

EB 5 Visa for European and UK Investors

A comprehensive guide from EB5 Attorneys

European and British investors bring distinct advantages to the EB 5 program: strong financial systems, transparent banking records, and no visa backlog under current State Department allocations. This guide covers the practical considerations for investors from the European Union and the United Kingdom, including source of funds documentation from EU and UK financial institutions, cross border tax planning, SEPA wire transfer requirements, and consular processing at U.S. embassies across Europe.

Contents

1. Why European Investors Are Well Positioned for EB 5
2. Source of Funds Documentation for EU Investors
3. SEPA Transfers and International Wire Requirements
4. Tax Treaty Implications for EU and UK Nationals
5. Post Brexit Considerations for UK Investors
6. Consular Processing at European U.S. Embassies
7. Country Specific Considerations Across Europe
8. Choosing an Attorney with European Client Experience
9. Frequently Asked Questions

Why European Investors Are Well Positioned for EB 5

Investors from EU member states and the United Kingdom benefit from several structural advantages when pursuing EB 5 visas. European banking systems maintain detailed, auditable transaction records that align closely with USCIS documentation requirements under 8 CFR 204.6(j). Financial institutions in the EU are subject to Anti Money Laundering Directive requirements (currently the 6th AML Directive, or 6AMLD), which means investor accounts already carry extensive compliance documentation. Bank statements from institutions regulated by the European Central Bank, the Financial Conduct Authority in the UK, or national regulators such as BaFin in Germany or the AMF in France tend to be accepted by USCIS with fewer supplemental requests compared to documentation from jurisdictions with less transparent banking systems. Additionally, European investors currently face no visa backlog in the EB 5 category. As of April 2026, the State Department Visa Bulletin shows that EB 5 visas for chargeability areas covering all European countries are current, meaning there is no wait after I 526E approval before an investor can proceed to adjustment of status or consular processing. This stands in contrast to investors from India and China, who may face multi year backlogs. The combination of strong documentation infrastructure and immediate visa availability makes Europe one of the most favorable regions for EB 5 applicants.

Source of Funds Documentation for EU Investors

USCIS requires every EB 5 investor to demonstrate that the minimum investment amount (currently \$800,000 for Targeted Employment Area projects or \$1,050,000 for non TEA projects, as of April 2026) was obtained through lawful means. Under INA Section 203(b)(5) and 8 CFR 204.6(j), the investor must trace the path of funds from their original lawful source through to the investment in the new commercial enterprise. For European investors, common lawful sources include: accumulated salary and savings documented through employment contracts and paystips; sale of real property with title deeds, sale contracts, and notarized closing documents; business ownership and dividends evidenced by corporate filings, shareholder agreements, and audited financial statements; inheritance documented through probate records and testamentary documents; and investment gains from brokerage accounts, pension funds, or insurance products. Each EU member state has its own legal frameworks for property transactions, corporate filings, and tax documentation. A German investor selling property will present a notarized Kaufvertrag (purchase contract) and Grundbuch (land registry) extract, while a French investor may provide an acte de vente and documents from the Service de la Publicite Fonciere. Your attorney must understand how to present these country specific documents to USCIS in a way that satisfies U.S. evidentiary standards. Translation of all non English documents by a certified translator is required per 8 CFR 103.2(b)(3).

SEPA Transfers and International Wire Requirements

Most EB 5 investments from European accounts are transferred via SEPA (Single Euro Payments Area) for euro denominated transfers within the EU and European Economic Area, or via SWIFT international wire for transfers to U.S. dollar accounts. USCIS expects to see a clear, unbroken chain of custody from the investor's personal or business account to the escrow account of the new commercial enterprise or regional center. When documenting wire transfers, your attorney will need: the SEPA credit transfer confirmation or SWIFT MT103 message showing the sender, recipient, amount, date, and reference number; corresponding debit confirmation from the sending bank; credit confirmation from the receiving U.S. bank or escrow agent; and currency conversion documentation if the transfer involved a euro to dollar exchange. One common issue arises when funds pass through intermediary or correspondent banks. SWIFT transfers between European and U.S. banks often route through one or more correspondent institutions. USCIS may question gaps in the paper trail if the intermediary bank details are not documented. Your attorney should obtain correspondent bank confirmations or request that your bank provide end to end transfer documentation. For investors in non euro EU countries (such as Poland, Sweden, or the Czech Republic), domestic currency must first be converted to euros or dollars, adding an additional documentation layer.

