

INTERNATIONAL ENTREPRENEUR PAROLE PROGRAM (IEPP)



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

INTERNATIONAL ENTREPRENEUR PAROLE PROGRAM (IEPP)

The International Entrepreneur Parole Program (IEPP) is an initiative created for international entrepreneurs who demonstrate that their stay in the United States would provide a significant public benefit. The program does not create a new visa category; instead, it permits the temporary admission of qualifying persons using parole.

Entrepreneurs applying for parole under this rule must demonstrate that they:



- Possess at least 10 percent ownership interest in a start-up entity created within the past five years in the United States that has substantial potential for rapid growth and job creation.
- Have a central and active role in the start-up entity such that they are well-positioned to substantially assist with the growth and success of the business.
- Will provide a significant public benefit to the United States based on their role as an entrepreneur of the start-up entity by showing that:
 - ⇒ The start-up entity has received at least \$264,147 in investment capital from certain qualified U.S. investors with established records of successful investments within 5 years of the IEP filing date,
 - OR**
 - ⇒ The start-up entity has received at least \$105,659 in awards or grants for economic development, research and development, or job creation (or other types of grants or awards typically given to start-up entities) from U.S. federal, state, or local government entities that regularly provide such awards or grants to start-up entities,
 - OR**
 - ⇒ They partially meet either or both of the previous two requirements and provide additional reliable and compelling evidence of the start-up entity's substantial potential for rapid growth and job creation.
- Otherwise merit a favorable exercise of discretion.

USCIS INTERNATIONAL ENTREPRENEUR PAROLE PROGRAM (IEPP) APPLICATION PROCESS OVERVIEW

1 Entrepreneur opens a case with Meltzer Hellrung

IN ORDER TO GET STARTED, WE NEED THE FOLLOWING:

- Name of entrepreneur
 - Email address
 - Name of start-up
 - Address of start-up
 - Entrepreneur's resume
 - Evidence of at least a 10% ownership interest in the start-up entity
 - Evidence of substantial potential for rapid growth and job creation
 - Evidence that the entrepreneur is "well-positioned to substantially assist with the growth and success of the business"
 - Evidence that the entrepreneur will provide "a significant public benefit" to the United States
 - Evidence that the start-up entity has received a significant investment of capital from certain qualified U.S. investors
- OR**
- Evidence that the start-up entity has received significant awards or grants from U.S. federal, state, or local government entities

2 Meltzer Hellrung reaches out to the entrepreneur to complete an online questionnaire and provide the required documentation

We will email the candidate with instructions to complete this step.

3 Meltzer Hellrung drafts all necessary forms and letters to file the entrepreneur petition

We will forward these forms and letters to the entrepreneur for review. This step may require multiple rounds of document edits depending on the complexity of the case. This step represents one of the most time-consuming portions of the process.

4 **Once all forms and letters have been finalized and all required documentation provided, Meltzer Hellrung will ship the completed petition to USCIS**

5 **USCIS review of the entrepreneur petition**

USCIS is currently taking several months to process IEPP petitions. Premium processing is not available currently for this type of petition. Once filed, USCIS may not immediately approve a petition. USCIS may first issue a Request for Evidence (“RFE”). Should an RFE be issued, USCIS provides about three months to respond. If we receive an RFE, we will analyze the RFE and reach out to the entrepreneur with a list of documents needed.

