

TITLE 4: ECONOMIC RESOURCES  
DIVISION 5: BUSINESS REGULATION

**§ 5952. Foreign Investment Certificate; Standard of Review.**

An approved investment for the purposes of section means an investment approved by the secretary, which approval shall be subject to the following standards:

(a) *Minimum Amount of Investment.* The amount of the “Approved Investment” shall be \$100,000 per person in an aggregate “Approved Investment” in excess of \$2,000,000; or \$250,000 by an individual in a single “Approved Investment”.

(b) *Approved Investment Standards.* In reviewing the acceptability of an approved investment for purposes of determining issuance or denial of a certificate of foreign investment, the secretary shall consider:

(1) The relative need for or desirability of the type of enterprise described by the applicant;

(2) Whether or not the proposed enterprise is in compliance with local and/or federal laws;

(3) The number and description of employment positions created by the enterprise or which will be created for qualified Commonwealth residents and the extent to which non-resident personnel are or will be utilized at the outset of the applicant’s enterprise, the quality and projected performance of a resident employee training program, if any;

(4) The effect which the enterprise will have upon the ecology of the Commonwealth including its pollutant or non-pollutant status, its potential impact on the fresh water table, and the likelihood of creating waste products that would be detrimental to the environment.

(5) The personal integrity and business reputation of the alien investor and any associate investors involved in the enterprise;

(6) To the extent that such factor can be determined, the likelihood that the enterprise will continue its operation in the Commonwealth for a substantial period of time;

(7) The extent to which contractors, subcontractors, labor and materials and other supplies available locally have been or will be utilized in the establishment, construction, and operation of the enterprise;

(8) The extent to which the enterprise will impact upon power and water resources in the Commonwealth, whether or not the enterprise includes water catchments, separate power plant, separate water wells, other independent water or power resource; and if not, the amounts of water and power necessary for establishment, construction, and operation of the enterprise;

(9) The likelihood that the enterprise has not been organized in good faith or with a permanent character or that the issuance of a certificate of foreign investment will be misused;

(10) Nothing in these standards shall preclude the foreign investor from investing in an ongoing enterprise.

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**Source:** PL 10-44, § 7 (“Part II - Foreign Investments” regulations (Commonwealth Register, Vol. 17, No. 01, January 15, 1995) § 1101B., modified).