

# International Entrepreneurs Will Be Eligible to Create Start-up Businesses in the U.S.

USCIS will be publishing a new “International Entrepreneur Rule” soon, once published there will be a 45-day period for the public to submit comments to USCIS about the rule. The proposed program will allow foreign nationals who are already in the U.S. or who wish to come to the U.S. for new business start-ups a 2 year stay, with the opportunity for 3 year re-requests. The business will require at least a 15% ownership by the foreign national. In order to qualify, the business must meet one of three criteria.

- Receiving significant investment of capital (at least \$345,000) from certain qualified U.S. investors with established records of successful investments;
- Receiving significant awards or grants (at least \$100,000) from certain federal, state or local government entities; or
- Partially satisfying one or both of the above criteria in addition to other reliable and compelling evidence of the startup entity’s substantial potential for rapid growth and job creation.

In order to continue to receive permission to receive extensions, the foreign national will need to show significant public benefit as evidenced by substantial increases in capital investment, revenue or job creation. This is a benefit to entrepreneurs who were prevented from starting new businesses in the U.S. under the E Treaty Trader Program because their home country was not on the list of treaty countries. It may also allow those who were prevented an H-1B due to the numerical limits another option.