6 **Post filing outcomes**

APPROVAL

CASE APPROVED WHILE ENTREPRENEUR IS ALREADY IN THE UNITED STATES	CASE APPROVED WHILE ENTREPRENEUR IS OUTSIDE OF THE UNITED STATES
<p>Filing and obtaining a conditional approval will not, by itself, constitute a grant of parole. If your application is conditionally approved and you are currently in the United States, you must obtain an I-512L Advance Parole document and depart the United States before appearing at a U.S. port of entry for a final parole determination.</p> <p>Note: <i>A pending or conditionally approved Form I-941 application does not authorize you, if you are present in the United States in nonimmigrant status, to remain in the United States beyond the expiration of your authorized period of stay.</i></p>	<p>If your application is conditionally approved and you are currently outside the United States, unless you are a Canadian national traveling directly from Canada to a U.S. port of entry, you must visit a U.S. embassy or consulate to obtain a travel document (for example, a boarding foil) before appearing at a U.S. port of entry for a final parole determination.</p> <p>A Canadian national traveling directly from Canada to a U.S. port of entry may present an approved I-941 at the U.S. port of entry without first obtaining a travel document.</p>

DENIAL

USCIS can determine that the IEPP petition is not approvable. Typically, an RFE is issued prior to a denial. If USCIS denies the IEPP petition, a written decision is issued outlining the reasons for denial. If a denial is received, Meltzer Hellrung and the entrepreneur will have a post-decision call to determine the next steps for moving forward.

QUALIFYING FOR RE-PAROLE



To qualify for re-parole, the entrepreneur must:

- Maintain a central role in the start-up;
- Possesses at least a 5% ownership stake in the start-up; and
- Demonstrate that—during the initial parole period—the start-up either:
 - ⇒ Received at least \$528,293 in qualifying investments, grants, or awards;
 - ⇒ Created at least five qualifying jobs; OR
 - ⇒ Reached at least \$528,293 in annual revenue in the United States and averaged 20% in annual revenue growth.

Note: *If the start-up partially meets either of the requirements mentioned above, entrepreneurs may still qualify for re-parole. However, they will need to provide additional, reliable, and compelling evidence of the start-up's potential for rapid growth and job creation.*

MAXIMUM PERIOD OF STAY IN THE UNITED STATES



You may be granted initial parole for up to two-and-a-half years. If approved for re-parole, you may receive up to another two-and-a-half years, for a maximum of five years.

DEPENDENT(S)



A spouse or child of an entrepreneur applying for parole under this rule must demonstrate that he/she:

- Is independently eligible for parole based on significant public benefit or urgent humanitarian reasons; and
- Merits a favorable exercise of discretion.

FILING FORM I-131, APPLICATION FOR TRAVEL DOCUMENT FOR ENTREPRENEUR'S DEPENDENT(S)



The spouse and children (unmarried, minor child under the age of 21) of an entrepreneur may file an application for a travel document, with the required application fee and biometrics services fee, to request parole to accompany or join the entrepreneur. The travel application may be filed concurrently with the entrepreneur's application or it may be filed separately.

Note: *For both the entrepreneur and dependents, the maximum initial parole period is two-and-a-half years. Multiple entries are allowed, but upon re-entry at a U.S. port of entry, the entrepreneur and dependents may only be granted parole for up to the remainder of the two-and-a-half-year initial parole period.*

FILING FORM I-765, APPLICATION FOR EMPLOYMENT AUTHORIZATION FOR ENTREPRENEUR'S SPOUSE



- If the Form I-131 is approved, and the spouse of the entrepreneur is paroled into the United States, the spouse may then apply for employment authorization. Children of the entrepreneur will not be eligible to apply for employment authorization under this rule.

Note: *If a Form I-765 is submitted to USCIS before the spouse has been paroled into the United States, the application may be denied, and fees may not be returned.*

DOCUMENTS NEEDED TO APPLY FOR THE INTERNATIONAL ENTREPRENEUR PAROLE PROGRAM (IEPP)



