

TRADE & INVEST IN  
**AMERICA**

THE **EB-5** GATEWAY

ISSUE 3



**USA WANTS YOU**

Published by



In collaboration with



# NuRIDE



## The Future of Transportation

### CURRENT NURIDE PROJECTS

**NYCGT** New York City Green Transportation



**NYCMT** New York City Medical Transportation



- > Applauded > Transparent > Profitable > Innovative Technology > Accessible
- > Environmentally Friendly > Experienced Management Board
- > Exponential Job Growth > Investment Opportunities > Approved by USCIS (NYCGT)
- > Major Partnerships & Affiliations > Unique Project



TRADE & INVEST IN  
**AMERICA**  
THE **EB-5** GATEWAY



TRADE & INVEST IN AMERICA | THE **EB-5** GATEWAY

# TRADE & INVEST IN AMERICA | THE EB-5 GATEWAY

Published by  
 BLS Global Ltd,  
 info@blsmedia.co.uk  
 www.blsmedia.co.uk

Unit 5  
 'Hiltongrove N1'  
 14 Southgate Road  
 London N1 3LY

Business Development  
**Nigel Coyne**

Editor  
**Orsolya Balogh**  
 media@blsmedia.co.uk

Senior Designer  
**Atique Miah**

Published by



In collaboration with



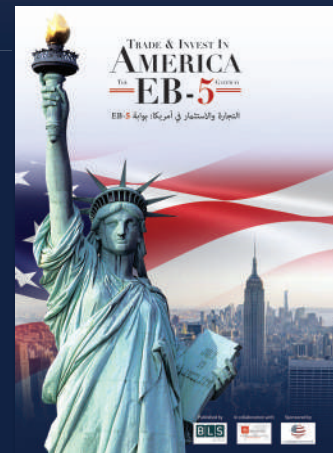
BLS Global are contract publishers of high quality media for prestigious organisations, event organisers, governments and trade associations both in the United Kingdom and internationally.

Our experienced publishing team will develop your publication from initial concept through to completion. Our services include: creative design, PR, advertising sales, sales training, editorial and distribution.

Whilst every care has been taken in compiling this publication and the statements contained herein are believed to be correct, the publishers and the promoters will not accept responsibility for any inaccuracies. Reproduction of any part of this publication without permission is strictly forbidden.

BLS Global make no recommendation in respect to any of the advertisers and no recommendation may be implied by way of the presence of their advertisements.

For advertising enquiries in future editions contact:  
**Sam Hussain**  
 info@blsmedia.co.uk | www.blsmedia.co.uk



# Content Page

Foreword .....	<b>6</b>
Editor’s Note .....	<b>11</b>
How to select the right EB-5 program .....	<b>10</b>
10 reasons for Indian HNIs to consider Residency & Citizenship by Investment .....	<b>13</b>
Navigating Basic Banking in the U.S.....	<b>18</b>
EB-5 On Your Terms: Project Control and Financial Rewards.....	<b>20</b>
Why Consider an EB-5 Oil Investment in Texas .....	<b>23</b>
Baruch College – Continuing and professional studies .....	<b>24</b>
Job Creation in the EB-5 Program: Confusing, but Critical.....	<b>28</b>
Changes to the EB-5 Program: Spotlight Shifts Back to USCIS.....	<b>31</b>
Understanding Common Corporate & Securities Investment Documents for Private Offerings – Part 2 .....	<b>32</b>
Summary of Employment and Entrepreneur Immigration Changes in 2017.....	<b>35</b>
The great strength of U.S Education.....	<b>36</b>
US Corporate Entities: Why the LLC is the Clear Winner.....	<b>38</b>
“Where is my Green Card?” The Second Stage of the EB-5 Process.....	<b>40</b>
4 Investment model...One project; The flexibility of transportation! .....	<b>42</b>
Key Elements of a Safe EB-5 Project The Importance of Transparency .....	<b>44</b>
Lowering the Overall Cost of EB-5 through Education Savings via U.S. Residency.....	<b>48</b>
Indian EB-5 Applications   Indo-US Taxation, Due-Diligence & Other Complex Areas .....	<b>51</b>
How EB-5 Funding Is and Can Be Used .....	<b>52</b>
An Overview of Islamic Finance .....	<b>54</b>



# Foreword

**W**elcome to the newest edition of Trade and Invest in America: The EB-5 Gateway. I would like to thank our sponsors and editorial contributors for their support and commitment. We are glad to announce that many EB-5 industry professionals submitted their feature again on the latest updates.

BLS Global are pleased to have educated HNWI for capital investment in EB-5 program.

In this edition Robert Sloposky, Group Director & Senior Vice President at Signature Bank reflect on the navigation of Basic Banking in the U.S. by paying attention on what to do if a client needs to establish a bank account in the United States. In this editorial he also focusses on how to get a residential mortgage without credit history in the U.S.

The two main goals of an EB-5 investment are the following:  
 1) to receive U.S. permanent residency (Green Card)  
 2) to receive a full return of their capital investment as soon as the law permits.

Winnie Ng, Esq., Chief Executive Officer at the Manhattan Regional Center submits a feature on the key elements of a safe EB-5 project.

Higher education in the United States is a major draw for immigration. Nearly a million international students attended American universities in the 2014-15 school year, a ten percent increase over the year prior. In this article, Mona Shah shares her thoughts on the great strengths of U.S. Education.

“Where is my green card?” – Frequently asked question. As the I-526 petition is approved, many investors believe that the petitioner and dependents can automatically obtain the green card or the visa to enter the U.S., but this is not that simple. With this editorial piece Rebecca S. Singh, Esq. and Brian Idehen, Esq at Mona Shah Global get a deeper understanding to our readers on the mentioned topic.

Come and meet us at the Global Immigration Investment Summit in India, Mumbai 27-28th February, and we are glad to announce that many more events will be organized by BLS Global in 2018. We hope to see you in London at the GIIS 2018 in April, and also the Residency & Citizenship Expo in Abu Dhabi.

More info will follow shortly.

Finally, BLS Global are pleased to have educated HNWI for capital investment in EB-5 program.

A handwritten signature in black ink, appearing to read 'Sam Hussain'.

**Sam Hussain,**  
 Managing Director



# HONESTY PREDICTABILITY TRANSPARENCY



## People and Families **FIRST**



Concorde EB-5 Advisors  
operates Regional Centers  
in New York, New Jersey  
and Florida.

Our principals have spent their careers building companies, not financial models, which means people and families come first, especially for something as personal as new citizenship.

Our EB-5 investment approach for new families to the United States is unique through:



**CONCORDE**  
EB-5 ADVISORS



[eb5@concorde-grp.com](mailto:eb5@concorde-grp.com)



[www.ebconcorde.us](http://www.ebconcorde.us)



**Smaller, more manageable, yet  
signature development projects**



**Lessened risk of project delay or  
change, and faster path to job creation**



**Our technology-enabled heritage,  
delivering full compliance and visibility.**



## Our Experience Sets Us Apart

- TOP 25 EB-5 ATTORNEYS
- INDUSTRY LEADERS
- INTERNATIONALLY RENOWNED
- PUBLISHED AUTHORS
- HIGHLY EXPERIENCED IN EB-5 AND U.S. IMMIGRATION LAW
- EXPERIENCED IN CORPORATE, SEC AND DIRECT INVESTMENTS
- ADJUNCT PROFESSOR AT CITY UNIVERSITY OF NEW YORK



**“EB5 Investment Voice”**  
NEW PODCAST SERIES

[www.mshahlaw.com](http://www.mshahlaw.com)





Kazakhstan | МОНА ША И ПАРТНЕРЫ  
 China | 纽约莫娜莎律师事务所  
 United States | MONA SHAH & ASSOCIATES

[www.mshahlaw.com](http://www.mshahlaw.com)

232 Madison Avenue, Suite 1001 | New York, New York 10016  
 (212) 233-7473 | fax (212) 233-4877



# Editor's Note:

**W**elcome to the third edition of Trade & Investment, the EB-5 Gateway. Following the precedent established by our previous issue, we continue to push the discussion beyond an exploratory initiation to the EB-5 Program. In this volume, we will be covering a wide range of topics from optimal project selection and structure to recent immigration trends.

While some months have elapsed since the release of the previous issue, as of the time of publication, the EB-5 Investor Visa program still seems to be mired in a state of limbo. Unfortunately, the EB-5 Program has been caught in the crossfire of a protracted debate in Congress that is centered on broad, all-encompassing immigration reform. With leaders from both ends of the political spectrum focused on hot-button issues such as border security and the fate of young undocumented immigrants, little attention has been devoted to EB-5. As lawmakers are clamoring to finalize legislation by March, it appears that comprehensive Congressional debate on the future of EB-5 will not be forthcoming.

Ironically, this lack of debate in Congress provides clarity on the future of EB-5. New regulations proposed by USCIS in early 2017 will automatically take effect this year in the increasingly likely event that Congress does not make any specific amendments to the program. Once finalized, the regulations stand to impact the minimum threshold amounts (raising the statutory minimum investment), as well as the protocol for determining whether a project is located in a designated Targeted Employment Area.

Against this backdrop of uncertainty, our mission in producing this series has and continues to be to provide much-needed guidance for stakeholders interested in immigrating to and investing in the United States. EB-5 is a complex, nuanced field that does not fall neatly into any single area of the law. A successful EB-5 petition requires more than just the fulfillment of basic immigration provisions. As such, this month's edition will address various issues outside of a strictly immigration realm, including those related to securities law and project structuring. With curated submissions from carefully vetted industry leaders and experts, our goal is to provide vital information on best practices for all participants in the EB-5 industry.

As always, thank you for reading. Please look out for our podcasts accompanying these issues. We welcome your feedback and comments.

Sincerely,

*Mona Shah*

**Mona Shah, ESQ.**  
MSA Global



## *How to select the right EB5 project*

In the wake of a recent increase in Notices of Intent to Deny (“NOIDs”) or outright denials by the United States Citizenship and Immigration Service (“USCIS”) surrounding EB-5 project (“I-924”) applications and reports that some high profile projects may not be able to repay investors, there is -a greater need for investors to ask important due diligence questions at the outset of their EB-5 investment decision. There is nothing necessarily new in all this. USCIS has continually evolved in their guidance on important terms, such as what constitutes an investment remaining “at risk.” Moreover, the term “at risk” is often minimized during the marketing process when all investors should be well aware that the EB-5 program does not allow

for a guaranteed return of an investor’s principal. With that said, even well-planned and executed investments sometimes go awry..

So with a realistic view, how can today’s EB-5 investors navigate among their many choices and achieve their intended result – permanent green cards for their family and repayment of their investment? The reader of this article should first take note and comfort that the vast majority of EB-5 investors to date have achieved this objective, and undoubtedly thousands are close behind to reaching the same satisfactory result. Know, however, that



this outcome does not come from only a certain type of regional center, project location or even asset class. So what are the core considerations to take into account when considering your EB-5 investment? In short what are the key questions to ask?

While no single regional center holds a magic key, the track record of a regional center should be an important factor in an investor's decision. From the point of investment funding and filing an I-526 application until permanent residency (with repayment shortly before or thereafter), an investor these days takes what is typically at least a six-year journey in which he or she is counting on the experience, commitment and capacity of the regional center to fulfill its obligations. The practical considerations resulting from this are as follows: *Has the regional center done this before? Have they failed in the past to achieve conditional or permanent residency status for their investors or failed to repay principal and what are the reasons for any rejections or payment shortfalls? Is EB-5 a*

*program the regional center managers do as a primary business or is it something they "offer" as they focus on other activities? Does the regional center have any conflicts that may become an issue in representing its investors, if problems arise?*

Regarding location, know that projects have succeeded and failed in both large cities and small, as well as in all different regions of the country. For full disclosure, Cleveland International Fund operates in the U.S. Midwest, and I often feel at a disadvantage as we compete with offerings for projects located in major U.S. cities or tourist destinations. These areas are obviously well-known, which can be a comfort to investors. I must also admit that most of these projects ultimately meet their investors' objectives. However, the same can be said for well-structured offerings that come from regional centers located across the U.S. On average, offerings from areas outside major cities are smaller, which can be an advantage in that fewer EB-5 investors will need to be secured to meet project financing needs. Offerings from less well-known locations also often present stronger financial margins or the potential for a higher rate of return, in order to attract investor attention. More important than the city itself are the following questions: *What is the experience and financial capacity of the project developer? While the city may be well-known, is the actual location of the project one in which an independent analysis has indicated it can succeed? Is the project too far ahead of where the market currently is or does it appear to be entering a market with supply growing faster than demonstrated demand?*

Finally, as to the project itself, we know that the large majority of EB-5 projects are real estate related. There

is good reason for this given USCIS guidance on how job creation can be evidenced which favors real estate, as well as investor comfort stemming from the easy understanding of real estate security provisions such as mortgages, assignment of rents etc. Knowing this is the preferred EB-5 investment type, is there any single asset type better than the rest? Of course not, but here are some key questions to ask whether considering apartments, hotel, office retail or other: *Is it clear where the EB-5 loan or equity (and it should be clear which form EB-5 is taking) is in a project's capital stack? In other words how much other money needs to be repaid ahead of EB-5? Does the developer have a significant amount of its own funds "at risk" behind the EB-5 such that they are strongly motivated to see the EB-5 funds repaid? Almost all EB-5 loans are designed to be repaid in 5 to 7 years by sale of the project or refinancing of its debt. Therefore, are all loan maturities aligned so this can be easily accomplished? Does the developer/owner have experience in refinancing its properties and is there significant refinancing activity for the asset class in the local market?*

Finally as an overall observation, investors also need to be increasingly mindful of USCIS interpretation of EB-5 rules. For example, USCIS has caused considerable market uncertainty recently from their interpretation of what constitutes acceptable bridge financing to be repaid with EB-5 funds. This issue alone has stymied offerings because I-924 applications, previously assumed to be easily approved, are now facing possible denials with investor I-526 applications already filed. Of course, one way to avoid this pitfall is for investors to consider offerings in which an I-924 has already been approved. Where this is not possible, an investor is extremely well-served, as it relates to program related issues, by receiving guidance from an experienced EB-5 immigration counsel.

