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BUSINESS & INVESTMENT
IMMIGRATION LAW

New Business Immigration Path: The International Entrepreneur Parole Rule

Foreign investors and businesspeople have a new option when looking into ways to come to the U.S. to live and work. Earlier this year, the U.S. Department of Homeland Security (DHS) relaunched the International Entrepreneur Rule (IER). Approved foreign national applicants to this program can be granted a 30-month entry to the U.S. for the purpose of providing a “significant public benefit” to the U.S., based on their role as an entrepreneur of a recently formed start-up business.

To qualify for IER, the entrepreneur must:

- Own at least 10% ownership interest in a start-up that has done some business and was created in the five years before the application or receiving the qualifying investment;
- Play an active role that is central to the operations of the business. The entrepreneur must prove the start-up is providing “significant public benefit” in the U.S. by meeting **one of the following three** standards:

- The start-up must receive capital investment(s) of at least \$250,000 in the past 18 months from one or more U.S. investors with an established record of successful investments.

Investments by the entrepreneur, immediate family, or entities owned by either do not count. Qualifying jobs must be full-time jobs held by lawfully employed workers in the U.S., excluding the entrepreneur, immediate family members, and independent contractors;

- The start-up received domestic federal, state, or local government funding totaling at least \$100,000 in economic development, R&D, or job creation awards or grants;
- If the start-up only received some of the capital investment or government funding required under the above two standards, parole may be available based on other “compelling evidence” of substantial potential for rapid growth and job creation.

Requirements for Extension: After the initial 30-month parole, an entrepreneur can apply for 30 more months of re-parole by showing that the start-up meets **one of the following four** criteria:

1. It has received \$500,000 in additional capital investments/funding;
 2. It has generated \$500,000 annually at a 20% growth rate;
 3. It has created at least five qualifying jobs;
 4. Entrepreneurs who only partially meet one or more of the other three criteria can still qualify by producing other compelling evidence of the start-up’s substantial potential for rapid growth and job creation.
- The entrepreneur’s spouse and minor unmarried children under 21 can receive work and travel authorization through their own applications.

Other Important Considerations:

1. DHS has the discretion to grant parole on a case-by-case basis, is not required to do so, and can revoke it.
2. IER does not lead to a green card.
3. IER parole is limited to three entrepreneurs per start-up.
4. IER parolee must maintain a household income of at least 400% above the U.S. poverty level.

We invite you to contact our office today to schedule a consultation with one of our experienced immigration attorneys to learn more about IER or any other immigration options.

For more information: visit www.Hirson.com, call (949) 383-5358 or email info@hirson.com

David Hirson & Partners, LLP (“DHP”) is a group of compassionate attorneys who are also immigrants or from an immigrant family. David Hirson is the founding and manager partner of DHP, and he is internationally-recognized for his decades of success in investment immigration. DHP’s attorneys have many decades of combined experience in advising individuals, start-ups, large corporations, hospitals, and universities in navigating complex areas of employment immigration. The firm is a full-service immigration law firm with a business and employment-based immigration practice that provides a full range of services, including EB-1-1(A), EB-1-2(B), EB-1-3(C), National Interest Waivers (NIW), EB-2, EB-3, EB-5, H-1B, E-1/2, L-1(A)/2(B), H1B, and other immigrant and non-immigrant visas. DHP is one of a select few firms that also specialize in immigration for franchise businesses who have foreign partners/managers. DHP also works closely with individuals and HR departments to understand their needs and customize an immigration plan that surpasses their expectations.



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An Overview of the O-1 Visa for Individuals of Extraordinary Ability

The O-1 visa is an employment based nonimmigrant visa for individuals of "extraordinary ability" in various industries. The O-1 visa requires sponsorship through either an employer or agent; individuals are unable to sponsor their own O-1 visa. Upon approval, the O-1 visa is valid for three years. Unlike other nonimmigrant work visas, the O-1 does not have a maximum period the foreign worker can be employed in this status. Thus, the O-1 visa can be renewed as many times as needed.

USCIS has designed the O-1A visa for individuals of extraordinary ability in business, science, technology, or athletics. On the other hand, the O-1B visa is suited for individuals of extraordinary ability in the arts, motion picture or television industry, design, cooking, and more. Applicants must demonstrate extraordinary ability through sustained national and international acclaim by providing extensive documentation of their achievements.

To receive an O-1A or O-1B approval, the applicant must meet a minimum of three of the ten criteria outlined by USCIS including (1) receipt of nationally and internationally recognized prizes or awards; (2) membership in associations in the applicant's field that require outstanding achievements to enter; (3) articles and press in professional or major trade publications, newspapers, etc.; (4) original science, artistic, or business-related contributions of major significance; (5) authorship of articles in professional journals or other major media; (6) a high salary as compared to others in the applicant's field; (7) judging of the work of others; (8) employment in a critical or essential capacity for distinguished organizations and establishments; (9) commercial successes in the performing arts; and (10) work displayed at artistic exhibits.

