

## **FIFTH EMPLOYMENT-BASED PREFERENCE FOR ALIEN INVESTORS IN A NEW**

### **COMMERCIAL ENTERPRISE**

1. Documents to show enterprise has established (Examples are):

- Articles of incorporation
- Form SS-4 Statement by Domestic Stock Corporation
- Minutes of Organization Meeting
- Stock Certificates
- Stock Ledger
- Notice of 25102(f) re: registered capital
- Partnership or joint venture agreement
- Certificate evidencing authority to do business in a state or municipality

2. Evidence that the required amount of Capital has been invested (\$800,000 for rural or high unemployment areas or \$1.05 million for other areas) examples of such evidence include, but not limited to:

- Bank statements showing amounts deposited in the U.S. business accounts
- Escrow agreement
- Evidence of all assets purchased, such as invoices, sales receipts, and purchase contracts, etc.
- Evidence of all property transferred from abroad for use in the U.S. enterprise, such as U.S. customs service commercial entry documents, bills of lading, and transit insurance policies containing ownership information and sufficient information to identify the property and to indicate the fair market valuations
- Bank wire transfer
- Loan or mortgage agreement, promissory note and security agreement, or other evidence of borrowing which is secured by the assets of the petitioner, excluding the new commercial enterprise
- Bank wire transfer to the new commercial enterprise in exchange for shares of stock

3. Capital at Risk: Actual Business Activity

- Form DE-9, California State quarterly wage report
- Form 941, Federal quarterly wage report
- Payroll Summary
- Sales Tax
- Seller's permit
- Major Sales invoices
- Utility Bills
- Assets – evidence of assets that have been purchased for use in the business
- Photographs of the Commercial Enterprise Premises
- Lease Agreement
- Owned Premises – escrow documents used to purchase the property and evidence of title.

4. Lawful means evidence of invested capital obtained through lawful means
  - Foreign business registration records
  - Corporate, partnership and personal tax returns filed within 5 years
  - Evidence identifying other sources of capital
5. To show that the new enterprise will create at least 10 full-time positions.
  - Form I-9 or
  - Comprehensive Business Plan showing how the business will create at least ten full-time U.S. workers, nature & projected size of the enterprise, organization chart, anticipated date of employees will be hired, etc.
6. To show the investor will be engaged in the management of the enterprise, either through day-to-day managerial control or through policy formulation
  - Job title and description
7. Targeted Employment Area
  - Evidence of statistical area
  - Letter from state agency that area is high unemployment

### EB-5 投資移民 - 投資在新企業

#### 檔要求

- 1) 企業建立的文件證明
  - 公司章程
  - SS - 4 - 申請雇主號碼表格
  - 公司會議紀要
  - 股票證書
  - 股票庫存總帳
  - 通知交易根據企業法第 25102 (f)
  - 合資企業協議
  - 營業執照或商業登記
- 2) 證明投資 \$ 800,000/\$1,050,000 的證據
  - 銀行報表顯示的數額存入美國企業帳戶
  - 託管協議
  - 所有資產購買,如發票,銷售收入,以及採購合同等的證據
  - 所有財產轉到國外,用於在美國的企業,如美國海關總署商業入境證件,提單,保險,
    - 並說明財產的公平市場價值證據
  - 貸款或按揭貸款協定,期票和擔保協定,或者其他證據(這是借款擔保的資產)
  - 銀行電匯到新的商業企業以換取股票

3) 風險資本:實際業務活動的記錄

- DD-9 表格,美國加州州立季度工資報告
- 941 表格,聯邦季度工資報告
- 發薪摘要
- 銷售稅記錄
- 州賣方的許可證
- 主要銷售發票
- 電話費,水電費,租金收據等
- 所有主要的資產購買和其他主要支出收據
- 美國辦公室/倉庫/商店的彩色照片(包括外部和內部的公司標識,顯示在標準的建築物,員工,商品,產品,設備上等)
- 辦公室/倉庫/商店租賃協議
- 房舍證據

4) 證明投資資本通過合法手段獲得

- 外國企業登記記錄
- 公司和個人在 5 年內報稅表
- 確定其他資本來源證據

5) 證明新的企業將創造至少 10 個全職職位

- I-9 表格
- 經營規劃: 說明將創造至少 10 個全職美國工人, 工人的工作性質, 組織結構圖, 將雇用員工的預計日期等

6) 要顯示投資者將參與企業的管理,無論是通過日常的管理控制,或通過政策的制定工作名稱和描述

7) 有針對性的就業領域

- 統計區證據
- 國家機構指定領域為高失業率地區