Tax Treaty Implications for EU and UK Nationals

The United States maintains bilateral income tax treaties with most European countries, and these treaties affect EB 5 investors in several important ways. First, investors must understand that obtaining U.S. permanent residence through EB 5 will make them U.S. tax residents, subject to U.S. federal income tax on their worldwide income. This is a significant change for residents of many European countries that tax only domestic source income or provide more favorable treatment of foreign income. Tax treaties between the U.S. and EU member states generally address: prevention of double taxation on the same income; reduced withholding rates on dividends, interest, and royalties; treatment of capital gains from property sales; and provisions for pension and retirement income. For example, the U.S. UK Double Taxation Convention, the U.S. Germany Income Tax Treaty, and the U.S. France Tax Convention each contain specific provisions relevant to investment income and capital gains that an EB 5 investor should understand before making the investment. Critically, investors should consult with a cross border tax advisor before filing the I 526E petition. Pre immigration tax planning can include strategies such as accelerating recognition of gains before becoming a U.S. tax resident, restructuring foreign entities, or electing specific treaty benefits. Your EB 5 attorney should coordinate with your tax advisor to ensure that the investment structure does not create unintended tax consequences. The IRS reporting obligations for foreign financial accounts (FBAR, Form 114) and specified foreign financial assets (FATCA, Form 8938) will apply once the investor becomes a U.S. person.

Post Brexit Considerations for UK Investors

Since the United Kingdom's departure from the European Union on January 31, 2020, UK investors face a distinct regulatory environment from their EU counterparts. UK nationals are now processed under their own chargeability area for visa allocation purposes, though as of April 2026, the EB 5 category remains current for UK chargeability with no backlog. The primary practical differences for UK investors include: banking documentation is now governed exclusively by the Financial Conduct Authority (FCA) and Bank of England regulations rather than EU directives; SEPA transfers are no longer available from UK bank accounts, so transfers must use SWIFT international wires or services that facilitate cross border payments; and UK property records, corporate filings at Companies House, and HMRC tax documents follow formats distinct from EU equivalents. UK investors should also be aware that the U.S. UK Double Taxation Convention operates independently of any EU tax framework. Pension transfers, ISA (Individual Savings Account) liquidation, and NS&I (National Savings and Investments) redemptions each require specific documentation approaches when presented to USCIS as source of funds. For a detailed treatment of UK specific EB 5 considerations, see our companion guide on EB 5 for United Kingdom investors at eb5attorneys.com/eb5/investors/united-kingdom.

Consular Processing at European U.S. Embassies

European EB 5 investors who are not already present in the United States will complete the final stage of their immigration process through consular processing at a U.S. embassy or consulate. After the I 526E petition is approved and a visa number is available, the case transfers to the National Visa Center (NVC), which assigns it to the appropriate consular post. Major U.S. embassies and consulates that handle EB 5 immigrant visa interviews in Europe include: London (United Kingdom), Frankfurt (Germany), Paris (France), Rome (Italy), Madrid (Spain), Warsaw (Poland), Dublin (Ireland), Amsterdam (Netherlands), and Athens (Greece). Processing times and interview scheduling vary by post. Some European consulates have shorter wait times than others, and an experienced attorney can advise on expected timelines at your specific consular post. The consular interview for EB 5 cases focuses on confirming the investor's identity, reviewing the approved petition, verifying that the investment was made as described, and ensuring there are no grounds of inadmissibility under INA Section 212(a). Required documents for the consular interview typically include: a valid passport, DS 260 confirmation page, civil documents (birth certificate, marriage certificate, police clearances), financial documents demonstrating continued investment, and medical examination results from a designated panel physician. European investors should note that some consular posts require medical examinations from specific designated physicians, which may require travel to another city. Your attorney should coordinate the consular processing timeline to avoid unnecessary delays.