While the O-1 category provides temporary work authorization, a successful O-1 petition can serve as a pathway to permanent residency through a subsequent EB-1 extraordinary ability green card application. The O-1 visa and the EB-1 green card require similar documentation for the criteria outlined above, such that O-1 applicants can often transfer similar arguments and evidence to a later EB-1 green card application.

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Alternatives to the EB-5 Visa:
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5 Advantages to Working With Locally Owned Companies

When you work with a locally owned company as a vendor or partner, you pour resources back into your own community. Sure, it's often easy to go with the major national firm, but it's not always the best choice. When you work with locally owned businesses, your community becomes better connected and more prosperous overall, and you can usually count on getting service that focuses on your unique needs.

In addition, similar advantages accrue to people who choose to accept a job with a locally owned company rather than going with the behemoth national firm that has offices spread across the country. Take a look at five advantages that come when you choose to work with locally owned companies rather than large nationals.

Flexibility and Access

Major national companies have their way that they do things, and that's that. In contrast, local businesses are more likely to be flexible. If you're working with a local vendor, you're more likely to be able to agree on a contract with terms that work for you. You don't have to go through five levels of bureaucracy to get an answer because all that bureaucracy doesn't exist. Forget about those long delays waiting for someone (or many someone's) to make an important decision that affects your business. When you work with local businesses, if you need to speak to someone in charge, the owner or the CEO will take your call. You can develop a true partnership because you're working with senior management rather than with some middle-level employee who has no stake in your relationship.

The same advantages apply if you're a job-seeker considering a job with a branch of a multinational vs. one with a local company. The flexibility you need in your working conditions is more likely to be there, and when you need to talk to the boss, you have access to them.

A Local Community That Thrives

When you work with local businesses, the community that you're both part of benefits in numerous ways. Instead of sending money out of your community to benefit corporate shareholders, you keep it close to home, giving a boost to the local economy. By keeping the local economy healthy, you support the jobs of the people who are most likely to be your customers, making it possible for them to afford your products and services. Small businesses are also more likely to support the local tax base, allowing municipalities to provide the services that attract people (including your customers) to the area.

Working with local companies also creates strong bonds throughout the communities, both bonds of trust between the people working together and bonds of loyalty between customers and companies. And when the local community is thriving financially, it's in a stronger position to withstand national downturns. Small businesses are far more influential in supporting the middle class by creating income growth at all levels, which in turn helps keep local communities strong.

In addition, local businesses are more likely to support local organizations and charities. They donate to silent auctions at the neighborhood school, sponsor Little League teams and 10K runs for charity, and find ways to help causes that affect their neighbors. Many small businesses even offer paid time off to encourage employees to participate in social causes close to home, helping their communities to thrive even more.

Employees (and Employer-Employee Relationships) That Thrive

That sense of a thriving community carries over to employees of small businesses. 2021 studies show that 70% of small business employees are happy with their jobs. Perhaps that's because employees of small businesses feel that their employers and managers care about them, respect them, and listen to them, with an astonishing 91% of small business employees reporting that their employers care about employee happiness.

And there's good news for employers and employees alike: Small business employees are 70% more likely to feel a sense of commitment to their jobs

than those working for large corporations. As a result, those local firms are better able to retain their key staff and minimize turnover. Compare that to the experience of dealing with a different person every time you have an issue with a large national corporation.

Better Service

It's no surprise that individual customers expect (and receive) better service when shopping at local small businesses. After all, they're dealing with happy employees or even with the company's owner, all of whom have a vested interest in providing a great customer experience.

The same holds true when your company works with local vendors. You're more likely to have a personal relationship with the business you're working with, which means they're apt to find an innovative way to provide the services you need. A small business is also more likely to care about feedback, since they have to respond quickly to a smaller or niche market. That means when you speak up about something that's gone wrong, someone is actually listening.

Advancement for Employees

When there are fewer levels between you and the head of the company, it's easier to advance as an employee. Job-seekers who opt for positions at small organizations are more likely to build the entrepreneurial experience they need to launch their own businesses someday. They get to see all aspects of the business as opposed to one specific specialty, and they have the opportunity to take on responsibility in areas that wouldn't be available to them in a large corporation.

That means more opportunities to shine, to add to their collection of job skills, and to make a name for themselves. Instead of the online courses and quizzes that often constitute training in mega corporations, small business employees receive the training they actually need and have the opportunity to put what they learn into practice immediately. In addition, the flexibility of small businesses helps employees discover what they do best and enjoy personal mentorship.

Small businesses may not make national headlines, but they have an enormous impact on their communities. When you choose to work with (or for) a local small business, you can impact the community around you, provide jobs to help the local economy thrive, provide a winning customer experience, and form the connections that create the kind of word-of-mouth advertisement that every enterprise needs.

With over 30 years of experience, Marquee Staffing understands the value of small businesses to both communities and job-seekers. Contact us today to see how we can help make the right match between employer and employee. www.marqueestaffing.com

Chris Kappes Executive Vice President

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