

# EB 5 for Middle East and North Africa Investors

A comprehensive guide from EB5 Attorneys

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Investors from the Middle East and North Africa (MENA) region hold a distinct advantage in the EB 5 program: most MENA countries face no visa backlog, meaning approved petitions can proceed to immigrant visa issuance without years of waiting. At the same time, MENA investors face unique source of funds challenges tied to Gulf state wealth structures, Arabic language financial documentation, and concerns about informal transfer systems. This guide covers the specific issues MENA investors encounter and how an experienced EB 5 attorney addresses them.

## Contents

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1. MENA Countries and EB 5 Visa Availability
2. Source of Funds from Gulf State Wealth
3. Hawala and Informal Transfer Concerns
4. Arabic Language Financial Documentation
5. Islamic Finance Considerations
6. Consular Processing at MENA Regional Posts
7. Dual Nationality and Travel Planning for MENA Investors
8. Choosing an Attorney with MENA Experience
9. Frequently Asked Questions

## MENA Countries and EB 5 Visa Availability

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Most countries in the Middle East and North Africa region are not subject to EB 5 visa backlogs. Under INA 202, no single country may receive more than 7% of the total immigrant visas available in a given category per fiscal year. Because EB 5 filing volume from individual MENA countries remains well below this threshold, investors from Saudi Arabia, the UAE, Qatar, Kuwait, Bahrain, Oman, Jordan, Lebanon, Egypt, Morocco, Tunisia, Algeria, Libya, Iraq, and Iran generally face current priority dates. The practical effect is that once USCIS approves an I 526E petition, the investor can proceed relatively quickly to consular processing or adjustment of status. This stands in contrast to investors from India and mainland China, who may wait years or decades after I 526E approval before a visa number becomes available. For MENA investors, the speed advantage makes the EB 5 program especially attractive compared to employer sponsored categories that may involve their own backlogs. Note that Iran presents a special case. While Iranian nationals typically have current priority dates in the EB 5 category, U.S. sanctions on Iran create significant complications for financial transfers and consular processing. Iranian investors should seek an attorney with specific experience handling Iranian EB 5 cases, because the sanctions compliance requirements add a layer of complexity that does not apply to most other MENA countries.

## Source of Funds from Gulf State Wealth

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USCIS requires every EB 5 investor to demonstrate that their investment capital was obtained through lawful means. For investors from Gulf Cooperation Council (GCC) countries, including Saudi Arabia, the UAE, Qatar, Kuwait, Bahrain, and Oman, wealth commonly derives from oil and gas industry revenue, family business conglomerates, real estate holdings, government employment with generous compensation packages, and inherited family wealth. Documenting these sources requires a careful paper trail. An investor whose wealth comes from a family business must provide corporate registration documents, audited financial statements, profit distribution records, and evidence linking corporate profits to the investor's personal accounts. If the family business operates across multiple countries or through complex holding structures, the documentation chain becomes more extensive. Real estate wealth requires property appraisals, purchase contracts, sale proceeds documentation, and proof that the property was acquired with lawful funds. Government employment income requires salary certificates, employment contracts, and bank statements showing consistent salary deposits. In all cases, the documentation must trace the funds from their original lawful source, through any intermediate accounts or transactions, into the EB 5 escrow account. Your attorney should work with you to map this path before you begin gathering documents, so you know exactly what USCIS will expect.

## Hawala and Informal Transfer Concerns

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One issue that arises with some MENA investors involves informal value transfer systems, sometimes referred to as hawala or similar mechanisms. Hawala is a traditional method of transferring money without physically moving currency, relying instead on a network of brokers who settle balances among themselves. While hawala is a legitimate and widely used system in parts of the Middle East and South Asia, it presents serious problems for EB 5 source of funds documentation. USCIS requires a clear, documented path of funds from origin to the EB 5 investment. Hawala transactions, by their nature, often lack the formal banking records that USCIS expects. Even if the underlying funds are entirely lawful, the inability to produce wire transfer records, bank statements, and other standard financial documentation can result in an RFE or denial. Your attorney should advise you early in the process to avoid using hawala or any other informal transfer mechanism for your EB 5 investment funds. All transfers should flow through regulated banking channels that generate verifiable records. If you have previously used hawala for other transactions and USCIS raises questions about your financial history, your attorney must be prepared to explain the cultural context while demonstrating that the EB 5 investment funds specifically were transferred through documented, regulated channels.