## Residency & Citizenship in 4 Simple Steps



**We have answers to all your questions**

**Contact us for legal advice : [info@ajmeralaw.com](mailto:info@ajmeralaw.com)**



## USA EB-5 INVESTOR VISA Portfolio of more than 90 Regional Centers

EB-5 Investor Visa – Three Investment Options

Debt

Equity

Fund

[www.ajmeralaw.com](http://www.ajmeralaw.com)

### INDIA

5, Shivam Complex, Nr. H. L. Commerce College,  
Navrangpura, Ahmedabad 380009

Tel : +91 79 2646-0679

Cell : +91 99742 53030

### CANADA

3484 Boul. Des Sources, # 226,  
Dollard – Des – Ormeaux, Montreal, QC, H9B 1Z9

Tel : 514 697 1597

Fax : 514 313 5755

### UAE

FTZ – Business Centre, Al Shamookh Building,  
UAE Free Trade Zone,

Umm Al Quwain

Email : [uae@ajmeralaw.com](mailto:uae@ajmeralaw.com)

# 10 reasons for Indian HNIs to consider Residency & Citizenship by Investment:

By Prashant Ajmera

## What is Residency and Citizenship by investment?

Residency and Citizenship by investment is a program which allows successful businessmen, HNIs and Start Ups to obtain residency or citizenship of a foreign country by making a suitable investment. This program is fast becoming very popular with HNIs all over the world who desire residency in a country other than their country of origin for various reasons.

## Reasons for investing abroad:

There are many reasons why HNIs and businessmen, especially those from Asian countries, would want to invest abroad.

Residency and Citizenship by Investment is a very powerful tool that allows these individuals to achieve several personal objectives.

Following are the major reasons why Residency & Citizenship by Investment is gaining traction, especially in India:

### 1. Children's education:

Several surveys show that Asian parents give top priority to their children's education and are particularly keen that they study abroad. However the cost of education is very high in many foreign countries. Alternatively, if the parents obtain residency and citizenship in these countries by investing the required amount, their children can avail the following benefits:

- a. Reduce fees for university education
- b. Easy on campus recruitment and no discrimination regarding the child being a foreign student.
- c. Possible to work during and after study period in the adopted country and no need to look for sponsors for work visa or immigrant visa.
- d. Children can start their own business without any problem including a Start Up.

### 2. Quality of life:

HNIs in India and other Asian countries now have sizeable assets and disposable incomes. Hence foreign travel and pleasure trips abroad have become a frequent occurrence. After having travelled abroad, they aspire to achieve the quality of life lived by people in developed countries. For this they are ready to invest and live abroad, although they continue to maintain their business operations and family ties in their home countries. In India, the new liberalized foreign exchange policy allows HNIs to purchase their own real estate in countries they wish to live in or visit frequently.

### 3. Expansion of business:

Even though India is an economic powerhouse and Western countries are keen to develop trading ties with India, many Indian businessmen face hindrance in travelling abroad for business and/or in establishing a new business in foreign countries. Residency or Citizenship by Investment can enable these businessmen to travel hassle-free in and out of India to their preferred destinations for business expansion, collaborations, forming alliances or bringing in new technology to India and vice-versa.

### 4. NRI (Non Resident Indian) status:

Investing in foreign countries facilitates businessmen in obtaining NRI status. They can avail of many tax exempted benefits associated with NRI status. This is also beneficial to the Indian economy as NRIs reinvest in Indian businesses, remit foreign currency and bring in new business ideas and opportunities.

### 5. Visa free travel around the world:

Exporters, businessmen or investors from India who travel abroad frequently for work can obtain citizenship of certain countries (especially Caribbean countries) that do not require physical stay but provide a foreign passport and visa free travel to more than 130+ countries.

### 6. Reunion with family living abroad:

Due to the strict visa regimes of many countries, families are split apart. The Residency & Citizenship by Investment program of many countries allows relatives abroad to make an investment on behalf of their relatives back home (EB-5 USA visa) and enable them to immigrate to a foreign country.

### 7. Retiring abroad:

Individuals can take advantage of this program to retire in a country of their choice by making an investment and thus enjoy the best of both worlds.

### 8. Tax planning

Investing abroad can assist Indian HNIs in tax planning by virtue of NRI status, investing through legitimate international trusts and the DATT agreement signed by India with many countries around the world.

### 9. Wealth management & Portfolio diversification:

Investing in developed countries through this program is a very viable option for wealth management and portfolio diversification for savvy investors and HNIs who wish to explore the global stock markets.

### 10. Political reasons:

In today's world, unrest and uncertainty are perils of daily living. Having a second passport provides a sense of security to ensure the safety and well-being of your loved ones.

*The author is a reputed immigration lawyer specialising in Residency and Citizenship by Investment programme*





# EB5 GLOBAL

With a \$2.5 billion real estate development portfolio, EB5 Global and Williams & Dame Development have a track record of success spanning over 40 years, including eight EB-5 projects with over 1,500 Green Card approvals.

[WWW.EB5G.COM](http://WWW.EB5G.COM)



## DEVIN WILLIAMS

PRESIDENT, PARTNER

Over the last 20 years, Devin has developed corporate strategies, created early-stage businesses and sourced equity capital. She began as an investment banker in corporate finance working on IPOs, M&A and high-yield debt. She is a co-founder of EB5 Global and is a graduate of the Harvard Business School.

[DEVIN@EB5G.COM](mailto:DEVIN@EB5G.COM)



## “FOLLOW THE MONEY” IN ORDER TO CHOOSE THE SAFEST EB-5 PROJECT

One of the most important factors that can help an investor choose a safe EB-5 investment is to understand how everyone gets paid. While this is often overlooked, it can help differentiate between the various EB-5 offerings in the market today.

Most EB-5 investors focus on the Regional Center (“RC”) approval track record, job creation estimates that deliver at least 20 jobs per investor, and selecting a developer with an impeccable track record. These are indeed critical points.

However, there are *three questions* that have an even greater impact on whether you will get your money back:

1. How does everyone get paid (RC, developer, investor)?
2. What is the total leverage on the project?
3. How conservative are the financial projections?

We talked with Devin Williams, President of EB5 Global, to understand the importance of these three questions, and how the answers may determine the safety of your investment.

100%  
USCIS I-829  
APPROVAL

100%  
USCIS I-526  
APPROVAL



*Before we dive in, what is your company's experience with EB-5 investments?*

DW: I co-founded EB5 Global in 2011, and since then we have successfully completed five EB-5 hotel projects and currently have two commercial projects under construction. We are proud to have helped our investors and their families get over 1,500 Green Cards, most importantly with a 100% approval track record with USCIS.

We're also just as proud to have exceeded the job estimates and the financial projections on every project we have opened.

*How does understanding how everyone makes money tell you how safe your investment is? Is it different for debt vs. equity?*

DW: Investors need to look at how people are getting paid – it is really the only sure way to understand the motivations of the project sponsors and to predict how they will act. If you compare an EB-5 loan project to an equity investment, you will see a big difference on how people get paid.

On an EB-5 loan, the RC makes money though the interest from the developer. For instance, the EB-5 investor may be getting 0.5% interest, but the developer actually pays 6% interest. The RC and the agents get the 5.5% remaining as their profit. Therefore, the longer the loan is outstanding, the more money the RC makes. The RC has no incentive to

possible. If the loan is paid off in 5 years, the RC makes 100% of their profit. But if the loan stays out for 10 years, the RC will double their profit.

More importantly, if at the end of 5 or 10 years the project fails and the loan is not repaid, the RC has no financial penalty. The RC will already have made 100% of their profit, and they walk away unharmed, even if the investors aren't made whole.

This is a clear misalignment of interests, where one side wins even when the other side loses. And the implications go beyond the profit stage. It creates a disincentive to do adequate due diligence up front, because the RC is only concerned with how marketable the project is, rather than how safe it is.

EB-5 Equity is able to create an alignment of interests. We only get paid after our EB-5 investors get paid, therefore every decision we make is aligned with the interests of the EB-5 investors. For instance, our Portland Proper Hotel project provides for a 4% annual return commencing when the hotel opens. Before we can claim any profits from the project, the EB-5 investors must first be paid their annual return. This means we are motivated to make decisions that increase the profitability of the project, which benefits the investors first, and then us.

In a similar way, when it is time to repay investors through a sale or refinance, we don't make any money until the investors first receive their \$500,000 capital back. Once that is returned, we get the remaining profits. Again, this



## AN EB5 GLOBAL SUCCESS STORY

Marriott Residence Inn, Portland, Oregon

The 223-room Marriott Residence Inn was Oregon's first EB-5 project. The hotel opened in Portland's Pearl District in April 2014 - on budget and a month ahead of schedule. The project had a great location, great development team, strong market fundamentals, a safe capital stack and conservative financial projections. As a result, the hotel has doubled our initial Net Operating Income estimates.

Due to the exceptional performance of the hotel, investors received 15% (\$75,000) profit in eighteen months, and they have also begun receiving their I-829 (permanent green card) approvals.

The strong performance of the hotel has led to purchase offers of over \$85,000,000 in 2016, which easily supports a repayment of EB-5 investors through a sale or refinance of the hotel.

the hotel and ensure the return of investor capital, thereby ensuring our profit.

This impacts our due diligence as well. We will not take on a project that we do not feel highly confident will be successful. It is more important for us that the project is a solid investment, because, unlike debt projects, just being marketable will not get us paid, the project must be successful and our investors FULLY REPAYED in order for us to get our full profit.

### *Why is low total debt more important than the amount of EB-5 debt?*

DW: Because it doesn't matter if the EB-5 is "only" 30% of the capital stack if the EB-5 investment is behind a 50% senior loan in higher priority. That means total debt is over 80% - and puts the project at risk of default and foreclosure if there is a down cycle.

Low debt is the key to safety for any real estate investment. Higher debt will increase profits for the developer, but also the risk to the EB-5 investor. An EB-5 investment is a long-term investment, usually 5-7 years. If the market goes through a downturn, high debt will dramatically increase the risk of default or bankruptcy. A project with low total debt is safer because it can weather economic downturns and protect investor capital.

### *Why are the projections so important? How does that impact a successful exit?*

DW: Low overall debt certainly plays a critical role in returning the investment. But investors also need to look at the financial projections for the project. We pride ourselves on being very conservative in both our financial and job creation projections. In fact every single one of our projects has substantially exceeded our initial projections - both on job creation and on financial performance.

When a project is relying on aggressive projections and they have an aggressive capital stack (a high level of debt)- the project risk is doubled.

We focus on keeping our total debt below 60% and our projections conservative. It is the only way to protect the investment. We are proud to have exceptionally successful projects, with every one of our projects out-performing our original projections.

By using conservative projections and a strong capital stack, we protect our investors' capital over the life of their investment. Conservative projections and a conservative financial structure allows you to be prepared for the unexpected.



EB5 GLOBAL

## ONE OF THE STRONGEST EB-5 COMPANIES

600+  
INVESTORS

1500+  
GREEN CARDS

100%  
APPROVAL  
(I-526 & I-829)





Space is  
**LIMITED**  
INVEST  
NOW

**24 JOBS**  
PER INVESTOR

**TEA**  
APPROVED

**4% ANNUAL**  
RETURN

**PRIME**  
LOCATION

## LIMITED OPPORTUNITY

Invest \$500,000 now before new USCIS regulations take effect!

*For a project brochure, contact [jennifer@eb5g.com](mailto:jennifer@eb5g.com)*

## PORTLAND, OREGON

## ONE OF THE STRONGEST HOTEL MARKETS

**87%**

COMP. LUXURY  
OCCUPANCY

**9.5%**

REVPAR 6 YEAR  
GROWTH RATE

**8.4%**

ADR 6 YEAR  
GROWTH RATE



## *Navigating Basic Banking in the U.S.*

*By Robert Slopovsky, Group Director & Senior Vice President, Signature Bank*

*“My client needs to establish a bank account in the United States.”*

*“I am looking for a lender to assist with a residential mortgage, but I am having trouble because my client does not have a credit history in the U.S.”*

Do these basic client needs sound familiar to you? Signature Bank can assist with these financial services and many more with an almost seamless delivery that attorneys can now add to the suite of services being offered to international clients seeking a presence in the United States. Signature Bank has been named as one of the Best Banks in America by Forbes for seven consecutive years; as the 2017 Best Commercial Bank in the United States by International Banker; as a 2017 Top 3 Best for Private Banking Services

by the National Law Journal; and the Bank has won numerous other accolades while providing a full range of financial services to the international community year after year.

At Signature Bank we have a solid history in serving a wide variety of the very unique needs of international clients, but here we will focus on checking accounts and assistance with procuring consumer residential first mortgages.

A checking account at Signature Bank allows a client check writing privileges worldwide as well as a debit card that is free of service charges across the globe. Clients may open an account without visiting one of the Bank's U.S. financial centers in person. Clients can make wire transfers into the account from abroad, and they can use Signature Bank's Foreign Exchange Desk to effect currency exchange transactions. A monthly account statement is sent to the client at the address of their choosing. A personal banker is assigned to each and every client providing a single point of contact for all of their client's banking needs.