- Evidence of at least a 10% ownership interest in the start-up entity.
- Evidence of substantial potential for rapid growth and job creation.
 - ⇒ The number of users, customers, and revenue generated by the start-up entity, and by additional investments or fundraising, including any obtained through crowdfunding platforms;
 - ⇒ Social impact of the start-up entity;
 - ⇒ National scope of the start-up entity;
 - ⇒ Positive effects on the start-up entity's locality or region;
 - ⇒ Your academic degrees;
 - ⇒ Your prior success in operating start-up entities as demonstrated by patented innovations, annual revenue, job creation, or other factors;
 - ⇒ Selection of the start-up entity to participate in one or more established and reputable start-up accelerators or incubators; and
 - ⇒ Any other reliable and compelling evidence that the start-up entity has substantial potential for rapid growth and job creation.
- Evidence that the entrepreneur is "well-positioned to substantially assist with the growth and success of the business."
 - ⇒ Letters from relevant government agencies, qualified investors, or established business associations with knowledge of the entity's research, products or services, and your knowledge, skills or experience that would advance the entity's business;
 - ⇒ Newspaper articles or other similar evidence that you or the entity has received significant attention or recognition;
 - ⇒ Evidence that you or the entity has been recently invited to participate in, is currently participating in, or has graduated from one or more established and reputable start-up accelerators;
 - ⇒ Evidence that you have played an active and central role in the success of prior start-up entities;
 - ⇒ Degrees or other documentation indicating that you have knowledge, skills or experience that would significantly advance the entity's business;
 - ⇒ Documentation pertaining to intellectual property of the start-up entity, such as a patent, that you obtained or that was a result of your efforts and expertise;
 - ⇒ Position description of your role in the operations of the company; and
 - ⇒ Any other reliable evidence indicating that you perform a central and active role in the start-up entity.

- Evidence that the entrepreneur will provide “a significant public benefit” to the United States.
 - ⇒ Evidence of investments from any investors, government awards or grants, or revenue generation. Such evidence could include bank records, wire transfers, equity purchase agreements, equity certificates, equity ledgers or capitalization tables;
 - ⇒ Letters from relevant government agencies, qualified investors, or established business associations with knowledge of your entity’s research, products or services. Letters from the same organizations or individuals confirming that your knowledge, skills, or experience would advance your entity’s business;
 - ⇒ Newspaper articles or other similar evidence that you or your entity have received significant attention or recognition;
 - ⇒ Evidence that you or your entity have been recently invited to participate in, are currently participating in, or have graduated from one or more established and reputable start-up accelerators;
 - ⇒ Patent awards or other documents indicating that you or your entity are focused on developing new technologies or cutting-edge research;
 - ⇒ Evidence that you have played an active and central role in the success of prior start-ups, such as letters from relevant government agencies, qualified investors, or established business associations with knowledge of your prior start-up activities;
 - ⇒ Degrees or other documentation indicating that you have knowledge, skills, or experience that would significantly advance your entity’s business;
 - ⇒ Tax or payroll records, I-9 records, or other documents indicating that your entity has created qualified jobs before you file for parole; and
 - ⇒ Any other reliable evidence indicating your entity’s potential for growth and your ability to advance your entity’s business in the United States.

- Evidence that the start-up entity has received a significant investment of capital from certain qualified U.S. investors.
 - ⇒ Evidence that an organization that is located in the United States and operates through a legal entity organized under the laws of the United States or any state that is majority owned and controlled, directly and indirectly, by U.S. citizens or lawful permanent residents (LPRs) has invested at least \$264,147 directly in the qualifying start-up entity itself.
 - ⇒ Evidence that the investor has a successful track record making investments in start-up entities and that the investment is a good faith investment of lawfully derived capital.
 - Evidence that the individual or organization made investments in start-up entities in exchange for convertible debt or other security convertible into equity commonly used in financing transactions within their respective industries, comprising a total in such five-year period of no less than \$633,952; and
 - Subsequent to such investment by such individual or organization, at least two such entities each created at least five qualified jobs or generated at least \$633,952 in revenue with average annualized revenue growth of at least 20%.

OR

- Evidence that the start-up entity has received significant awards or grants from U.S. federal, state, or local government entities.
 - ⇒ Evidence the start-up entity received at least \$105,659 through one or more qualified U.S. government awards or grants within 18 months immediately before applying for the program.