## Arabic Language Financial Documentation

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Financial documents from MENA countries are commonly issued in Arabic, and USCIS requires English translations of all foreign language documents. Under 8 CFR 103.2(b)(3), any document in a foreign language must be accompanied by a full English translation that the translator certifies as complete and accurate. The translator must also certify their competence to translate from the source language. For Arabic financial documents, the translation process requires particular attention. Arabic uses a right to left script, and financial statements, tax records, and corporate documents from Arabic speaking countries may follow formatting conventions unfamiliar to U.S. adjudicators. Numbers may appear in Eastern Arabic numerals rather than the Western Arabic numerals used in the United States. Your attorney should work with a qualified Arabic translator who has experience with financial and legal documents, not just general language proficiency. The translator should understand accounting terminology, corporate governance terms, and government document formats common in the investor's home country. Poor translations lead to misunderstandings, RFEs, and unnecessary delays. Some investors also face challenges because certain MENA countries do not issue standardized financial documents comparable to IRS tax returns or SEC filings. For example, some Gulf states have no personal income tax, which means there are no individual tax returns to provide. Your attorney must anticipate these gaps and prepare alternative documentation that satisfies USCIS requirements.

## Islamic Finance Considerations

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Many MENA investors structure their financial affairs in accordance with Islamic finance principles, which prohibit the payment or receipt of interest (riba) and require that financial transactions be backed by real economic activity. Common Islamic finance structures include murabaha (cost plus financing), ijara (lease based financing), musharaka (partnership financing), and sukuk (Islamic bonds). These structures are fully lawful and widely used by major international banks, but they may be unfamiliar to USCIS adjudicators who are accustomed to conventional Western financial instruments. When an investor's source of funds involves Islamic finance products, the documentation must clearly explain the structure and demonstrate that it is a legitimate, regulated financial arrangement. Your attorney should include a brief explanatory note with the petition explaining the relevant Islamic finance principles when the source of funds documentation includes instruments like murabaha agreements or sukuk certificates. This proactive explanation reduces the likelihood that an adjudicator will issue an RFE based on unfamiliarity with the financial structure. Some EB 5 projects also offer Sharia compliant investment structures to attract investors who require compliance with Islamic finance principles. If Sharia compliance is a priority for you, your attorney should verify that the project's legal documents and fund structure have been reviewed by a qualified Sharia advisor and that the compliance is substantive, not merely a marketing claim.

## Consular Processing at MENA Regional Posts

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After I 526E approval, MENA investors who are outside the United States proceed through consular processing at a U.S. embassy or consulate. The specific post depends on the investor's country of nationality and residence. Major consular processing posts in the region include Abu Dhabi (UAE), Riyadh (Saudi Arabia), Doha (Qatar), Amman (Jordan), Cairo (Egypt), Casablanca (Morocco), and Ankara (Turkey, for investors who process through nearby posts). Each consular post has its own processing times, interview procedures, and document requirements that may differ slightly from the standard. Some posts are more experienced with EB 5 immigrant visa cases than others. Abu Dhabi and Riyadh, for example, process a higher volume of immigrant visas overall and may have more familiarity with EB 5 documentation. Smaller posts may take longer or request additional documentation because they encounter EB 5 cases less frequently. Your attorney should advise you on which consular post will process your case and prepare you for that specific post's procedures. Security clearance processing times can be longer for applicants from certain MENA countries, and your attorney should factor this into the overall timeline. Administrative processing, which involves additional security vetting beyond the standard background check, can add weeks or months to the consular processing timeline for some MENA nationals.

