



U.S. Citizenship and Immigration Services

DHS Publishes Final International Entrepreneur Rule

The Department of Homeland Security (DHS) today [published a final rule](#) to improve the ability of certain promising start-up founders to begin growing their companies within the United States and help improve our nation's economy through increased capital spending, innovation and job creation.

Under this final rule, DHS may use its "parole" authority to grant a period of authorized stay, on a case-by-case basis, to foreign entrepreneurs who demonstrate that their stay in the United States would provide a significant public benefit through the potential for rapid business growth and job creation. The new rule is effective July 17, 2017, which is 180 days after its publication in the Federal Register.

DHS estimates that 2,940 entrepreneurs will be eligible under this rule annually. Eligible entrepreneurs may be granted a stay of up to 30 months, with the possibility to extend the period by up to 30 additional months if they meet certain criteria, in the discretion of DHS.

Under this final rule, eligibility may be extended to up to three entrepreneurs per start-up entity, as well as spouses and children. Entrepreneurs granted stays will be eligible to work only for their start-up business. Their spouses may apply for work authorization in the United States, but their children will not be eligible.

An applicant would need to demonstrate that he or she meets the following criteria to be considered under this rule:

- The applicant possesses a substantial 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.
- The applicant has a central and active role in the start-up entity such that the applicant is well-positioned to substantially assist with the growth and success of the business.
- The applicant can prove that his or her stay will provide a significant public benefit to the United States based on the applicant's role as an entrepreneur of the start-up entity by:
 - Showing that the start-up entity has received a significant investment of capital from certain qualified U.S. investors with established records of successful investments;
 - Showing that the start-up entity has received significant 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 federal, state or local government entities that regularly provide such awards or grants to start-up entities; or
 - Showing that they partially meet either or both of the previous two requirements and providing additional reliable and compelling evidence of the start-up entity's substantial potential for rapid growth and job creation.

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