



Reauthorization of EB-5 Program

Regulated by the U.S. Department of Homeland Security (DHS), EB-5 is an employment-based initiative that can approve up to 10,000 visas each year. EB-5 visas enable foreigners to immigrate to the United States if they make an investment in a U.S. business. United States Citizenship and Immigration Services (USCIS) administers the EB-5 immigrant investor program. EB-5 visas, also known as Employment Based Fifth Preference visas, are immigrant visas. This means that EB-5 visa holders are granted a green card which allows them to eventually live and work in the U.S. permanently. EB-5 visa holders can also bring their spouse and unmarried children under the age of 21 to the U.S. Recent improvements toward transparency in the EB-5 investor program by USCIS have led to a greater number of program applicants in recent years.

The program allows non-U.S. persons to invest a minimum of \$500,000 in a business that is expected to create at least 10 new permanent jobs per investor, and to obtain a conditional visa upon review and approval by the USCIS. EB-5 financing has assisted funding of infrastructure, real estate development, ski resorts, hotels and much more.

As the EB-5 regional center investment program was scheduled to expire on September 30, Congress passed a short-term "continuing resolution" (CR) to keep the federal government open until December 11, effectively reauthorizing the EB-5 program for the same duration. The CR allowed some additional time for negotiations to continue on a multi-year EB-5 extension. After much deliberation, the EB-5 immigration reform bill could not be resolved by House and Senate negotiators and congressional leadership prior to the deadline for finalization of the Consolidated Appropriations Act. Therefore, an extension of the current EB-5 Regional Center Program for another 10 months was passed as part of that Act.

After this extension, the EB-5 Integrity Act was introduced in the Senate, which replicated key components and measures in S.1501, but did not include the programmatic policy issues that had proved to be controversial in the period leading up to Dec. 17, 2015. The EB-5 Integrity Act foreshadows and helps set the stage for the debate to come in 2016. We are likely to see another highly challenging legislative process accelerate in the months and weeks leading to the end of the fiscal year on Sept. 30, 2016.

ARDA Position

ARDA supports legislative efforts to extend EB-5 regional centers and is a strong Coalition partner of a broad-based EB-5 Coalition that seeks to reform and reauthorize the program. The EB-5 financing has assisted funding of infrastructure, charter schools, real estate development, energy production, health care facilities, ski resorts, hotels, and manufacturing plants, among others.