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DHS Proposes to Remove the International Entrepreneur Rule

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Submitted by Chief Editor on May 25th 2018

WASHINGTON ? The Department of Homeland Security (DHS) is proposing a rule to end a program that allows certain foreign entrepreneurs to be considered for parole to temporarily come to the United States to develop and build start-up businesses here, known as the [International Entrepreneur Rule](#) ^[2] (IE Final Rule).

In July 2017, [DHS published a final rule to delay](#) ^[3] the implementation date of the IE Final Rule to March 14, 2018, to give the Department time to draft a rescission of the IE Final Rule. However, in December 2017, a federal court vacated the delay rule, requiring USCIS to begin accepting international entrepreneur parole applications consistent with the IE Final Rule.

DHS is now proposing to eliminate the IE Final Rule because the department believes that it represents an overly broad interpretation of parole authority, lacks sufficient protections for U.S. workers and investors, and is not the appropriate vehicle for attracting and retaining international entrepreneurs.

By statute, DHS has discretionary authority to parole individuals into the United States temporarily, on a case-by-case basis, for urgent humanitarian reasons or significant public benefit. After reviewing DHS parole programs in accordance with the Executive Order titled Border Security and Immigration Enforcement Improvements, issued on Jan. 25, 2017, DHS is proposing to remove regulations published as part of the IE Final Rule. DHS concluded that the IE Final Rule created a complex and highly-structured program that was best established by the legislative process rather than relying on an unorthodox use of the Secretary's authority to temporarily parole, in a categorical way, aliens based on significant public benefit.

The Immigration and Nationality Act already provides for visa classifications that enable certain entrepreneurs to start businesses and work in the United States, such as the E-2 nonimmigrant classification and the EB-5 immigrant classification. DHS is committed to reviewing all existing employment-based immigrant and nonimmigrant visa programs to ensure program integrity and protect the interests of U.S. investors and workers.

Nonimmigrant Visas:

[E-2 Visa](#) ^[4]

[General Nonimmigrant Visa](#) ^[5]

Agency:

[DHS](#) ^[6]

Green Card:

[EB5 Green Card](#) ^[7]

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