



**HOLBORN**  
CITIZENSHIP & RESIDENCY

[www.jwsparks.com/eb-5](http://www.jwsparks.com/eb-5)  
[john.sparks@holbornassets.com](mailto:john.sparks@holbornassets.com)



# Holborn Pass

U.S. EB-5

Frequently Asked Questions

## ARE MY FAMILY MEMBERS ELIGIBLE TO QUALIFY FOR AN EB-5 VISA?

Certain family members are eligible to apply with the main investor under the EB-5 scheme. These include the investor's spouse and unmarried children under 21 years old. Unfortunately, other family members such as parents, grandparents, siblings and children over the age of 21 years old are not included.

## MUST THE ENTIRE AMOUNT OF INVESTMENT BE MADE AT THE TIME OF APPLYING FOR THE EB-5 VISA?

Yes, this is highly advisable because when filing in the application, if there is insufficient investment or incomplete documentation showing this investment, USCIS may deny the application.

## WHAT IS A 'T.E.A' AND WHY IS THE INVESTMENT LOWER IF YOU INVEST HERE?

A TEA stands for Targeted Employment Area and is a rural area or a location with a high rate of unemployment of at least 150% of the national average. The investment amount is lower if invested in a TEA area as these areas often have greater need for investment and this is a way to encourage investors to invest in these areas.

## IS THE EB-5 THE ONLY WAY TO GET U.S. CITIZENSHIP?

There are several ways in the U.S. for foreign nationals to be eligible to apply for citizenship including family-based and employment-based immigration. The EB-5 Immigrant Investor Program however, is not based on any sponsorship and is an efficient option to receive Permanent Residency status and the eligibility to citizenship.

## IS THE EB-5 THE GOLDEN VISA?

It can be considered that the EB-5 Immigrant Investor Program is the American equivalent to other "Golden Visa" program of EU countries as by investing in the country under certain conditions, the investor obtain the benefits of residency and the opportunity to be eligible for citizenship rights.

## WHO IS ELIGIBLE TO RECEIVE THE PERMANENT RESIDENCY THROUGH THE EB-5 PROGRAM?

Under the EB-5 program, the qualifying dependents of the immigrant investor ("Primary Applicant") are considered the spouse and any unmarried children under the age of 21.

## CAN THE INVESTMENT FUNDS COME FROM A FRIEND, RELATIVE OR LOAN?

Yes, funds from friends and family members are acceptable, however the investor will still have to prove that these funds have been created by lawful sources. A loan is also acceptable from financial institution, but in this case the investor must use independent collateral for these loans i.e. the EB-5 investment cannot be considered as the collateral for this loan and the investor will still need to prove how the collaterals for the loan were obtained.

## DO I HAVE TO LIVE IN THE SAME CITY OR STATE AS MY EB-5 PROJECT?

No, an EB-5 visa allows you to have the freedom to live, work, or travel anywhere in the United States.

## HOW LONG DOES THE ENTIRE PROCESS TAKE UNTIL I RECEIVE MY PERMANENT GREEN CARD?

The processing period varies significantly depending among other factors, on the investment choice as well as on the investor's country. As a rule, it can be said that in general it may take around 2 years, but depending on your situation this time period may be increased or decreased accordingly.

## DO I HAVE TO PAY TAXES ONCE MY EB-5 VISA HAS BEEN APPROVED?

Once your EB-5 Visa is approved you automatically become a U.S. tax resident and therefore must declare your entire income to the U.S. government's Internal Revenue Service (IRS), no matter where the income was earned.

## CAN I BECOME A U.S. CITIZEN ONCE I RECEIVE THE GREEN CARD?

You are eligible to apply for U.S. citizenship once you have lived in the U.S. for at least five years. These five years start to count from the date that you receive your initial conditional residency.

## CAN I KEEP MY EXISTING CITIZENSHIPS?

The U.S. allows for multiple citizenships. Therefore, you do not need to renounce your other citizenships when applying for citizenship. However, some other countries do not allow dual citizenship for their citizens thus investors need to check the relevant regulations of their countries of origin before applying for citizenship of the U.S.