In the U.S., home ownership has a tradition of serving as a source of

individual pride, and has long been looked at as a primary driver of the accumulation of wealth. The amortization of principal debt resulting in equity growth and real estate's potential to increase in value have both led to this wealth creation. For these reasons the residential first mortgage has remained one of American banking's most popular lending products. However, with no established credit or job history, non-U.S. citizens often have difficulty securing a residential mortgage. Signature Bank can assist by working alongside strategic, specialist partners to help international borrowers to secure a standard 30-year, fixed-rate mortgage at competitive market rates. Certain conditions will apply to the loan-to-value and there is escrowing of mortgage payments, which is how the credit and work history issues can be overcome. We encourage clients that are interested in U.S. homeownership to have a consultation with a Signature Bank representative who can review the mortgage process and program in detail.

Signature Bank is well versed in assisting international clients, we stand ready to assist in any way that we are able, and we wish great success to our readers in their journeys to wherever life leads them.



## INTUITIVE ♦ INTEGRITY ♦ RESULTS

### REGIONAL CENTER REPRESENTATION:

- Structuring NCE's
- Structuring RC Affiliations
- Project Compliance and Diligence

### EB-5 OFFERINGS:

- Deal Structuring & Term Sheets
- Reg D & Reg S Offering Documents
- Loan Model Documents

### INTEGRITY COMPLIANCE:

- Regional Center Certifications
- Regional Center SE Compliance
- Regional Center Reporting

### SEC REGULATORY:

- Fee Structuring
- Finder's Fees
- Broker Dealer Compliance

## MULTIFAMILY ♦ HOTELS ♦ SENIOR LIVING ♦ FRANCHISE



[www.torreslaw.net](http://www.torreslaw.net)

Ft. Lauderdale | [ozzie@torreslaw.net](mailto:ozzie@torreslaw.net) | 754-300-5816



## EB-5 On Your Terms: Project Control and Financial Rewards

**M**any potential EB-5 investors would prefer to have control over their project and benefit from its financial success. Yet most EB-5 structures are designed to deprive investors of those benefits, relegating investors to essentially passive roles with little opportunity for financial gain. Although this “passive” structure has become commonplace in EB-5, it does not have to be this way. We have counseled on various EB-5 projects where investors retained control and preserved the opportunity for financial gain—even within a regional center model. This article explores how you can take EB-5 into your own hands and reap all the benefits EB-5 has to offer.

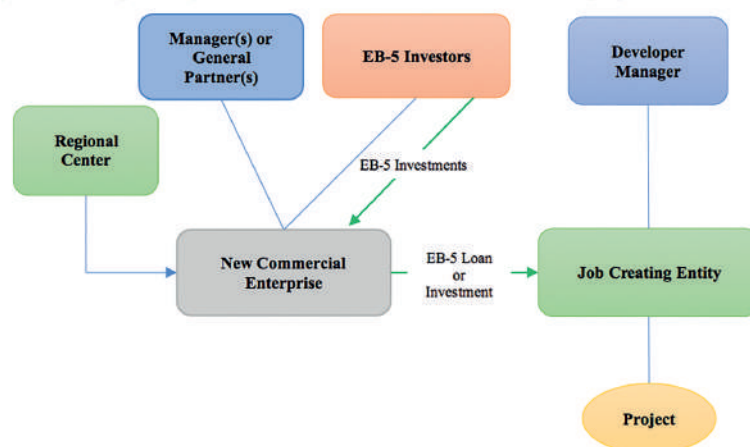
The EB-5 program offers many advantages for foreign investors. Other than investors from the Peoples Republic of China, investors can expect the United States Citizen and Immigration Services (USCIS) to begin adjudicating their EB-5 petitions without delay. This may render the EB-5 program a quicker alternative

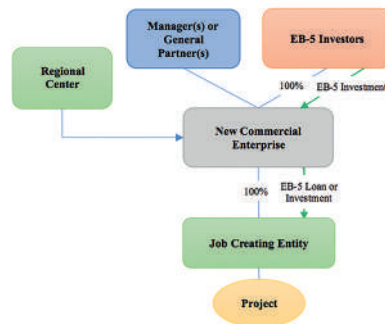
to obtaining permanent U.S. residency in light of immigration climate where investors from certain countries face visa backlogs under the H-1B program and other family-based and employment-based visa categories.

Additionally, investors choosing to operate their own EB-5 project can achieve their immigration goals while capitalizing on three added benefits: control over the project, opportunity for financial gain and

ownership of an operational U.S. business.

But these benefits are not available in the typical EB-5 structure illustrated in the chart below, where investors invest in a new commercial enterprise (NCE) controlled by a third party. The NCE then loans or invests EB-5 funds in a separate job creating entity (JCE) that operates the project. Most importantly, EB-5 investors retain no control over the project.





### Control

The EB-5 program requires that EB-5 investors be engaged in the management of the NCE. However, developers and project principals usually structure projects to maintain day-to-day control of both the NCE and JCE, effectively relegating EB-5 investors to a passive role.

Most projects grant EB-5 investors the minimum control permitted by USCIS: the mere right to advise the NCE regarding policy or investment decisions, but such advice is rarely sought. EB-5 investors are also typically permitted to vote only in rare instances. Additionally, investor rights in those passive structures do not constitute real control because they apply to the NCE only—and not to the JCE or project (where the assets of the project are held and cash flow is generated).

Unlike the typical EB-5 structure, the active structure depicted above allows investors to control the JCE and the project via their ownership and control of the NCE. EB-5 investors can manage the NCE and JCE themselves or appoint a manager (like experienced friend, family member or other qualified person) while retaining control.

Careful project structuring can preserve this active structure even in a regional center model. In a direct model, only direct full-time jobs may be counted towards the ten jobs required per investor. However, the regional center model permits counting not only direct but also indirect and induced jobs, which are created indirectly or as a result of investments in the project.

### Opportunity for Financial Gain

A second advantage of investing in your own project is the potential for financial gain. As an indirect owner of the JCE, EB-5 investors can receive their proportional share of the project's net cash flow, which would be upstreamed to the NCE through the JCE.

However, the vast majority of EB-5 projects are structured to ensure the cash flow available to investors is restricted. In such

passive structures, investors typically end up receiving an amount more or less equal to their initial contribution plus an annual return on investment of less than one percent such that project developers and principals, and not EB-5 investors, reap the benefits of a project's financial success. By actively engaging in their own EB-5 project, EB-5 investors can cut out the middleman and directly benefit from the project's financial success.

### Living the American Dream

Investing in your own EB-5 project eliminates the right of the developer/project principal to dictate the exit strategy. This is of great advantage. As other investors struggle to find jobs or sources of income during their transition to the United States, by engaging in an active structure, in addition to obtaining green card status, an EB-5 investor can continue to operate the project and benefit from owning an operational U.S. business.

### Selecting the EB-5 Business

We have counseled several EB-5 investors and their families seeking active control and found that the following non-exhaustive categories of projects are suited for such an enterprise because they involve smaller development budgets and are more easily managed by a small group of investors.

- **Franchises.** Franchise projects offer the benefit of an existing franchise business model that has proven successful. Some franchisors even assist with marketing and identifying potential franchise sites.

- **Real estate development.** Small-scale real estate projects typically involve lower costs and expenses. Examples include boutique hotels, small multi-family residential units and assisted-living facilities.

- **Manufacturing.** Manufacturing deals are also ideal for manufacturing and distributing technology, medical devices or other consumer products. With the Trump administration's emphasis on U.S. manufacturing, manufacturing businesses and their products may receive preferential treatment. Additionally, proposed legislation would qualify investors in manufacturing projects for the lower investment amount.

Ultimately, the EB-5 program offers immigrants the opportunity to obtain their green cards without delay while maintaining ownership and control of a U.S. business. Should investors decide to engage in their own project, they should hire EB-5 attorneys and professionals well-versed in the EB-5 program's intricacies to ensure investors minimize risk and obtain all the benefits EB-5 has to offer.

Nevertheless, EB-5 investors can obtain the benefits outlined above via a well-designed "active" structure, as illustrated in the chart below, where they invest in an NCE, which can be wholly-owned by EB-5 investors or together with their friends and family. The NCE then loans or invests EB-5 funds into its wholly-owned JCE.

*Most projects grant EB-5 investors the minimum control permitted by USCIS: the mere right to advise the NCE regarding policy or investment decisions, but such advice is rarely sought. EB-5 investors are also typically permitted to vote only in rare instances.*

# *Colonial EB-5 Investment Project.*



Access Group is proud to introduce the Colonial EB-5 Investment Project. The Colonial Drilling Site is located in central Texas in the acclaimed Austin Chalk Formation. Oil and Gas exploration began in the Austin Chalk Formation during the 1920's and continues today with some of the biggest oil and gas companies in the world. According to the Society of Petroleum of Engineers, the Austin Chalk has produced over 1.7 Billion barrels of oil and gas with about 9,500 producing oil wells. We are seeking EB-5 and private equity investors.

## ***Project Highlights***

- Success with previous oil & gas EB-5 projects 100% approval
  - \$10.8 million in private equity currently raised
  - Project site consists of 10,000 acres with options to expand
- Estimated energy reserve per well: Crude Oil: 350 thousand + barrels per well & 2 million cubic feet of natural gas



[www.accesstheusa.com](http://www.accesstheusa.com)

206.792.7578 § 673 Woodland SQ LP SE, STE 320, Lacey, WA §

[info@accesstheusa.com](mailto:info@accesstheusa.com)

# Why Consider an EB-5 Oil Investment in Texas

by Mike Mattox, Board of Directors at Access Group

**T**he EB-5 industry is stale. A savvy investor looking to come to the United States through the EB-5 investment program should always consider the constantly changing economic conditions for their investment. With upcoming changes to the EB-5 program itself, as well as constantly adapting economic conditions, real estate projects are, simply put, not as attractive as they once were. The EB-5 market has a long history of real estate projects due to the struggling economic conditions for local developers during the United States recession in 2008. Since that time, the status of developers being able to secure financing has changed. A typical real estate project with EB-5 financing returns the investor's money through a refinance or sale of the project. Due to a variety of contributing factors, it is now becoming cheaper for a financially attractive project to find investment domestically. What does this mean for an EB-5 investor today? Consider this. If a financially attractive project can get its investment close to home, without having currency risk, expensive marketing budgets, or excess regulation by the US government, then there is no reason to seek international investment. This means the real estate projects that are being presented for EB-5 may be projects too risky for the US market. The projects that are now being marketed for EB-5 investment may pose a risk to the investor down the line, or EB-5 investors are going to be subordinate in the project's capital payback plan, and, typically, provides miniscule interest in return. As a reader, this is troubling to hear. While this evaluation does not encompass all projects in the real estate market, it is a trend in which to be aware of moving forward. There are still good projects out there; however, investor due diligence is becoming more important as the industry adapts. The EB-5 industry is evolving and investments must diversify.

The oil industry is no stranger to the Middle East. Oil has contributed to an

enormous amount of wealth to both the infrastructure and economic growth of the area. The United States has its own rich history with oil, which created some of the world's wealthiest families. Even though oil has gone through a difficult few years, the industry seems to have bounced back and stabilized.

## Access Group

Access Group is a company specializing in EB-5 private placements with complete dedication to its investors. Our goal is to create attractive projects, but our main priority is to take care of our investors and make sure they are protected throughout the life of their investment.

Access Group combines the knowledge and experience of experts to offer EB-5 opportunities in the US oil industry, fixed income and real estate investments. With its extensive history in the EB-5 industry and connections throughout the oil and gas markets, Access Group is proud to present the Colonial EB-5 Investment Project.

While oil and gas projects vary in their degree of risk, the team at Access Group has designed an investment strategy to protect the EB-5 investors by reducing project risks. For example, the local area surrounding the Colonial project has over 150 proven and producing oil wells. This will greatly reduce exploration risk. Additionally, because of the project location and job creation projections, the Colonial Project is an ideal project for achieving the EB-5 immigration requirements at the minimum investment amount.

Alongside the careful construction of the investment itself, Access Group recruits some of the top experts in the oil industry to research and construct projects with attractive qualities. The team at Access Group does in-depth analysis of each project in order to make sure it meets the geological, financial, and immigration standards for EB-5 participants.

## The Colonial EB-5 Investment Project

Access Group is proud to introduce the Colonial EB-5 Investment Project. The Colonial Drilling Site is located in central Texas in the acclaimed Austin Chalk Formation. Oil and Gas exploration began in the Austin Chalk Formation during the 1920's. According to the Society of Petroleum of Engineers, the Austin Chalk has produced over 1.7 Billion BOE with about 9,500 wells.

The specific site of 10,000 acres has been acquired by Access Group and through previous EB-5 oil investment, has calculated that the Colonial Drilling Project can include up to 100 participants for EB-5 investment. This number is calculated based on the anticipated job creation which meet the US Government's requirements for the program. Due to the location of the project, the Colonial drilling site qualifies for the lower investment amount because of its rural area classification, so no matter the pending changes for the TEA requirements of the EB-5 Program, the Colonial drilling site will always qualify for the lower amount because of its rural project location. To protect the EB-5 investors, the drilling project is structured as a loan. This is the same financial model as the popular real estate model, so investors can be familiar with the financial transaction. In addition to an above average EB-5 rate of return, the added benefit of this project is that the investment is not tied to the success of an individual well, but multiple wells, being drilled in order to reduce the risk throughout the project site within the proven formation. Investors are thus creditors, and have the first priority payout for the loan as oil is produced.

With the advanced technology of today's drilling teams, the proven formation of the Austin Chalk, and the project meeting all of the requirements through the EB-5 investment program, the Colonial Drilling Project provides investors a great way to diversify their portfolios while pursuing their goals of permanent US Residency.