## Dual Nationality and Travel Planning for MENA Investors

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Some MENA investors hold dual nationality, which can affect both the EB 5 petition and the consular processing stage. Under U.S. immigration law, an applicant is chargeable to the country of their birth for visa quota purposes, though they may be cross charged to a spouse's or parent's country of birth in some circumstances. For an investor born in Iran but holding UAE citizenship, for example, the EB 5 petition is generally charged to Iran. This distinction matters if one country has a visa backlog and the other does not. Your attorney should determine the correct country of chargeability early in the process. Travel planning is also a consideration during the EB 5 process. Investors who file for adjustment of status in the United States must obtain Advance Parole before traveling abroad, or risk abandoning their pending application. Investors proceeding through consular processing should coordinate their travel around the interview schedule and avoid any actions that could complicate their visa issuance. For investors from countries subject to enhanced security screening, your attorney may recommend scheduling the consular interview with sufficient buffer time to accommodate administrative processing.

## Choosing an Attorney with MENA Experience

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Not every EB 5 attorney has experience working with MENA investors. The source of funds documentation, Arabic translation requirements, Islamic finance structures, and consular processing logistics specific to the region require familiarity that goes beyond general EB 5 practice. When evaluating attorneys, ask whether they have previously represented investors from your country or the broader MENA region. Ask about their experience with Arabic language document translation, their familiarity with Islamic finance products, and their relationships with translators and financial experts who specialize in MENA documentation. An attorney who has successfully guided multiple MENA investors through the I 526E and I 829 process will be better equipped to anticipate the specific issues your case may encounter. If your attorney has no MENA experience, they should be transparent about this and, if necessary, bring in co counsel or consultants who can address the region specific aspects of your case.

# Frequently Asked Questions

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## 1. Is there a visa backlog for EB 5 investors from the Middle East?

For most MENA countries, no. EB 5 filing volume from individual Middle Eastern and North African countries remains below the 7% per country cap established in INA 202, so priority dates are generally current. This means approved I 526E petitions can proceed to visa issuance without the multi year waits that affect investors from India and mainland China.

## 2. Can I use funds from a family business in the Gulf states for my EB 5 investment?

Yes, provided you can document the lawful source of those funds with a clear paper trail. USCIS will expect corporate registration documents, audited financial statements, profit distribution records, and bank statements showing how funds moved from the business to your personal accounts and then into the EB 5 escrow. Your attorney should map this documentation path before you begin gathering records.

## 3. Does USCIS accept Islamic finance as a source of funds?

Yes. Islamic finance products such as murabaha, ijara, musharaka, and sukuk are legitimate, regulated financial instruments accepted by USCIS. However, the documentation must clearly explain the structure and demonstrate that it is a lawful financial arrangement. Your attorney should include an explanatory note when submitting documentation that involves Islamic finance products unfamiliar to U.S. adjudicators.

## 4. Will using hawala to transfer funds cause problems with my EB 5 petition?

Yes, almost certainly. USCIS requires a documented chain of custody for EB 5 investment funds, including bank statements, wire transfer confirmations, and other formal banking records. Hawala transactions typically lack this documentation. Even if the underlying funds are lawful, the absence of verifiable banking records can result in an RFE or denial. Transfer all EB 5 funds through regulated banking channels.

## 5. My country has no income tax. How do I prove my source of funds without tax returns?

Several MENA countries, including the UAE, Qatar, Kuwait, Bahrain, and Saudi Arabia (for most income types), do not impose personal income tax. In these cases, your attorney will rely on alternative documentation such as employment contracts, salary certificates, bank statements showing consistent income deposits, corporate financial statements, and property records. The absence of tax returns is not fatal to an EB 5 petition when other credible documentation is available.

## 6. How long does consular processing take at U.S. embassies in the Middle East?

Processing times vary by post and by the applicant's specific circumstances. Standard consular processing at major posts like Abu Dhabi or Riyadh typically takes several weeks to a few months after the case is transferred from the National Visa Center. However, applicants from certain MENA countries may experience additional administrative processing for security clearance purposes, which can add weeks or months. Your attorney should factor this into your timeline planning.

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**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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