

Global Immigration alert

December 2025

United States

USCIS releases new form and instructions to petition for an immigrant visa under the Gold Card program

Executive summary

On 10 December 2025, US Citizenship and Immigration Services (USCIS) published Form I-140G, Immigrant Petition for the Gold Card Program, an employment-based pathway to permanent residence created under Executive Order 14351. This program permits an individual or company to petition on behalf of an individual in the EB-1 extraordinary ability category or EB-2 exceptional ability category for foreign nationals seeking an exemption of the job offer requirement in the national interest, known as a National Interest Waiver (NIW).

The USCIS website notes that registration on trumpcard.gov is required prior to filing the Form I-140G. After registration, USCIS will notify the submitter to proceed with filing Form I-140G online.

Background and analysis

President Donald Trump established the Gold Card Program in Executive Order 14351 on 19 September 2025 to "facilitate the entry of [foreign nationals] who have demonstrated their ability and desire to advance the interest of the United States by voluntarily providing a significant financial gift to the Nation." Establishing eligibility under the EB-1 or EB-2 NIW category through this program requires the individual or company to make a substantial, unrestricted financial gift to the US Department of Commerce. This approach is intended to both expedite the immigration process for qualified individuals and generate direct economic contributions to the United States.

The executive order established the requisite gift amounts of \$1 million for an individual donating on their own behalf and \$2 million for a corporation or similar entity donating on behalf of an individual, respectively. The petitioner may select either the EB-1 or EB-2 NIW category when filing the I-140G regardless of whether they are an individual or company.

The form instructions for the I-140G clarify that each person requesting a Gold Card, including the principal beneficiary of the petition, their spouse, and any children who wish to immigrate to the United States, must gift \$1 million. If a corporation or similar entity is submitting the I-140G on behalf of an individual, the \$2 million gift will apply to the principal beneficiary and an additional \$1 million per family member listed on the petition would be required.

In addition to paying the gift, the I-140G must be accompanied by a non-refundable filing fee of \$15,000 per person. Further, as of the date of publication, the trumpcard.gov site appears to charge an additional processing fee (\$30,000 if paying by wire transfer and \$30,750 if paying by credit card) when the requisite gift amount is paid.

All petitions must be filed through the MyUSCIS portal; paper filings will not be accepted. This requires petitioners to create or use an existing USCIS online account to submit Form I-140G and supporting documentation.

Among other evidence, individual petitioners will be required to submit documentary evidence of the following when filing Form I-140G:

- Net worth
- Lawfulness and source of the funds
- Payment/path of funds of the gift to the US Department of Commerce via credit card payment or bank transfer

Corporate petitioners must also provide evidence of the source of funds in the form of federal tax returns, annual reports, or audited financial statements for the past three years.

As of the date of publication, USCIS has not updated its Policy Manual to reflect that payment of the requisite gift amount is evidence of extraordinary ability or eligibility for an EB-2 NIW, or to provide guidance to USCIS officers on how they are to adjudicate I-140G petitions. Therefore, currently no public information is available regarding how eligibility issues, including lawfulness and source of funds, will be assessed.

What this means

Litigation regarding the legality of the Gold Card Program and adherence to the Administrative Procedure Act is likely, given the lack of formal rulemaking to amend existing EB-1 and EB-2 regulations. Individual and company petitioners may wish to consider waiting for additional clarifications regarding eligibility and how petitions will be assessed prior to providing sensitive financial information and documentation to USCIS.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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