

# Inbound U.S. Immigration Planning

**International Wealth Planners  
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New York**

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# U.S. immigration

- Before arrival
  - Purpose of entry
  - Expected length of entry
  - Expected activities
- After arrival
  - Ongoing options

# Citizenship

- U.S. citizen
  - At birth
    - Born in the U.S.
    - Born outside the U.S.
  - Through naturalization

# U.S. immigration

- Nonimmigrants
  - Temporary
- Immigrants
  - permanent
- U.S. citizens

# Nonimmigrants

- **Visa waiver**

Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland and the United Kingdom.

- **ESTA**

<https://esta.cbp.dhs.gov/esta/esta.html>

- **B-1/B-2 visa**

## **B-1/B-2 visa**

- Business (B-1)
- Pleasure (B-2)
- 6 months with 6 month extension option
- Demonstrate no intention to abandon residence outside of the U.S.
- Show ties to home country
- Cannot work in the U.S.

## **B-1 business visa**

- Permitted activities
  - Engage in commercial transactions
    - Passive investment that does not include “productive work”
  - Negotiate contracts
  - Consult with business associates
  - Litigate
  - Participate in conventions, conferences, or seminars
  - Undertake independent research
- Personal/domestic employees (temporary)

# B-2 visa for pleasure

- Tourism
- Medical reasons
- Social events
- Short course of study
- Domestic partners



# Nonimmigrants

- H-1B speciality occupations
- TN NAFTA professionals
- L-1 intra company transferees
- O-1 individuals of extraordinary ability
- E-1/E-2 treaty traders or investors
- E-3 and H-1B1 Australian, Chilean, and Singaporean professionals
- F-1, J-1 and H-3 students, interns and trainees

# Immigrants

- Employment-based
  - 1<sup>st</sup> – 5<sup>th</sup> preference
- Family-based
  - Immediate relatives
  - Preference categories
- Diversity visa lottery

# Immigrants

## Employment-Based Fifth Preference (EB-5)

- Investors
  - Must invest in a new commercial enterprise (November 29, 1990)
    - \$1 million or \$500,000
  - Must create or preserve at least 10 full-time jobs
  - Regional Center (passive investment) or one's own enterprise (active investment)

# Immigrants

## Diversity Visa Lottery

- Up to 55,000 diversity visas available annually
- Drawn from individuals who are from countries with low rates of immigration to the U.S.
- Must have at least:
  - A high school education or its equivalent; or
  - Two years of work experience within the past five years in an occupation requiring at least two years' training or experience.

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