## WHAT IS THE DIFFERENCE BETWEEN CITIZENSHIP AND PERMANENT RESIDENCY?

A holder of a Permanent Residency of the United States is allowed to travel, live, study and work freely in the U.S. Even though Permanent Resident holders enjoy many benefits, they do not hold U.S. passports. For example, some benefits that a U.S. passport holder holds that are not applicable to Permanent Residence are the right to vote, running for public office, applying for federal employment etc.

## WHAT KIND OF BACKGROUND INFORMATION IS THE USCIS (U.S. CITIZENSHIP AND IMMIGRATION SERVICES) CONCERNED WITH?

USCIS will check various aspects of the investors history including but not limited to if the investor has a criminal record, any inadmissible health issues, any ties to money laundering or financial crimes etc.

## WHAT IS A REGIONAL CENTER?

An EB-5 regional center is a U.S. business entity, publicly or privately owned, which is approved by the USCIS (U.S. Citizenship and Immigration Services) which coordinate foreign investment in order to promote economic growth. This is by far the most popular option out of the two investment options, as by investing in a Regional Center an investor does not have the hassle of managing the day-to-day activities of the business and more importantly, there is more flexibility for job creation as the regional center is allowed to count not only jobs directly created by the EB-5 project but also all indirect or induced jobs created as a result of the project.

## IS MY CHILD ELIGIBLE FOR LOWER TUITION RATES UNDER THE EB-5 VISA PROGRAM?

U.S. universities oftentimes mean world-class education allowing the graduates to enter a strong employment market and giving them a good start in their future lives. Once an EB-5 investor and their applicable family members obtain conditional green cards, they are considered permanent residents of the U.S. and can enjoy all the benefits this entails, including but not limited to the potential of lower resident tuition fees. The exact rules regarding the difference between the resident and nonresident tuition fees vary depending on the states where the investors live and the type of educational institution.

## ARE ILLEGAL IMMIGRANTS ALLOWED TO APPLY FOR EB-5?

If applicants live in the United States as undocumented immigrants, they are generally not eligible for the benefits of the EB-5 program.

## CAN I APPLY FOR AN EB-5 VISA IF I HAVE BEEN REJECTED OR TERMINATED IN THE PAST BY USCIS WITH ANOTHER VISA PROCESS?

This needs to be reviewed and examined on a case-by-case basis as the reasons for the visa rejection are of vital importance. For example, if the applicant was rejected or terminated due to criminal activities, past violation of U.S. immigration, deceitful statements etc. this could impact the application success. Therefore, if the applicant has a history of visa rejection or termination, it is best to review the case before applying for the EB-5 visa.

## ARE THE EB-5 VISA HOLDERS ALLOWED TO WORK?

Yes, the EB-5 visa holders have all the rights of a Green Card Holder once USCIS approves the work authorization even if the EB-5 application is still pending, and therefore have the right to work and live anywhere in the U.S. This also applies to the Investor's dependents who also filed Adjustment of Status. They do not need to work for the regional center through which they make the investment but it should be noted that if the investors or his/her dependents work in the EB-5 business that they used for the EB-5 investment, their positions may not be considered as the job creation criteria.

+31 6 27 3333 49

[www.jwsparks.com/eb-5](http://www.jwsparks.com/eb-5)

[john.sparks@holbornassets.com](mailto:john.sparks@holbornassets.com)

DISCLAIMER: The contents of this presentation are provided for information purposes only and should not be taken as investment, financial or any other advice. All investments carry risk, it should be understood that the ultimate risk of investing in order to obtain the EB-5 Visa could include the total loss of the principle investment. The information contained in this presentation may be changed by legislative amendments, official circulars of the public services and private entities involved in the process of acquisition of authorization of residence. No guarantees are offered by the Holborn Group of Companies.



**HOLBORN**  
CITIZENSHIP & RESIDENCY