# Baruch College: Continuing and Professional Studies



**R**anked among the top 10% of U.S. colleges and named one of the 50 best value public colleges, Baruch College, a City of New York University, is proud to have been recognized as the most ethnically diverse campus in the nation by both U.S. News and World Report and The Princeton Review more times than any other colleges. The Baruch community is a true reflection of its location in the heart of New York City: 15,700 students taking graduate and undergraduate courses at Baruch, represent 160 countries, and many of Baruch's students, faculty, and staff are drawn to the college because of its multiculturalism.

Students at Baruch College's Division of Continuing and Professional Studies (CAPS) come from all walks of life and levels of education. All have unique goals and aspirations. Some study with us to advance their careers, some to change careers, some to improve their language skills, and others to enrich their personal lives. Many of our students have gone on to prestigious positions with top corporations in the U.S. and abroad.

CAPS develop and initiates new courses and programs in response to market

changes and the needs of aspiring professionals. We base these programs on input from experts in the professional community and former students, and we introduce them only after rigorous review and educational development.

To better serve the needs of a global and competitive marketplace, CAPS has extended its I-20 eligible programs to include a certificate in Real Estate Project Management. Baruch CAPS I-20 eligible Real Estate Project Management Certificate permits students from overseas to apply for a student visa and be enrolled into the program. Designed to immerse students into a comprehensive, analytical, practical, and global understanding of the discipline, this certificate is built on an up-to-date curriculum, which integrates and applies best practices of real estate project management. Through engaging and interactive faculty-led classroom discussions on topics such as: construction estimating, budgeting, construction methods and technology, construction contract law, finance, scheduling, management and finance, students enrolled in this certificate will have the cutting edge advantage of receiving applicable work related skills. Upon successful completion of the

program, students will develop critical thinking and problem solving skills, empowering them to make informed decisions, and take on lead roles on the design and construction of residential and non-residential buildings, highways, streets, bridges, and other sustainable construction projects. Combining affordable tuition with expert and professional faculty and staff, Baruch CAPS is a renowned institution for students to start a thriving career or to act as a catalyst for advancement in the real estate industry.

For a complete list of our programs please visit us on the web at [www.baruchcaps.com](http://www.baruchcaps.com) or call our office at 646-312-5000, and one of our enrollment representatives will be happy to answer all your questions.

*Students at Baruch College's Division of Continuing and Professional Studies (CAPS) come from all walks of life and levels of education. All have unique goals and aspirations.*

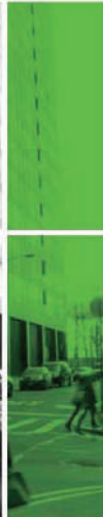
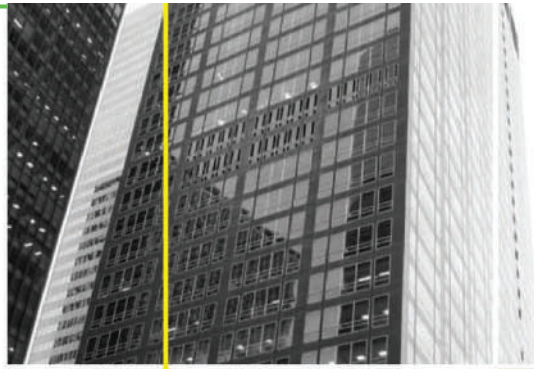


**THE STEVEN L. NEWMAN  
REAL ESTATE INSTITUTE**

**MASTER OF SCIENCE  
IN REAL ESTATE**

**AND**

**GRADUATE ONLINE CERTIFICATE  
IN REAL ESTATE FINANCE**



**BUILD YOUR  
CAREER ON A  
SOLID FOUNDATION**



**NEW YORK SMART.  
WORLD-CLASS READY.®**



**THE STEVEN L. NEWMAN  
REAL ESTATE INSTITUTE**

**Baruch** COLLEGE | ZICKLIN SCHOOL OF BUSINESS 

For more information, visit [www.baruch.cuny.edu/realestate](http://www.baruch.cuny.edu/realestate)

*EB-5 U.S. Investor Immigration Program*

**\$2.8 Billion Raised  
through 5,200 clients**

**100% Project Approval  
Repayment to 10 Partnerships**



CMB EB-5 Project 66 - Harwood No. 12 Hotel, Dallas, Texas.



**CMB REGIO**

+1-309-797-1550 •

# Program • A Path to Permanent Residency



**Cheikh Moussa Ndiaye**

*EB-5 Case Manager*  
Africa, Middle East, Europe  
English, French, Wolof  
[mdiaye@cmb5visa.com](mailto:mdiaye@cmb5visa.com)



**Azam Firouzi**

*Resident Director EB-5*  
*Emigration Relations*  
Middle East, Europe  
English, Farsi  
[afirouzi@cmb5swissco.ch](mailto:afirouzi@cmb5swissco.ch)



**Roshan Verma**

*Finance/Investment*  
*Analyst*  
South Asia  
English, Hindi  
[rverma@cmb5visa.com](mailto:rverma@cmb5visa.com)

# GLOBAL CENTERS

• [cmb5visa.com](http://cmb5visa.com) • [info@cmb5visa.com](mailto:info@cmb5visa.com)



## Job Creation in the EB-5 Program: Confusing, but Critical

**J**ob creation is the crux of the EB-5 program, and the key to an EB-5 petitioner's success. Without the ability to demonstrate requisite job creation to the USCIS, no investor can fulfill their aim of immigrating to the United States. How can an investor choose a job creation methodology which will give them the highest likelihood of immigration success? The answer comes from understanding how job creation is structured, and how it is proved to the USCIS.

EB-5 investment opportunities conform to two general models to satisfy the EB-5 requirements. In both models, there is a New Commercial Enterprise (NCE) into which an investor places their funds, and a Job Creating Enterprise (JCE) which creates (or in some cases sustains) the required number of jobs.

### Direct Job Creation

In the first model, generally referred to as a Direct Investment, the NCE and the JCE are the same enterprise. The investor invests in an enterprise which then hires as

necessary to conduct the business of the combined NCE/JCE and to satisfy the EB-5 requirements. The EB-5 petitioner must rely only on the jobs created by the joint NCE/JCE, called "direct jobs," to satisfy the requirements of the EB-5 program.

### Direct Job Creation

Invest → NCE → Direct Jobs

Direct job creation allows for a high degree of control over the NCE/JCE, but faces significant hurdles in meeting the USCIS requirements in documenting the required number of jobs were created, that the jobs qualify as "permanent," and that the jobs were held by someone authorized to work in the United States.

To satisfy the USCIS, documenting a direct job is not as simple as it seems. The USCIS demands that the NCE/JCE turn over all documentation evidencing the creation and sustainment of each job including, at least, payroll and tax information for each employee. This

becomes problematic when balancing the need to disclose documentation provided while maintaining information that is confidential or proprietary. One particularly vexing issue for EB-5 investors trying to prove direct jobs can arise when employees are members of a trade union (such as masons, welders, electricians, or pipefitters). Unions in the United States have significant power in the employment marketplace, and in some cases have resisted cooperating with an employer releasing any information beyond what the union deems absolutely necessary. If a union were to deem the release of employee payroll and tax records as unacceptable, it could delay or even destroy the ability of an EB-5 petitioner to demonstrate job creation.

Even if the required documentation can be gathered, organized, and submitted to the USCIS, not all jobs will be considered to qualify as "permanent" for the purposes of the EB-5 program. Considering the likelihood that a category of job would be permissible by USCIS is especially critical if the business of the JCE includes construction. USCIS has

made the determination that construction that is shorter than 24 months will not be considered as meeting the requirement of permanence in job creation estimates. For this reason, any construction timeframe that does not clearly surpass the 24-month threshold should not be considered when determining direct job creation. In the context of the USCIS, direct jobs really are all or nothing when considering a construction timeframe. If the project fails to extend beyond 24 months, 100% of the construction jobs will be removed from consideration.

One other significant pitfall of direct job creation is the requirement that an EB-5 petitioner demonstrate their investment creates not just the proper number of jobs and that those jobs last long enough to be considered “permanent,” but that the jobs created are held by persons authorized to work in the United States. In this regard, unauthorized immigration is a significant hazard for EB-5 petitioners because EB-5 investments and unauthorized immigration significantly overlap in terms of geography and industry.

The Pew Research Center estimates that unauthorized immigrants accounted for 13% of the US construction workforce in 2014, second only to the agriculture industry at 17%. Other industries with particularly high numbers include manufacturing, business services and hospitality. These same industries are those wherein EB-5 investments are most prevalent. By comparison, the US average for unauthorized immigrant workers is 5%.

Certain geographic regions of the country also have very high unauthorized immigrant populations. In total, the US population includes an estimated 3.5%, or 11,100,000 unauthorized immigrants. These numbers are largely centered in areas including California, Texas, Florida, New York, and New Jersey. The Nevada workforce, the highest percentage of unauthorized immigrants in the nation, is comprised of more than 7% unauthorized immigrants. For the EB-5 investor, these facts should engender caution; states which are among the largest participants in the EB-5 Regional Center Program are also among those with the highest percentage of unauthorized workers. In a direct job creation model, this creates the risk that an EB-5 petitioner will either not be able to produce documentation demonstrating that a created job is held by an authorized U.S. worker, or that the USCIS may disallow created jobs because

of concerns over worker authorization. Overall, direct job creation, while seemingly simple, can subject an EB-5 petitioner to significant hazards in proving not only that jobs were created, lasted the requisite period of time, and were held by authorized workers, but also in marshalling the documentation to prove each of these points to the USCIS.

### Economic Modeling

The second job creation methodology largely side-steps the pitfalls of proving direct job creation by using sophisticated economic modeling techniques to demonstrate the economic impact of dollars spent by statistically proving the number of jobs created by those dollars. For this model to work, an EB-5 investor makes an investment (through a regional center) in a New Commercial Enterprise which is not the Job Creating Entity; the NCE generally pools the funds from multiple investors and lends it to a JCE. By utilizing this model, the EB-5 petitioner can take advantage not only of the direct jobs created by the JCE, but also of ancillary jobs produced in the area where the JCE is located. These are called indirect jobs and induced jobs.



Indirect jobs are those that occur in support of the job creating entity, but outside of the entity itself. These jobs occur in industries that support the construction or new operations. Examples include manufacturing and transportation of goods used in construction or the new operations of the JCE. In construction, this will include everything from the increased door production necessary, to the increase in industries that support the production of those doors (saw mills, logging, transportation, etc.). In the operations, this could include uniforms manufacturing and transportation, warehousing and any of the supporting industries for this.

Induced jobs occur as the newly employed direct and indirect employees of the job creating entity spend their earnings in the economy. Examples of this include new employees at stores, restaurants, insurance agencies and other consumer goods industries. This impact will vary significantly depending upon the initial industry being

impacted. Construction workers and doctors have different spending and saving habits, wages, and lifestyles. This in turn leads to different impacts moving throughout the economy.

When using the economic modeling methodology, direct, indirect and induced jobs are proved by demonstrating dollars spent and then using statistical models to prove the impact of those dollars, not by assembling payroll and tax documents for a wide swath of workers.

For example, in the construction industry, indirect and induced jobs are proven by showing the expenditures for materials, labor, and services. Likewise, direct jobs can be proven in a similar manner so long as duration of construction is sufficient. Economic models use the expenditures as the input to the model. If the construction project spends the money as estimated, job creation will occur and the burden of proof is simply showing that the money was spent as projected. In the operations of the new facility, the question is whether the revenues are attainable. Here the economic model will use revenue as the input to the model. If the revenue projections are reasonable, and the market is favorable, these projections can be attained. When these figures are reached, the direct, indirect, and induced jobs associated with the JCE are also achieved. If the figures fall short (due to any number of market forces, or forces specific to the management of the facility) the jobs calculated will be proportional to the decrease in revenues.

Economic modeling completely avoids the issues of temporary, unauthorized, or uncooperative employees when calculating indirect and induced jobs. If done properly, using sound methodologies and reliable data as inputs, the outputs of the models can be and have been relied upon by the USCIS to prove job creation for EB-5 petitioners. Economic modeling requires significant technical expertise and sound, reliable use of statistical modeling tools; when utilized properly it has been proven to be the most reliable way of proving job creation in an EB-5 petition.

### It's All About Job Creation

As you consider a potential EB-5 investment, remember job creation is at the core of the EB-5 program. Consider how you will prove job creation to the USCIS at every stage of your investment and petition process. For most investors, relying on properly-done economic modeling provides the lowest risk and highest likelihood of success in proving job creation to the USCIS.



**A WORLD OF DIFFERENCE IN IMMIGRATION**

Fragomen's Worldwide Private Client Practice helps high net worth individuals, their families, and their advisors navigate the legal complexities of immigration requirements related to investment and entrepreneurial opportunities in the United States of America.

Please contact our EB-5 immigration thought leaders in New York for the immigration advice that can help you:



**AUSTIN FRAGOMEN, CHAIRMAN**  
New York, NY  
afragomen@fragomen.com



**CHAD ELLSWORTH, PARTNER**  
New York, NY  
cellsworth@fragomen.com

# Changes to the EB-5 Program: Spotlight Shifts Back to USCIS

As yet another deadline for congressional reauthorization of the EB-5 Regional Center program nears, another short-term extension is likely. Discussions of legislative changes to the EB-5 program have continued on the Hill with Senator Cornyn's office taking the lead, and the previously released American Job Creation and Investment Promotion Reform Act of 2017 from Senators Leahy and Grassley taken off the table. Given the other pressing priorities in Congress, substantive change to the program by legislation is not likely and the real impact on the program will likely come from proposed regulatory changes from the U.S. Citizenship and Immigration Services (USCIS).

USCIS had proposed the new rule, EB-5 Immigrant Investor Program Modernization, DHS Docket No. USCIS-2016-0006, in January 2017, which includes increase in minimum investment amounts, redefinition of the Targeted Employment Area (TEA) designation with restriction of urban projects, and priority date retention for the EB-5 category. Notice-and-comment period ended on April 11, 2017. In the absence of legislative changes, the final rule is likely to be published as early as February 2018. The proposed changes included in the proposed rule are discussed in detail below.

