

# USCIS Announces Proposed Rule for International Entrepreneurs

In an effort to increase and enhance entrepreneurship, innovation and job creation in the United States, the Department of Homeland Security (DHS) proposes to add provisions which would allow for the use of parole on a case-by-case basis as it relates to entrepreneurs of start-up entities. The entrepreneur's entry must provide a "significant public benefit" through the substantial and demonstrated potential for rapid business growth and job creation.

Criteria to be considered include but are not limited to:

- the receipt of significant capital financing (\$345,000 or more) from U.S. investors with established records of successful investments or
- obtaining significant awards or grants (\$100,000 or more) from certain federal, state or local government entities.

Alternative criteria is proposed for applicants who partially meet the capital financing or government awards or grants threshold if the applicant:

- can document he or she has a significant ownership interest (at least 15%) in the start-up entity,
- an active and central role in the entity's operations and
- he or she would substantially further the entity's ability to engage in research and development or otherwise conduct and grow its business in the United States.

An initial grant of parole would allow you to stay and work legally in the U.S. for up to two years which may be extended by up to an additional three years to allow the applicant the ability to oversee his or her start-up entity in the US. The extension would be possible as long as the start-up entity continues to provide significant public benefit by documenting substantial increases in capital investment (\$500,000 in additional qualifying funding), revenue (\$500,000 in annual revenue with average annualized revenue growth of at least 20 per cent), and job creation (at least ten full time jobs) during the initial period.