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BUYERS BEWARE: TRUMP'S GOLD CARD IS AN AMAZING FEAT IN EXECUTIVE LEGERDEMAIN

Posted on December 14, 2025 by Cyrus Mehta

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U.S. Citizenship and Immigration Services (USCIS) has posted a new form for the "Trump Gold Card" immigrant visa program, Form I-140G, Immigrant Petition for the Gold Card Program. The program requires a minimum "contribution" of $1 million along with a hefty application fee. Applicants may only file the form after they have registered their information on trumpcard.gov and received confirmation that their submission was accepted. USCIS will contact the applicant when it is time to create or log in to their USCIS online account to file the form.

The form, dated 11/19/2025, was created under "The Gold Card," Executive Order 14351. The fee for Form I-140G is $15,000 per person (principal beneficiary, spouse, or child(ren), as applicable). Additional Department of State (DOS) "small fees" may apply "depending on the applicant." For a corporation or similar entity filing on behalf of an individual, the required "gift" to the United States is $2 million for the principal beneficiary, and $1 million per person for any accompanying spouse or children listed on the petition, in addition to the fee(s).

The Trump administration also announced a "Trump Platinum Card," coming soon, for which foreign nationals can join a waiting list. When launched, and upon receipt of a $15,000 processing fee and a $5 million contribution, applicants will have the ability to spend up to 270 days in the United States without being subject to U.S. taxes on non-U.S. income. Additional DOS "small fees" may apply "depending on the applicant." Those "who have ever been subject to U.S. tax on non-U.S. income (e.g., U.S. citizens and resident aliens) are not eligible to apply for the Trump Platinum Card."

It is unclear how long processing will take. The website states, "Once an applicant's processing fee and application are received, the process should take weeks. The applicant will need to attend a visa interview and submit any additional documents in a timely manner." However, practitioners expressed concerns that it could take years in some cases.

Trump's Gold Card is an amazing feat in executive legerdemain. Although Congress has not explicitly authorized it, the Gold Card has been cleverly appended to the employment-based first preference (EB-1) and second preferences (EB-2) through executive order. The $1 million and more is considered a gift to the United States under 15 USC 1522, and would demonstrate through the filing of an I-140G petition the applicant's eligibility under the person of extraordinary category under INA 203(b)(1)(A) or under the persons of exceptional ability and national interest waiver category under INA 203(b)(2). If you are born in India beware of Trump's Gold Card as you will be stuck in the India EB-1or EB-2 backlog for years and even decades after you have shelled out $1 million or more and won't see your green card for a very long time or never.

We have always advocated for immigration benefits through executive actions for years. While we are supportive of the Gold Card as another innovative benefit through executive action, it is also hypocritical that this administration has been eliminating other executive actions of prior presidential administrations such as humanitarian parole and deferred action for childhood arrivals and special immigrant juveniles. If the Trump administration has launched the Gold Card through executive action, why not go further to benefit many more immigrants in the green card backlogs. The administration can advance the filing dates in the State Department Visa Bulletin to current, or close to current, so many people in the backlogs with approved I-140 petitions can file for adjustment of status including beneficiaries of the I-140 petition for the Gold Card.

As with other executive actions, the Gold Card will not be immune to challenges in federal court that it was issued without Congressional authorization and even without a regulation under the Administration Procedure Act. If a court blocks the Gold Card applicants may not get their money back. Moreover, another president can rescind the Gold Card too. Still, as has been the case with the Trump administration rescinding DACA or SIJ deferred action, plaintiffs may be able to get a court to keep the Gold Card program intact for many years

if the recission did not factor in the reliance interests of the stakeholders. Buyers of Trump's Gold Card should take the plunge with their eyes wide open – that is if they can afford spending and even throwing away $1 million and more.