## Priority Date Retention

USCIS proposes to allow foreign investors with previously approved immigrant petitions to retain their priority date for future petitions, absent fraud, misrepresentation, or a material USCIS error. Priority date retention would allow an EB-5 investor with a previously approved Form I-526 immigrant petition to maintain his or her place in the queue for an immigrant visa in the event that he or she must file a new I-526 due to circumstances beyond his or her control. The proposal is consistent with longstanding practice in other business immigration categories and is especially critical in light of increased demand for the EB-5 program and the resulting visa retrogression.

For Mainland Chinese investors specifically, as the visa retrogression gradually extends, priority date retention can help blunt the negative consequences of a material change

in an investor's initial investment or the termination of a regional center.

## Increases in EB-5 Investment Thresholds

The current minimum investment amount of \$1 million for non-TEA investments and \$500,000 for TEA designated investments has been in effect since 1990. Thus, the agency proposes raising the minimum investment to keep pace with inflation and real value of investments. The proposed regulation seeks to raise the minimum threshold for investment in a TEA to \$1.35 million, an increase of 170% from the current minimum of \$500,000. The minimum non-TEA investment would be \$1.8 million, an increase of 80% from the current minimum of \$1 million. The proposed rule further includes a mechanism to automatically adjust the minimum investment amount based on the unadjusted Consumer Price Index for All Urban Consumers every 5 years.

In contrast, the legislative drafts from the Senate have proposed raising the TEA minimum investments from \$500,000 to \$800,000, and leaving the non-TEA minimum investment untouched at \$1 million with gradual increases over time to account for inflation. Many stakeholders within the EB-5 community have voiced concern over USCIS's proposed investment amounts and expressed preference for the Senate proposals. It remains to be seen whether the USCIS will adjust its proposed minimums in response to the comments submitted from EB-5 stakeholders.

## Definition and Designation of Targeted Employment Areas

Under existing rules, a TEA is a rural area or one that has an unemployment rate of 150 percent of the national average. States are vested with broad authority to designate high unemployment areas, and program regulations allow officials to set TEA borders that best reflect local demographics. High-unemployment TEAs can thus extend across multiple census tracts and include areas that are geographically distant from an investment project but are consistent with regional commuting patterns and economic needs. The proposed regulation seeks to impose a strict, nationwide formula for the

designation of high-unemployment areas with the Department of Homeland Security (DHS) itself adjudicating the definition and designation of TEAs. The proposed formula would likely limit urban TEA investment to narrowly demarcated areas that can demonstrate a weighted unemployment rate of at least 150 percent of the national average. Urban TEAs would be limited to a Metropolitan Statistical Area (MSA), a county, a city or town with a population of more than 20,000, a census tract, or a group of contiguous census tracts. If the rule is published as written, many large-scale urban projects that meet current TEA requirements would no longer qualify for EB-5 investment.

## Retroactivity

The proposed regulation indicates that increased investment thresholds and TEA redefinition would be applied only to Form I-526 immigrant investor petitions filed on or after the effective date of a final regulation. This is commonly read to protect pending I-526 petitions from retroactive application. The rule does not, however, contemplate any retroactive implications for EB-5 projects that were planned and commenced years ago in reliance upon the current program, but have not filled all of their immigrant entrepreneur investment opportunities.

As USCIS does not have statutory authority to impose any new EB-5 rules retroactively, any retroactive rulemaking may be deemed impermissible. It remains to be seen how the executive agency will seek to revise the rule with care to ensure that unintentional, yet still impermissible, retroactive effects are avoided.

## Conclusion

In light of the current priorities in Congress and the decreasing likelihood of passage of legislative changes to the EB-5 program, the EB-5 industry has reshifted its focus to the regulatory proposal from the USCIS that are expected to be published as early as February 2018. While priority date retention is a welcomed change, interested investors would be wise to keep a close eye on the minimum investment amounts, and the impact of any TEA redefinition and retroactive application—intentional or not—on project selection.

# Understanding Common Corporate & Securities Investment Documents for Private Offerings – Part 2

by Jor Law

In the EB-5 industry, offerings are generally conducted as private placements of securities, even when they take advantage of special rules that allow for general solicitation and advertising. See “EB-5 Securities Exemptions” in the first edition of Trade & Invest America | The EB-5 Gateway, published April 4, 2017. This article is Part 2 of a two-part series that explores some of the different corporate and securities documents one might find in a typical offering of United States private securities. For Part 1 of this series, please see “Understanding Common Corporate & Securities Investment Documents for Private Offerings – Part 1” in the first edition of Trade & Invest America | The EB-5 Gateway, published in November 2017. Part 1 explored the differences between disclosure documents and transactional documents. Part 2 describes various transactional documents.

## Transactional Documents

### Charter Documents

A company is governed by its charter documents, which typically includes a filing made with their state of formation (e.g., Articles of Organization, Certificate of Formation, etc.) and internal governing documents (e.g., bylaws, partnership agreement, operating agreement, etc.). Since the charter documents are the essential governing documents of a company, it is always important to review them. Investors, in particular, will want to understand how management, voting, control, distributions, and amendments are handled. Note that in addition to the charter documents, there may be shareholder agreements, voting agreements, or other contractual arrangements between the owners of a company. These documents should be read in conjunction with the charter documents to get a full understanding of the rules that will preside over the operation and management of the company.

### Investor Questionnaire

The investor questionnaire is generally



a document whereby investors answer questions about themselves. The questionnaire will often try to elicit information regarding an investor’s qualifications, sophistication, risk tolerance, investment objectives, residence, how the investor learned about the offering, and more. The questionnaire isn’t provided just because the company is curious about the investor; instead, it is provided so that the company can properly vet investors prior to making them an offering. Certain offerings can only be made to certain types of investors, and companies use these questionnaires to screen out those who are not qualified to make the investment.

### Subscription Agreement

This agreement is important because it sets forth the agreement by the investor to purchase the securities being offered by the company/project and the agreement by the company/project to sell those securities to the investor. It is called a subscription agreement because the investor “subscribes” to purchase the securities being offered. In this agreement, the investor often makes

representations and warranties that the company/project relies upon to ensure that it is properly complying with securities laws in making the offering. It is not surprising to find elements of the investor questionnaire contained within the subscription agreement, and some companies build the investor questionnaire straight into the subscription agreement. The more conservative legal approach, however, is generally to have the investor questionnaire distributed and completed by the investor before the subscription agreement and offering materials are provided to the investor.

### Escrow Agreement

For larger capital raises, it’s not uncommon for companies to escrow investor funds until certain conditions are met. For example, a company may set a minimum offering amount that it intends to raise. For immigration-based investments, such as EB-5, investors might insist on escrowing funds until they receive approval for their visa. It is important to review the escrow agreement to understand how the escrow works. In some EB-5 transactions, for example, the escrow



terms might be so weak that the investors don't really have much practical escrow protections.

### Investment/Loan Agreement

Often times, investment structures are set up whereby investors invest in a special purpose vehicle ("SPV") which then makes an investment or loan to another company or into the underlying project. This structure, for example, is very common in the EB-5 industry. For these offerings, it's important not only to review the charter documents of the entity an investor invests into, but to also analyze the investment agreement or loan agreement between the SPV and the underlying entity or project that receives the investment or loan. In addition, especially where the SPV makes an investment for equity of another entity or project, one would want to review the charter documents of that entity or project.

### Security Agreement

If the offering includes collateral, it is likely that there is some form of security agreement. The security agreement is essentially an agreement whereby certain collateral is pledged to secure an obligation. Where the collateral is real estate, the equivalent to a security agreement would be the deed of trust or mortgage. These are documents which pledge property as security for an obligation, typically a loan.

Where the collateral is securities, the security agreement might include a stock pledge. It's important to carefully read the security agreement to understand what the collateral actually is and what obligations the collateral can be used for. Additionally, it is extremely important to note that security agreements only pledge collateral to secure an obligation; further steps may be necessary to ensure that priority in case that collateral was offered to support multiple other obligations.

### Guarantee

For some offerings, especially those involving loan transactions or royalty streams, a third party may guarantee part of the transaction. If so, then the transactional documents will typically include a guarantee. A guarantee is an agreement whereby someone promises to fulfill the obligations that another person has failed to fulfill. With guarantees, it's important to understand what obligations are being guaranteed and what events trigger the guarantee.

### Subordination Agreement

For transactions that may have multiple different parties coming together to form a capital stack, the concept of subordination is important. Either investors are treated the same as other investors, in a concept called *pari passu*, or one class of investors has better rights than another, in a concept called subordination. The priority of a class of

investors often depends on their investment type (for example, debt is generally higher priority than equity). Charter documents can also set forth the priority between different classes of equity holders. Sometimes, however, there is a contractual agreement whereby one party subordinates their rights and interests to another party. These subordination agreements are important to understand carefully, and one normally wants to look at what rights or interests are subordinated, what triggers the subordination, and when subordination expires.

### Ancillary Documents

Obviously, it's not feasible to list and discuss every type of transactional document that one might see in connection with a private offering. In every deal, there is often a collection of ancillary documents, which are documents that might not be fundamentally part of the core transaction, but have significant as related agreements to the transaction.

It's tempting to gloss over all of the documents that are provided in a securities offering, but it's important to review them all. Start with the disclosure documents that summarize the transaction to get an overview of the offering, and then review the underlying transactional documents and ancillary documents to get a more detailed understanding.



### Our EB-5 Practice Includes:

- EB-5 Offering Documents (Exemplar and Actual)
- Regional Center Formation Assistance
- EB-5 Deal Structuring/Corporate Services
- Securities Counsel & Advice
- Loan & Equity Documentation

Homeier Law PC is a law firm devoted exclusively to corporate transactional law, including securities. Since 2009, we have provided legal counsel in hundreds of EB-5 transactions that have raised billions for US developers and operating companies. As a recognized leader in EB-5 related corporate and securities transactions, the firm publishes numerous articles and routinely presents at EB-5 industry events throughout the globe. The firm's members have been recognized as "Top 25 EB-5 Attorneys" every year since the inception of that distinction.

Our Offices are centrally located in Los Angeles and New York, but we represent clients throughout the country and the world. Feel free to contact us at our office nearest you.



# Summary of Employment and Entrepreneur Immigration Changes in 2017

*Washington D.C., January 9, 2018 – In 2017, U.S. immigration law experienced a general tightening in legislation and rulemaking. This trend appears likely to continue into 2018, with a special focus on employment-based visa categories*

**T**he EB-5 immigration investor regional center program was extended several times without change, entering the new year with a deadline of Jan. 19, 2018.

- Congressional negotiations indicated support for raising the minimum investment amounts, increasing fraud detection and prevention, and amending the definitions of TEAs and other favored geographic categories.

- Regional Center discussions could also affect the terms of EB-5 direct investment, despite its permanent status, as most of the proposed EB-5 changes do not differentiate between direct and Regional Center categories.

- In January 2017, the Department of Homeland Security published its proposed EB-5 rulemaking changes, which included: reserving DHS final authority to approve or deny TEA status, raising TEA investments to US\$1.35 million and non-TEA investments to US\$1.8 million, and proposals to allow investors to retain their priority dates in the event of a refiled I-526 petition.

The new category of International Entrepreneur parole, introduced by the outgoing Obama Administration in January 2017, faces likely termination. The current White House delayed this category in August 2017. In December 2017, the DHS indicated that it will propose a rule to eliminate this category.

Foreign workers and their U.S. employers faced various efforts in 2017 to restrict access to the use of the H-1B

Specialty Occupation visa program, which are likely to continue into 2018.

- In March 2017, USCIS declared that computer programmer positions were no longer presumed to be specialty occupations, breaking with its previous practice and Department of Labor industry findings.

- In April 2017, the White House issued the “Buy American, Hire American” executive order, designating the H-1B visa as a target for anti-fraud efforts.

- RFEs for H-1B petitions in 2017 were 45% higher than in 2016, despite only 3% greater petition volume, and mostly focused on (a) whether the job position qualified as a specialty occupation, or (b) whether an entry-level wage automatically disqualified the position from specialty occupation status.

- USCIS temporarily halted Premium Processing for H-1Bs during the highest-volume months, resulting in many cases remaining under adjudication even past the standard Oct. 1 employment start date.

In January 2018, DHS considered regulatory changes to limit H-1B extensions for those workers with pending I-140 employment green card petitions. Current rules allow two categories of unlimited extension of H-1B status: (a) 1-year extensions for those whose PERM certifications have been pending for 365 days or longer and (b) 3-year extensions for those whose I-140s have been approved and who are awaiting visa availability due to per-country backlogs. The legislative wording of the 3-year

extension category provides DHS with discretionary power, which may lead to curtailing or elimination of this category altogether. Congress also echoed efforts to restrict access to the H-1B Specialty Occupation worker visa program.

- In August 2017, Sen. Tom Cotton (R.-Ark.) proposed a points-based system for immigration reform.

The RAISE Act bill, which received ready support from the White House but met with an uncertain reception in Congress, proposed a sweeping reform of immigration categories. In its new model, applicants would receive points based on numerous criteria, including English language ability, academic attainment level, a job offer from a U.S. employer, age group, outstanding achievement, and intention to invest in the U.S. The bill also proposed limiting refugee visas, and eliminating visas for extended family members and the Diversity Visa lottery.

- In January 2018, Rep. Darrell Issa (R.-Calif.) proposed H-1B legislation to increase U.S. worker recruitment efforts required of H-1B employers, as well as any third-party employer organizations. This includes narrowing or closing exemptions from recruitment attestations based on degree level and base salary, as well as expanding the duration of the required good-faith efforts to recruit U.S. workers. I.A. Donoso & Associates, LLC, is a law firm based in Washington, D.C., and is recognized as a leading immigration law firm with recognized expertise in visas for EB-5 investors, professionals and academics.



