

AILA Texas, Oklahoma,
New Mexico Chapter
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Nonimmigrant and Immigrant Visa Options for Investors

E-1/E-2 Visas

Practice Tips and Latest Developments

Consular Developments in Mexico

- ▶ Process Consolidation in Mission Mexico
- ▶ Visa Reciprocity Schedule and Admission
- ▶ Visa Renewal Wait Times
- ▶ Automatic Visa Revalidation

Eligibility Requirements

- ▶ Overview of E-1/E-2 Visa Requirements –
 - Brief Tour of key Foreign Affairs Manual Provisions
- ▶ Qualifying for an Executive/Supervisory Position or Proving Essential Skills
- ▶ Substantial Investment
- ▶ Marginality
- ▶ Source of Funds

Filing Strategies

- ▶ Start Ups and Buying Small Businesses
- ▶ U.S. Subsidiaries - Expanding Foreign Operations
- ▶ Amendment Triggers - Business Restructuring and Reorganizing

EB-5 Practice

Representing the Investor

The Initial Intake and Consultation

“I want an investor green card, tell me your fee for the complete package.”

- ▶ Ascertaining true goals of the entire family
- ▶ Evaluating all alternatives to EB5
- ▶ Assumptions about timing of the EB5 process
- ▶ Key disclosures -- Agreement for Legal Services

What Must You Know about Client?

“I can show enough documentation for the investment, but not all my information.”

- ▶ Common challenges in communication and compiling information
- ▶ Working with conflicting or only some of the information
- ▶ Other gatekeeper obligations

Guiding Client about Investment

“I hired you to pick the investment for me.”

- ▶ Prospects for the client as a US entrepreneur
- ▶ Categories of risks for the client as an investor
 - Financial risks
 - Compliance risks
 - Immigration risks
- ▶ Evaluating competence (and E&O policy) in best interest of client

Complex Questions of Job Creation

“You’re my lawyer – guarantee that my case will be approved.”

- ▶ Job creation and adjudication of I-526 petitions
- ▶ Relevance, if any, of the Regional Center approval letter
- ▶ Hot topics concerning job creation methodology
 - Tenant occupancy
 - Hotel guest expenditures
- ▶ Job creation and adjudication of I-829 petitions

Presenters

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