L-1A TO EB-5 (CONT.)

- H-1B:
  - EMPLOYER/EMPLOYEE RELATIONSHIP REQ'D FOR H-1B
  - PERM ALTERNATIVE GIVEN EMPLOYEE AS OWNER
  - JOB CREATION AS PRIMARY ISSUE, I.E. PHYSICIAN'S OFFICE
- L-1A
  - EB-1-C DENIAL
  - L-1B?

CONVERSION: EP TO EB-5 (CONT.)

- ENTREPRENEURIAL PAROLE REQUIREMENTS:
  - INVESTOR OWNS AT LEAST 10% OF NCE
  - INVESTMENT FROM QUALIFIED US INVESTOR, OR
  - US GOVERNMENT GRANTS
- POTENTIAL ISSUES?

EB-5: STRATEGY FOR EXISTING CLIENTS

- F-1, J-1, H-1B, E-3, E-2, L-1 MOST COMMONLY
- STRATEGY FOR CLIENTS:
  - WITH LENGTHY WAIT TIMES IN OTHER IV CATEGORIES
  - WITHOUT AN EMPLOYER SPONSOR

ALTERNATIVES:

- NIVs AS TARGET MARKET FOR RCs/DEVELOPERS
  - PRESENTING IN SCHOOLS, COMPANIES (THROUGH HR)?
- STRUCTURING FOR L-1A/EB-1-C
  - AFFILIATION AND ONE YEAR OF QUALIFYING EMPLOYMENT AS MAJOR HURDLES

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