# *The Great Strengths of U.S. Education*

*By Rebecca S. Singh, Esq. and Sami Haidar*

**T**here is no denying that higher education in the United States is a major draw for immigration – both temporary and permanent. American universities command a high level of prestige abroad, with 62 American representatives in the Times Higher Education’s Top 200 World University Rankings. Nearly a million international students attended American universities in the 2014-15 school year, a ten percent increase over the year prior. International interest in American higher education is also not limited to historically revered Ivy League schools: there has been growing interest in state universities like the University of Southern California and Ohio State

University. New York University, a private university, leads the pack with an international student body of 13,178 students. As interest and international enrollment in American higher education grows, so too does competition for those coveted seats. There are a limited number of seats, and more importantly, a smaller pool of funds for scholarships and financial aid for international students. For this reason, a pathway to residency in the United States can prove to be highly beneficial for those seeking to acquire a postsecondary education for themselves or their children at a US university.

The system of education in the U.S. is unlike those in Europe or Asia or South America in one simple way: it is

decentralized with no central Ministry of Education. This is the defining feature of U.S. higher education and why the U.S. have the best universities in the world. The U.S. Department of Education is by far the smallest federal department and does not have the ability to run schools or universities, issue diplomas or mandate curricula. Thus, leaving each college or university greater autonomy.

This diversity, spread over 4,000 accredited colleges and universities, provides multiple learning and distinguishing options. The decentralized nature of U.S. higher education allows colleges and universities the flexibility to change and evolve with every new generation of students. This flexibility continues to put U.S. universities at

the top of almost every international university ranking published. The reason is simple: U.S. universities can do what other universities cannot.

Given that the United States also holds the distinction for the most expensive tertiary education system in the world, financial aid and lower in-state tuition can make a world of difference in an era of ballooning education prices. Traditionally, US public universities have a two-tier tuition system: fees differ for in-state versus out-of-state residents. International students usually pay the exorbitant out-of-state tuition. For example, at a University of California school, in-state tuition for California residents for the 2017-2018 school year is \$13,900. By comparison, the starting tuition for international students at UC schools is \$40,644. However, some universities are charging a high third-tier tuition rate specifically for students being enrolled from abroad. In addition, according to University of California Admissions, over two-thirds of UC undergraduates receive some gift aid; for California residents, this figure is nearly half the cost of attending a University of California for a full year. Further, some universities charge additional fees to international students, besides from tuition. As described by university officials, the higher rates are necessary to pay for the additional services exclusively for international students, such as extra monitoring and reporting requirements to the US Federal Government, which can extend beyond graduation if the student opts for work placement through the Optional Practical Training (OPT)

program. According to the Institute of International Education, international students contribute about \$21 billion a year to the US national economy.

In addition, financial status can be a significant impediment for international students at the admissions stage. Approximately 100 US colleges have a need-blind admissions process – meaning that an applicant’s financial status and ability to pay the stated tuition price is not factored when making an admissions decision. However, less than a quarter of these institutions are need-blind for international applicants. Elite universities like Brown University, Columbia University and the University of Pennsylvania, renowned for their large student endowments and their need-blind approach for domestic students, are need-aware for international applicants: meaning a student’s ability to pay the full price of tuition over the entire course of the degree is considered before admission. Moreover, international students must also prove to the US consulate that the student will have sufficient funds to meet all the student’s needs while studying in the US to obtain a student visa. The funds must be sourced and guaranteed that the student will receive the funds while at university. The visa can be denied for lack of evidence and financial support. Simply being accepted by a university and proving financial status alone are not sufficient to guarantee approval of a student visa.

Furthermore, international students are at a disadvantage for in-school and post-graduate employment. Paid

internships and full-time positions are typically only available to US residents, and in today’s environment of delayed processing and more restrictive criteria for foreign workers, there are fewer employers willing to foot the cost of sponsoring nonpermanent residents for employment. The H1-B process has now become a lottery system, with over 270,000 applicants vying for 85,000 (regular and Master’s exemption) available visas. With today’s administration, the US Government has tightened the H1-B process, criticizing abusers of the program, and the backlog under the EB-2 and EB-3 categories for Mainland China and India continue to grow each year. Other business visas, such as the E-2 and L-1, only allow children as dependents until 21 years of age. Thereafter, dependent children must apply for their own visa. In today’s job market, work experience is as important, if not more critical, for an individual’s long-term career success as educational background. Particularly for graduate degrees, many programs now require practical training as part of the curriculum.

Hence, EB-5 has become one of the most popular and advantageous US immigrant visa program, especially for families looking to the US for their children’s education. It is a direct route to a US green card, allowing applicants to apply without the worry of being sponsored by an employer or family member. As there are no backlogs (except for Mainland China), it is one of the fastest routes in obtaining US permanent residency.

2018 rank	2017 rank	University	Country
1	1	University of Oxford	United Kingdom
2	4	University of Cambridge	United Kingdom
=3	2	California Institute of Technology	United States
=3	3	Stanford University	United States
5	5	Massachusetts Institute of Technology	United States
6	6	Harvard University	United States
7	7	Princeton University	United States
8	8	Imperial College London	United Kingdom
9	=10	University of Chicago	United States
=10	9	ETH Zurich – Swiss Federal Institute of Technology Zurich	Switzerland
=10	13	University of Pennsylvania	United States

\*Courtesy of Times Higher Education World University Rankings

*EB-5 has become one of the most popular and advantageous US immigrant visa program, especially for families looking to the US for their children’s education.*



## *US Corporate Entities: Why the LLC is the Clear Winner*

**W**e are often asked which corporate entity our overseas clients should use to start their US businesses. The answer is almost always a Limited Liability Company (“LLC”). This entity is the preferred choice of our President, Donald Trump, for good reason, and this is one of the few areas where we recommend our clients follow the President’s example. Using a LLC provides numerous advantages over that of a limited partnership or a corporation, the two other primary corporate entities available in the United States. This article will discuss

*By Omar Hakim*

three key features of LLCs that make it the preferred entity structure for entrepreneurs looking to start a US business. .

### **Avoiding Double Taxation**

The first major advantage of using a LLC is that it avoids the double taxation that applies to corporations. Corporations pay a corporate tax on profits and then the corporation’s owners pay a tax on the profits distributed to them. Under LLCs and limited partnerships, there is generally no corporate tax on the

LLC. The owners of LLCs and limited partnerships simply pay taxes when profits are allocated to them and this is the only time that the profits generated by these entities are taxed.

### **Lack of Formalities and Recordkeeping Requirements**

The second key advantage of using a LLC over a corporation is that the recordkeeping requirements are much simpler for LLCs. Corporations have a board of directors and officers as opposed to a LLC which can be run by a manager. The corporation must hold director meetings, as well as shareholder meetings, and must keep minutes of such meetings. If



*The LLC is a far superior mechanism for shielding the members and management for liability for the business's debts and liabilities when compared with a limited partnership*

and management for liability for the business's debts and liabilities when compared with a limited partnership. In a LLC, there are members who invest in the business and then there are managers who run the business (or managing-members who both invest in the business). Neither the members or the managers are personally responsible for the debts and liabilities of the LLC, as long as they do not engage in wrongful or fraudulent conduct and do not use the LLC for personal expenses.

On the other hand, with limited partnerships there are limited partners and general partners. Limited partners have limited liability but can only have minimal control over business decisions or operations, and normally cannot bind the partnership to business deals. The general partners have the right and responsibility to manage the day-to-day operations of the limited partnership, but they have unlimited liability for the debts and liabilities of the limited partnership. This means that if you start a business via a limited partnership and an accident occurs on your premises, then you may be personally responsible, if your business is sued for the injuries, or even death, caused to the victims. If the business defaults on a loan or cannot pay its vendors, then you as a general partner may be held personally responsible for those debts. Clearly, most people would like to avoid this result when starting a business which makes the LLC an obvious choice over the limited partnership.

#### **Conclusion**

As discussed in this article, the LLC combines the simplicity of the partnership with the limited liability of a corporation to make it the clear-cut choice for entrepreneurs looking to start a business in the United States. This is why we advise our overseas clients to use them with rare exception.

a corporation fails to follow these strict formalities, it may lose its limited liability shield. This would be a disastrous result as it would mean that the corporation's owners could be personally liable for the corporation's debts. In such a scenario, if the corporation went bankrupt, its debtors could start placing liens on the stockholder's assets.

On the other hand, with LLCs and limited partnerships, there is no such requirement to observe these formalities. An LLC may choose to have such specific formalities in its operating agreement if it chooses to do so, but it is not required. This flexibility gives the LLC a major advantage. If an overseas client is to be the sole owner of a new LLC in the United States, there is no need for any formalities at all: there is no benefit to requiring them to hold meetings with themselves. If the client is starting a business with a few business partners, then they may decide to implement some formalities for LLC to prevent abuses of power. If there are dozens of members of the LLC investing

as business partners, it would likely make sense to require more formalities so that documentation is available to provide all members with updates and give them a means to check abuses of power. It is this flexibility and scalability that provides LLCs with a clear advantage over corporations.

#### **Limited Liability**

The third major advantage of using a LLC is that it provides limited liability for all of its members and its managers. Thus far, we have primarily focused on the advantages of LLCs when compared to corporations. With respect to the issues of double taxation and recordkeeping, the LLC emerges as a clear winner versus corporations, though it does not have a significant advantage over limited partnerships. With regard to limited liability, the LLC structure does not provide any substantial advantage vis-à-vis the corporation, provided the corporation follows its recordkeeping requirements, as discussed earlier. However, the LLC is a far superior mechanism for shielding the members



## “Where is my Green Card?” The Second Stage of the EB-5 Process.

*By Rebecca S. Singh, Esq. & Brian Idehen, Esq.*

**C**ongratulations, your I-526 Petition has been approved! Now what? Many investors believe that once the I-526 petition is approved, the petitioner and dependents can automatically obtain the green card or the visa to enter the U.S. However, this is not the case. Approval is only stage one of a three stage process of becoming a Legal Permanent Resident (“LPR”), or Green Card holder in the U.S. The second stage is

notifying the government of your approval, and intention to either change your status from a non-immigrant to an immigrant or enter the U.S. as an immigrant. This notification is done through what is known as Adjustment of Status (“AOS”) or Consular Processing (“CP”).

### **Adjustment of Status vs. Consular Processing**

AOS takes place when an investor is already in the U.S. on a non-immigrant

visa and applies to have their status “adjusted” to an immigrant category. By contrast, if the investor and their dependents are located outside the U.S., the family must go through CP at the U.S. Embassy or Consulate located in or one designated to their home country. In some instances, an investor can choose another consulate located outside of their birth country if they maintain a connection to that country, such as maintaining residency.



Some further distinctions between AOS and CP are:

- **Processing Times** – At times, the Consulates have seen faster processing times than an investor adjusting status in the U.S. This has especially been the case recently since on October 1, 2017, USCIS implemented a new policy requiring mandatory interviews for all employment-based green card applications, which includes the EB-5 program. Naturally, this may cause further delays in all adjudications as it increases USCIS' workload and will take time for the Service to adjust to the new requirement. While Consulates do not have this "new" criteria, there is also an interview process associated with CP. Interview dates are usually available within two weeks of receiving an approval, however it is important to note that processing times will vary between different Consulates.

- **Costs** – The cost of AOS applications are \$1225 per applicant over 14. CP applications vary by consulate and every dependent, regardless of age, must pay for the application.

- **Forms** – AOS is processed through Form I-485, submitted to USCIS. CP is completed through from DS-260 submitted to the appropriate consulate.

The AOS or CP process are typically straight forward and the easiest of the three stages to a Green Card, however receiving the I-526 approval does not guarantee your AOS or CP will also be approved. The EB-5 investor or any of the dependents may still be denied individually on the grounds of "inadmissibility", even after satisfying the I-526 criteria.

#### **What is Inadmissibility?**

An investor who is inadmissible is not permitted to enter or remain in the U.S. after inspection by an immigration or consular officer. Grounds for inadmissibility include: health-related considerations, unlawful presence, fraud or misrepresentation, criminal grounds, national security reasons, likelihood of becoming a public charge to the U.S. Government, or lack of labor certification. Even if admitted lawfully to the U.S. on a nonimmigrant visa, an investor could become inadmissible based on acts committed while in the U.S. and could be subject to removal. Waivers are available, but in limited circumstances.

#### **Which Procedure is Right for Me?**

If you are not in the U.S. at the time of your I-526 approval, and do not possess a valid non-immigrant visa, you must apply for CP. If you are in the U.S. holding certain

valid non-immigrant visa, you are permitted to apply for either AOS or CP. However, in certain circumstances applying for AOS from the U.S. may prove problematic. For example, EB-5 investors in the U.S. on a B-1/B-2 visa will have issues as U.S. immigration law does not allow B-1/B-2 visa holders to possess intent to file applications for permanent residence. Instead, visitors are only allowed to stay for the period of time given at entry and then must depart the U.S. If an application for AOS is filed by an EB-5 investor who entered the U.S. after the approval of his or her I-526 petition as a visitor, there is a serious risk that USCIS may find that this individual intended to file this application at the time of entry as a visitor. USCIS may therefore find such an individual "inadmissible" into the U.S. (or in other words, find that he or she cannot become a permanent resident).

#### **Discretion:**

Other factors that may play into the decision to proceed with AOS or CP (for those investors who have the option), is the risk of refusal. CP, typically carries a lower risk of refusal. Unlike USCIS officers, consular officers cannot refuse to issue a visa based on discretion. This means that the consular officer must have specific, factual evidence for denying an application. However, cases that are denied are generally non-reviewable. This means that it is a final decision.

