

# Foreign investors could be key players in CNY

By Casey J. Dickinson

Journal Staff

SYRACUSE — Immigration could be the key to revitalizing Central New York's economy, says Ramon Rivera, an attorney with Mackenzie Hughes, LLP who specializes in immigration law. While the term "immigration" typically conjures up visions of the "poor, tired, and hungry," American immigration law contains special provisions that allow individual foreign investors to enter the country. Investor visas, Rivera explains, can bring an infusion of foreign capital in return for the investor's ability to live and work in the United States.

"Everyone's looking to hit the 'home runs' by attracting large companies," he says, "I think Central New York has the ability to hit lots of singles and doubles with foreign investors."

The investor-visa programs, known as "E-1 Treaty Trader" and "E-2 Treaty

Investor," allow foreign nationals to reside in the United States while overseeing a substantial investment or operating certain enterprises. The "Treaty" name refers to the requirement that the United States have a trade treaty in place with the investor's home country. The list of treaty nations includes more than 50 nations on six continents. The trader or investor's family members are also eligible for U.S. residency as part of the visa program.

Treaty traders may reside in the United States while overseeing trade between the United States and their home country. More than half of the treaty-trader's business must come from international trade with his home country. Traders must be supervisors or executives with specialized skills rather than unskilled employees.



Rivera

Rivera believes that foreign nationals using treaty-investor visas could bring capital to Central New York. The same factors that have lured real-estate investors from across the country could entice entrepreneurial immigrants to call Central New York home.

A treaty investor is a foreign national, or corporation, who seeks temporary U.S. residency in order to develop and direct a business enterprise. The investor must invest "substantial" capital in the enterprise. A \$150,000 investment often fulfills this immigration-law requirement, says Rivera. Immigration officials may apply different standards of "substantial" depending on the size and complexity of the potential investment. A "substantial" investment for one investor may not qualify for another.

The funds must actually be "at risk," Rivera explains. Passive or speculative investments that hold no risk will not qualify for the visa program.

Investors seeking permanent U.S.

residency must fulfill higher economic standards. For permanent residency, "substantial investment," Rivera explains, means \$1 million "at risk." Permanent status also requires that the investor's venture must be in a new or "troubled" business and the investment must create or retain 10 jobs. The investor must take an active role in the business, he adds.

Other nations, such as Canada, have similar programs. Canada was successful in attracting investors from Hong Kong seeking to safeguard capital prior to the return of the city to China. Other nations, says Rivera, don't hold the same attraction for immigrants that the United States offers.

"[Central New York has] the resources to attract investors from across the world ... " says Rivera. "Positive immigration has the potential to bring us new capital and tax revenue." □

Contact **Dickinson** at [cdickinson@cnybj.com](mailto:cdickinson@cnybj.com)