Country Specific Considerations Across Europe

While European investors share many common advantages, each country presents unique documentation patterns. German investors frequently source funds from Bausparvertrag (home savings contracts), Lebensversicherung (life insurance savings plans), or property sales documented through Notar (notary) certified contracts. German tax returns (Einkommensteuerbescheid) provide strong evidence of income history. French investors often rely on livret A savings accounts, assurance vie (life insurance investments), or SCI (Societe Civile Immobiliere) property holding structures. French notarial acts for property sales are particularly detailed and useful for USCIS purposes. Italian investors may present documentation from the Agenzia delle Entrate (Revenue Agency), catasto (land registry), and notarial deeds. Italian family business structures and inheritance patterns require careful documentation because family wealth transfers often occur through mechanisms unfamiliar to U.S. adjudicators. Spanish investors commonly source funds from property sales, with documentation from the Registro de la Propiedad (Property Registry) and escritura publica (public deed). Netherlands investors may present documentation from the Kadaster (land registry), belastingdienst (tax authority), and notarial deeds. Dutch investors with holdings in BV (besloten vennootschap) corporate structures must document the corporate chain of ownership and dividend distributions. Polish investors, who represent a growing segment of EB 5 applicants, often source funds from business ownership documented through KRS (National Court Register) filings and property sales with documentation from the księga wieczysta (land and mortgage register). For each nationality, an experienced EB 5 attorney will know which documents to request, how they translate to U.S. evidentiary standards, and how to present them in a petition narrative that USCIS adjudicators can follow.

Choosing an Attorney with European Client Experience

European EB 5 investors should seek an attorney who has specific experience representing clients from their country or region. The source of funds analysis for a European investor differs significantly from the analysis for investors from China, India, or the Middle East, and an attorney who primarily serves those markets may not be familiar with European financial instruments, property transaction formats, or tax documentation. During your consultation, ask prospective attorneys: How many European EB 5 clients have you represented, and from which countries? Are you familiar with the banking and property documentation formats in my country? Do you work with certified translators who handle documents in my language? Do you have relationships with cross border tax advisors who understand both U.S. and European tax systems? Can you advise on consular processing at the specific U.S. embassy where I will interview? An attorney who can answer these questions with specificity rather than generalities is more likely to prepare a petition that anticipates and addresses the documentation patterns specific to your situation. Given that European investors enjoy favorable conditions for EB 5 (no backlog, strong banking documentation), the primary risk is an attorney who fails to capitalize on these advantages by submitting incomplete or poorly organized petitions.

Frequently Asked Questions

1. Is there an EB 5 visa backlog for European investors?

As of April 2026, there is no visa backlog for EB 5 applicants from any European country, including the United Kingdom. The State Department Visa Bulletin shows that the EB 5 category is current for all European chargeability areas. This means that once your I 526E petition is approved, you can immediately proceed to adjustment of status (if in the U.S.) or consular processing (if abroad) without waiting for a visa number to become available.

2. Can I use funds from multiple European countries for my EB 5 investment?

Yes. USCIS does not require that investment funds come from a single source or country. An investor might combine savings from a German bank account, proceeds from selling a French property, and dividends from a Dutch business. However, each source must be individually documented and traced to its lawful origin under 8 CFR 204.6(j). The complexity of the source of funds analysis increases with each additional source, so your attorney must create a clear, organized narrative that accounts for all fund components.

3. What happens to my European pension if I become a U.S. permanent resident?

Becoming a U.S. permanent resident does not automatically affect your European pension entitlements, but it does change how those pensions are taxed. As a U.S. tax resident, you must report worldwide income, including pension distributions from European sources. Most U.S. tax treaties with European countries contain specific pension articles that determine whether the pension is taxed in the source country, the U.S., or both (with foreign tax credits to avoid double taxation). Consult a cross border tax advisor before your green card is issued to understand the implications for your specific pension arrangements.

4. Do I need to translate all my European financial documents for the I 526E petition?

Yes. Under 8 CFR 103.2(b)(3), any document in a foreign language submitted to USCIS must be accompanied by a certified English translation. The translator must certify that the translation is complete and accurate and that they are competent to translate from the source language into English. Your attorney should work with translators experienced in financial and legal terminology for your specific language. Poor translations can cause confusion and lead to unnecessary Requests for Evidence.

5. Can I do consular processing at any U.S. embassy in Europe, or must I use my home country embassy?

Generally, you process your immigrant visa at the U.S. embassy or consulate in your country of residence, not necessarily your country of citizenship. If you are a French citizen living in Germany, you would typically process at the U.S. Consulate in Frankfurt rather than the U.S. Embassy in Paris. However, some flexibility exists, and in certain circumstances you may request processing at a different post. Your attorney can advise on the options available and any implications for processing times.

6. How long does the entire EB 5 process take for European investors?

The timeline varies based on USCIS processing times, which fluctuate. As of April 2026, I 526E processing times range from approximately 12 to 36 months depending on the complexity of the case and whether premium processing is available for your filing category. After I 526E approval, European investors face no visa backlog, so consular processing or adjustment of status can proceed immediately. Consular processing at European posts typically takes 2 to 6 months after NVC processing. Total timeline from filing to conditional green card issuance is typically 18 to 42 months for European investors.

Disclaimer: This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

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