The primary reason people use the AOS process is that there is no need to return to their home country. AOS helps to avoid the travel expense and prolonged separation between family members in the U.S. Although the AOS process typically takes longer, it has other advantages. If an AOS case is denied, the applicant may challenge the denial through the administrative and/or judicial appellate processes.

Ultimately, an investor should have in-depth conversations with their immigration attorneys about whether they can or will be applying for AOS or CP. Any issues that may be cause for inadmissibility can typically be mitigated if identified, and addressed, early in the process.

Regardless of which process an investor goes through, both lead towards the third and final I-829 stage where the conditional status of the Green Card is removed, and the investor receives a permanent Green Card. After the I-829 stage, the path is clear to attain U.S. Citizenship.

*Some CP applications are subject to "Administrative Processing" Review. This processing can range from 2 weeks to 6 months.*





## 4 Investment Models... One project; the flexibility of transportation!

*By: Nadim Ahmed Khan, NuRide's Executive Chairman*

Selecting the right project for investment is the first, and arguably the most important, decision in the immigrant investment process. Identifying a project with good viability, and sustainability can help investors avoid a lot of headaches throughout the immigration process. In addition, an investor should consider practical factors such as the return on investment (ROI), the number of EB-5 investors a project has, the amount of financing outside of EB-5 a project needs, or the number of jobs a project can create above the minimum of 10. Ultimately, when it comes down to choosing a project, an investor must go with what they feel most comfortable with upon weighing all the necessary factors. The best projects to invest in are the ones where the investor feels their money and path to a green card are the most stable and secure.

NuRide Transportation Group ("NuRide"), an asset-based company and an innovator in the transportation industry, is a developer responsible for 4 different

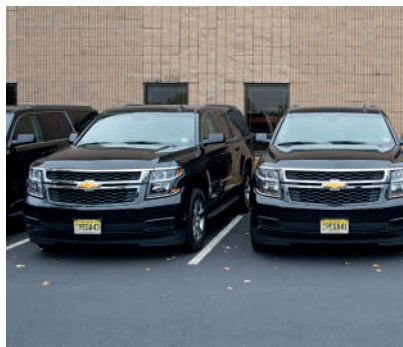
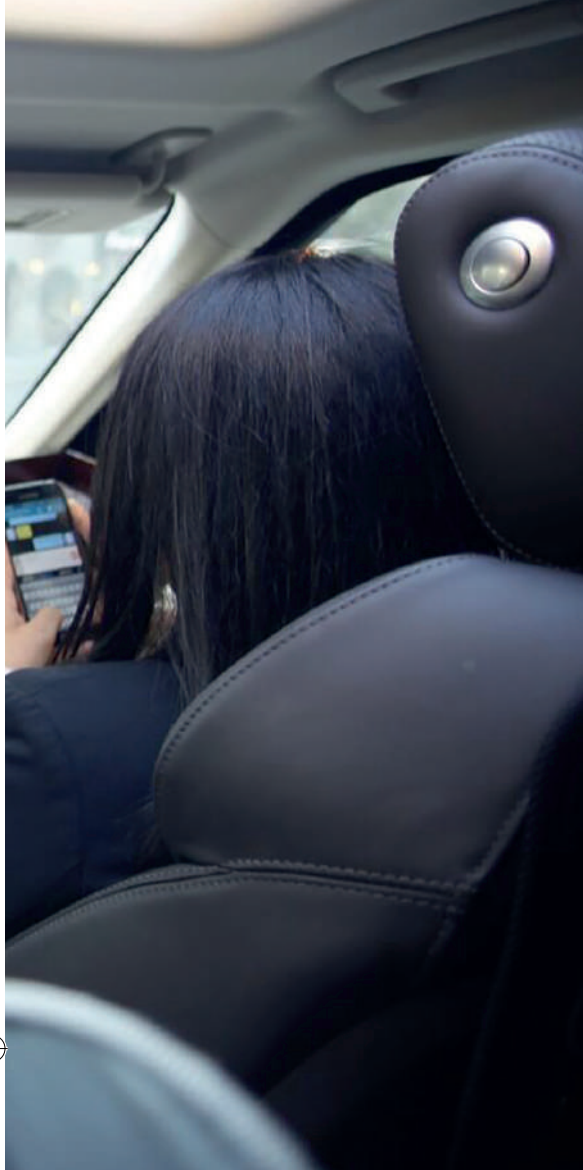
types of investment models, all born out of the same project. NuRide offers a direct pooled investment model, a regional-center pooled investment model, an entrepreneurial investment model, and an E-2 Treaty/Investor project model. Each project model offers its own unique set of advantages, and all provide the stability and infrastructure provided by NuRide.

Founded in 2014 and based in New York City, NuRide operates the largest employee-based fleet in the market area. NuRide combines sophisticated, in-house software products with a wide variety of vehicle fleets to offer complete end-to-end solutions for all FHV (for-hire vehicles) services. NuRide's fleets provide livery services, non-emergency medical transportation, eco-sensitive livery car services and corporate black car services.

The government regulatory body is the NYC Taxi & Limousine Commission (TLC). According to the NYC Taxi & Limousine Commission, the For-Hire Vehicle (FHV) designation allows for pre-arranged service through TLC-licensed bases. In

contrast with the Street-Hail designation, FHV vehicles are only allowed to serve passengers that have pre-booked rides through companies with licensed drivers and vehicles. There are three classes of FHV service in New York City: Community Cars (aka Livery), Black Cars and Luxury Limousines.

The transportation services industry is a \$42 billion industry in New York City and the surrounding boroughs, and there are currently approximately 60,000 For Hire Vehicles (FHV) operating in the market. As a result, it is a heavily regulated industry. As per the Office of the Mayor's For-Hire Vehicle Transportation Study from January 2016, the New York City market for FHV is one of the most robust in the nation. For-Hire Vehicles have become an integral part of the transportation system, accounting for 235 million of the paid vehicle trips made in 2014. With the lowest rate of private car ownership in the nation, New York City also has the highest utilization of for-hire services. Thus, the For-Hire Vehicle industry in New York City is a continuously growing market with high demand and



inadequate supply. To further put the scale of this industry in perspective, according to data collected by the Taxi and Limousine Commission, there are currently 166,425 active For-Hire Vehicle drivers operating in New York City. In the three months between July 1 and October 1 of 2017 alone, over 1,340 licenses for Medallions and For-Hire Drivers were issued. The industry, through licensed transportation businesses and bases, provides for the needs of the population, while simultaneously providing a viable livelihood for independent operators or drivers.

The FHV industry serves as the backdrop for the following four (4) of NuRide's successful, but very different project models:

#### **1. Direct-Pooled Model:**

Direct pooled projects allow for investors to pool their money alongside other investors into a project. Each investor is responsible for the job creation tied directly with their investment amount, and they are responsible for identifying how their money was used to create the

minimum job count. Because the funds are directly pooled, the project can use the EB-5 capital raise to improve, enhance and accelerate their business, leading to more security within the project. The advantages this model has over others is: (1) The assets are owned by the investors, giving them additional security. (2) In addition to any interest paid against their capital contribution, they are entitled to an equity payment upon their exit from the project. (3) The job count can be an advantage or a disadvantage depending upon the project. In this model, the job count is direct. It is easier to add additional job positions, but this again depends upon the project. For transportation projects, the jobs are in abundance, as we can count drivers, administrative personnel, technical personal, mechanical personal etc.

#### **2. Regional-Center Pooled Model:**

Regional Center pooled projects are similar to direct pooled projects, with the caveat that the creation of jobs will be through a Regional Center or RC. The RC will be designated by USCIS to develop capital investment projects in a

specific geographic area and in specific industries. Additionally, the RC will be designated to use certain economic methodologies to model indirect job creation. An RC pooled project allows the investor to take a more passive approach towards investing, while still infusing a large amount of capital for project development via the EB-5 capital raise. When applying for their permanent green card, the investor will rely on the job count utilized and monitored by the Regional Center. An investor will not have ownership of the project, but will make a loan to the project, which in turn creates jobs.

#### **3. Entrepreneurial Model:**

For the business minded investors, the entrepreneurial model allows for the most control from a Green Card/EB-5 perspective. The investor can either choose to have direct employees, or have a Regional Center help create jobs for the investment. Here, the investor will have their own company which will create and run the EB-5 project with the assistance and oversight of NuRide's management affiliate wing. The investor will have access to the same infrastructure as the direct pooled or RC pooled models, however s/he will also have the autonomy to choose how the business is run, for example, s/he could select to take part of NuRide's Nationwide Wheelchair Accessible-Ride program in partnership with the transportation giant, Uber.

#### **4.E-2 Treaty/Investor Model:**

A non-immigrant visa option, the E-2 visa provides immediate access into the U.S. for members of 90 countries. These investors will enter as owners of the company and will have active day to day control and operation of the company, with the oversight and guidance of NuRide. This option is good for the investor that wants to immediately access their ROI, oversee and manage their investment daily, and reserve the right to also apply for the EB-5 Immigrant Investor Program. The most flexible of these 4 models, this is a great option for those investors who are eligible to participate in the E-2 program.

NuRide is a company that is always looking towards innovation, enhancement and expansion. To this end, we have created the multiple immigrant investment models to apply flexibility to the needs of the investor, while preserving the integrity of the EB-5 or E-2 project.

<sup>1</sup> City of New York, *For-Hire Vehicle Transportation Study*, January 2016

# Key Elements of a Safe EB-5 Project

## The Importance of Transparency

While fancy marketing material are attractive, investors need to look beyond the flashy covers to determine whether the project is in fact a safe project to meet the two main goals of an EB-5 investment:

- 1) to receive U.S. permanent residency, and
- 2) to receive a full return of their capital investment as soon as the law permits.

Many EB-5 projects purport to show investors that they expect to create more than the sufficient number of jobs required by USCIS for them to receive their green cards, and that their projects have a high chance of success so they will receive their money back. However, how high are the chances that their purported claims will come into fruition?

The following are a few key points to consider when evaluating project safety from an immigration and investment perspective.

### Sufficient Job Creation

Besides looking at whether the job creation projection in the economic report shows adequate job creation to

meet the USCIS requirement, investors must look at how the jobs are created. For a construction project, job creation based on construction jobs alone is preferred because this would only require the project to finish construction to meet the job creation requirement. A completion guarantee would increase the likelihood that the construction will be completed, thereby creating the requisite number of the jobs for investors to receive their green cards. Job creation based on operation revenue is less certain, because the success of a business is dependent on factors that the business usually cannot control. Any economic downturn or increased cost in supplies may have a big toll on the business's revenue. Thus, the more certainty the method of job creation, the more secure the project is in helping investors achieve their permanent green cards.

### Stage of the Project

Investors need to choose projects that will be completed as stated in their business plans. If not, the projects will not likely create the jobs they claim they would and the chances of them receiving a return of their capital will be lower. For real estate projects, investors should verify that the developer owns the land and that the proper zoning and permits have been received. It is also critical for the project to have a healthy capital stack and proper financing in place. If construction has already begun, then investors can be more confident that

the project is real. Thus, it is always important to look for projects that have progressed to a more mature stage, not just in the planning stages where plans may easily change.

### Value of the Project and Collateral of the EB-5 Loan

Whether or not an investor can receive a return of their capital depends largely on the success of the project. For projects using the loan model, this depends on the sufficiency of the collateral. Thus, investors must look carefully at the safety of the investment itself. Look at independent third-party appraisals and consult with trusted financial advisors who are familiar with the type and location of the project.

### Experience and Integrity of the Developer and Regional Center

The people behind the project are the key to evaluate a project's safety. The principals of the regional center and developer should be honest, reliable and trustworthy people. The project developer should have the expertise to complete the project, and the regional center should have the expertise to oversee that the project is proceeding as planned. Investors need to know that their interests will not be jeopardized by the many variables that can take place during the course of the EB-5 process. As such, both the developer and regional center need to show a commitment in putting investors' interests first.

### Manhattan Regional Center (MRC)

Since its inception in January 2011, the MRC has been offering attractive real estate investment opportunities in New York City to EB-5 investors across the world. Under the leadership of its Managing Member, Mr. David Marx, MRC and its affiliated companies are staffed by seasoned architects, construction, legal and financing professionals who have successfully completed large-scale projects from inception through operation.

Mr. Marx has over 30 years of real estate development experience. His development team has over 60 years combined experience in each aspect of real estate development that span a full spectrum of use, including hospitality, health care, residential, institutional and governmental.





### Transparency throughout the Entire EB-5 Process

Honest developers and regional centers should not be afraid to be open and transparent about the entire EB-5 process, especially about the project's status and the use of investors' funds. The project should be completed as planned to create the jobs needed to remove conditions from the investors' conditional green cards. The investors' funds must be used toward items that count toward job creation, otherwise investors are at risk of losing their green cards. As such, transparency of the project's progress and the usage of funds are critical in achieving investors' immigration success.

To achieve transparency throughout the project's progress, project developers should be sending regular progress reports to the investors. If the project is a construction project, then webcams should also be set up to enable investors to monitor the status of construction. Projects should also open its financial statements to let investors know whether the project is profitable, letting investors know whether their investment is safe and assess the likelihood that they will

receive a return of their capital. Financial statements should be audited by independent third-parties to ensure accuracy.

Investors' funds should be carefully monitored by experienced third-party fund and loan administrators and made transparent to the investors. Online portals should be set up for investors to see exactly where the funds are and how their funds are being used at any given time.

### Conclusion

If an EB-5 project includes all the above elements, then the likelihood that its investors will receive their green cards and their money back are usually much higher.

Each I-526 petition represents a family's dreams and plans to immigrate to the United States. When an investor decides to invest in an EB-5 project, they are entrusting their future in that project's hands. This is a sacred responsibility that project developers and regional center operators need to take very seriously. Every decision they make must be made with the investors' goals and best interests in mind.

### About the Author



**Winnie Ng, Esq.** currently serves as the Chief Executive Officer of the Manhattan Regional Center (MRC) and the Chief Counsel of MRC's associated projects.

Attorney Ng directs the affairs of MRC and works closely with securities and immigration counsels to ensure that MRC and its associated projects are in compliance with EB-5 and securities laws and regulations.

Prior to joining MRC, Attorney Ng has provided legal services to hundreds of EB-5 investors in the past, assisting them with their I-526 petitions, consular processing, adjustment of status applications, and/or I-829 removal of condition petitions. She has also counseled many regional centers and project developers in structuring their regional centers and projects for EB-5 compliance.

Fluent in English, Cantonese, and Mandarin, Attorney Ng frequently speaks at EB-5 conferences and seminars, and conducts EB-5 trainings in the United States and overseas. She has also authored articles on EB-5 and EB-5 related topics. She is an avid advocate for increased transparency and integrity measures to counter fraud and abuse in the EB-5 industry.

Attorney Ng is a member of the State Bar of California, American Bar Association, Orange County Bar Association, American Immigration Lawyers Association, and the J. Reuben Clark Law Society.



**ManhattanRegional**  
C E N T E R

New York Office: 158-13 72<sup>nd</sup> Ave, Suite 2D, Fresh Meadows, NY 11365  
California Office: 4685 MacArthur Court, Suite 330, Newport Beach, CA 92660  
+1.212.209.3395 | [info@ny-eb5.com](mailto:info@ny-eb5.com) | [www.ny-eb5.com](http://www.ny-eb5.com)



## Residency and Citizenship Expo in Abu Dhabi, 2-4<sup>th</sup> November 2017-A Successful Event

**H**ighly experienced immigration consultants assisted dual citizenship aspirants in the complex decision-making, documentation and application process for a second citizenship and residency option from across different countries. The 3 day exhibition with more than 300 projects from hundreds of exhibitors helped to look at a wide spectrum of properties available, different investment options, financing sources, consultations and sorting out legal queries. BLS Media is proud to announce that the company has successfully attended the International Investment & Real estate Show in Abu Dhabi in November 2017, which was an excellent opportunity to distribute the Arabic version of Citizenship by Investment magazine.

### The pre event reception

Anichi Development, the developer behind Silver Beach Resort & Spa – a luxury resort included in Dominica’s Citizenship by Investment Programme, has acquired a new name and a new brand. In 2019, the company, now called Anichi Development, will debut Anichi Resort & Spa as an Autograph Collection Hotel – an independent brand under the world’s largest hotel company, Marriott International.

In honour of its new brand, Anichi Development with BLS Media hosted a special reception on November 1st in Abu Dhabi, to introduce the new project and outline Dominica’s Citizenship Programme. The pleasant cocktail party was a perfect opportunity to network with the show exhibitors and speakers one day before the Residency and Citizenship Expo .

### The show

For the first time the USA EB5 took centre stage at this inaugural event. The Residency and Citizenship Expo in Abu Dhabi has featured a dedicated pavilion to help expatriates aspiring for dual citizenship opportunities gain the right advice and information from leading immigration experts in November 2017. Many of BLS’s well known contributors answered questions on the stage eg. Mona Shah at Mona Shah & Associates, Nima Korpivaara at David Hiron & Partners, LLP or Kristal Ozmun at Miller Mayer’s Immigration Practice Group.

The next opportunity to network and sponsor is the Global Investment Immigration Summit in Mumbai, 27-28th February. We hope to see you there.

# SAVE THE DATE

APRIL 22-25, 2018

## ★ 8 EB-5 ★ 10 Advocacy ★ 2 Conference

Invest in the USA (IIUSA) cordially invites you to join us in our nation's capital from April 22-25, 2018 for the 11th Annual EB-5 Advocacy Conference.

IIUSA is proud to host this conference at the vibrant Marriott Marquis, completed in May of 2014 with the help of EB-5 investment. The largest hotel in Washington D.C. the Marquis will be the setting for the industry's cornerstone event combining the right balance of grassroots advocacy, advanced education, and business development opportunities.

**IIUSA** INVEST IN THE USA<sup>®</sup>

# Lowering the Overall Cost of EB-5 through Education Savings via U.S. Residency



**W**hile lowering the minimum investment threshold amount for the EB-5 Visa Program below \$500,000 is highly unlikely, investors can reduce the relative cost of the Program by achieving cost savings that can only be obtained as a U.S. resident. One significant way to reduce this cost is to benefit from the lower cost of in-state tuition for U.S. public universities.

International students are often subject to greater financial burdens and lower

acceptance rates than their American peers. In fact, an international student can spend \$100,000 more (over a four year period) than an in-state student to attend the same public university. In addition, the prominent public universities in the U.S. have limited admission allocations for international students, often times capping such enrollment at 20% of the total student body.

Public universities in the U.S. frequently offer lower tuition rates to persons who are residents of the state in which the public university

is located. The difference between in-state and out-of-state tuition varies depending on the school and the location of the school. A comprehensive website on this subject is located at <http://www.finaid.org/otheraid/stateresidency.phtml>

Based on publicly available information, below are some examples of how some of the more populous states generally treat in-state tuition/residency requirements. Please note that state rules and policies may change at any time without notice.





# USA Resident College Savings

## University of Texas

TOTAL STUDENT ENROLLMENT

50,950

INTERNATIONAL STUDENT ENROLLMENT

6,404  
OR 12.5%

TUITION & FEES PER YEAR

IN-STATE: \$9,806

INTERNATIONAL: \$34,676

4 YEAR COST SAVINGS FOR U.S. RESIDENTS

**\$99,480**

SOURCES: Students Stats <https://utexas.app.box.com/v/2016report>  
Tuition <https://www.collegefactual.com/colleges/the-university-of-texas-at-austin/paying-for-college/tuition-and-fees/>

## UC Berkeley

TOTAL STUDENT ENROLLMENT

37,581

INTERNATIONAL STUDENT ENROLLMENT

5,951  
OR 16%

TUITION & FEES PER YEAR

IN-STATE: \$16,120

INTERNATIONAL: \$42,802

4 YEAR COST SAVINGS FOR U.S. RESIDENTS

**\$106,728**

SOURCES: UC Berkeley <http://internationaloffice.berkeley.edu/students/current/expenses> LA Times <http://www.latimes.com/local/education/la-essential-education-updates-southern-uc-regents-approve-first-ever-limit-on-1495123220-htmistory.html>

## University of Florida

TOTAL STUDENT ENROLLMENT

52,286

INTERNATIONAL STUDENT ENROLLMENT

7,107  
OR 13.5%

TUITION & FEES PER YEAR

IN-STATE: \$6,380

INTERNATIONAL: \$30,130

4 YEAR COST SAVINGS FOR U.S. RESIDENTS

**\$95,000**

SOURCES: UF Tuition <https://www.ufic.ufl.edu/ISS/newstudentsStartUpCosts.html> Student Stats <https://www.ufic.ufl.edu/OpenDoorsISS.html>



### The Author

U.S. Immigration Fund (USIF) organizes and manages new commercial businesses into which sophisticated foreign individuals invest for the purpose of obtaining a U.S. Visa under the EB-5 Program. USIF is a leader in the EB-5 Regional Center Program, with world-renowned investment opportunities from New York City to Miami, Florida and nearly 6,000 clients from across the globe. The new commercial businesses pool the capital invested by the Foreign Investors and make loans to or investments into a development project that will create permanent U.S. jobs. Typically, those projects entail the construction of large-scale commercial and residential buildings. USIF also organizes and manages the day-to-day operation of its various USCIS-approved Regional Centers. An experienced team of real estate development, commercial lending, construction, finance, legal and marketing professionals leads the company. Since inception, USIF has raised or is the process of raising capital for over 20 projects representing \$14 Billion in Development and approximately \$3 Billion in EB-5 funds.

Separately, USIF also organizes investment vehicles into which accredited investors, family offices and qualified institutional buyers can invest. Typically, these are structured as preferred equity investments and are attractive to investors seeking to participate in real estate deals with significant potential upside.

### Residency Requirements

**Texas:** In-state tuition available for students who have established Texas as their principal place of residence one year prior to the first date of the academic term.

**Admission:** In Texas, current law provides that students who graduate from High School in Texas in the top 10% of their graduating class, as determined by grade point average, are given certain preferences for admission to the University of Texas at Austin – the premier campus of the University of Texas system (Texas Education Code (TEC), §51.803).

**California:** To be classified as a California resident for tuition purposes, an adult student must have established a primary and permanent domicile in California for at least 366 days and relinquished all ties to his/her past place(s) of residence. A student with out-of-state parent(s) must prove financial independence.

**New York:** In-state tuition is available for students who have established New York as their principal place of residence one year prior to the first date of the academic term and who are financially independent from their parents.

**Florida:** In-state tuition is available for students who have established Florida as their principal place of residence for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.

**Illinois:** In-state tuition is available for students who have established Illinois as their principal place of residence one year prior to the first date of the academic term and who are financially independent from their parents. In general, establishing financial independence requires a finding that the student has not relied on support from their parents for tuition purposes.

Choosing an EB-5 Investment Visa allows you and your family to obtain U.S. Residency, thus giving you access to lower in-state tuition rates and higher acceptance rates for prominent universities around the country. Take the first step towards furthering your children's future and opening a world of opportunities for them by starting the EB-5 Process today.

*\*Our firm does not advise students on admission requirements to universities in the U.S.*

# Indian EB-5 Applications | Indo-US Taxation, Due-Diligence & Other Complex Areas

*In an interview with an India based Chartered Accountancy firm, R K Doshi & Co LLP, BLS explores some sensitive points for Indian applicants which are not otherwise understood by many.*



## **In your opinion, what are the pressing challenges for Indian applicants?**

There are two, the foremost being taxation. Leave aside actually complying with the tax laws; I have rarely come across investors who are even aware in the first place about the reporting requirements. US tax regime requires its residents (and which includes provisional green card holders too) to report Global Income. India on the other hand follows a physical residency test. Proper planning is required BEFORE filing I-526 to bridge this gap. Again, there are several provisions related to 'Gifts' which are at times not being complied with.

The second most pressing challenge is RBI regulations. Within that, there are two areas being frequently over-looked. If the investment is in a nature of equity, then there are certain reporting requirements to be met. Second, while complying with the LRS limits (currently set at US\$ 250,000 per person per year) investors are using bank accounts of family members without realizing how to account for it in the respective books. As EB-5 is relatively new for India, it hasn't caught the eye of most regulatory authorities, be it RBI or Income Tax. Sooner, defaults shall be identified. This can even impact the fate of an applicant's I-829 petition as USCIS firmly requires the applicants to follow the local laws of their home country before applying.

## **What are the documentation hurdles faced by Indians?**

Most believe that "to invest is to get a green card". Regretfully, investing is the least important of all. Unless you document the sources of your funds, thoroughly, your investment is literally of no good. Indians have complex streams of incomes, and thus it is important that someone who has the dual understanding of Indian tax regulations as well as the requirements by USCIS, should assist in navigating the income streams. Applicants, who have agricultural income, share of profits from firms, gains on stock, etc. should bridge the gap between Indian & US Laws before applying.

## **What are the Indian Tax regulations apropos Gifts?**

Gifts from relatives are tax free in India. Even if the donor relative is residing in US, as far as India is concerned, the recipient bears no tax liability. This should however be stated while filing your I-526. One cannot expect US Authorities to understand Indian laws minutely. So to bring this fact on paper is your onus. One suggestion is to make an affidavit on a stamp paper to attest the same.

## **What are the reporting requirements under FEMA for Direct Investments?**

Direct investments are inevitably reportable. It comes under ODI (Overseas Direct Investment) Regulations. We are also filing Annual Performance Reports for our clients as this is mandatory. Failure to do so attracts hefty penalties from RBI.

## **What sort of taxability arises in India on interest earned from US investments?**

Indo-US DTAA (Double Taxation Avoidance Agreement) enables IRS, USA, to withhold 15% before making interest remittance to Indians. This income is further taxable under the local laws of India although credit can be availed of prior taxes paid.

## **How to perform DD (Due-Diligence) before investing?**

Any private investment, whether EB-5 or otherwise, requires Financial DD. Analysis can be performed on capital stack, cash flow streams, ratios, IRR & Equity pay-back, industry benchmarking, etc. It is a vast subject. An intelligent investor will not get carried away with fancy photos/videos, rather allow the numbers to speak. Each evidences gathered in the course of audit should be safely stored by the due diligence consultant so that any mala fide event in future can safeguard your interest.

*We thank Utsav R. Doshi, Chartered Accountant & Certified Forensic Auditor, for sharing insights to curate this article.*



## *How EB-5 Funding Is and Can Be Used*

Interestingly, EB-5 funding was not originally intended for real estate. EB-5 is a job creation program; however, the most prevalent use of EB-5 financing has been in real estate projects of various types: from hotels to condominiums to large mixed-use developments, with projects all over the United States. However, as EB-5 investors grow in sophistication, there have been successful uses of EB-5 funds in non-real estate projects.

Few would dispute that 2008 and 2009 were historically catastrophic years for real estate development, particularly for hotel development. It became extremely difficult to obtain conventional financing, and construction loans were the first victims. At the same time, EB-5 rules regarding real estate construction jobs changed to facilitate the infusion of EB-5 funding into the real estate industry, leaving EB-5 investors well poised to fill the financing void. Prior to the recovery of the American real

estate market in 2012, EB-5 capital was typically deployed for projects that had stalled and were having difficulty obtaining conventional financing. Today, however, EB-5 capital is no longer viewed as simply an alternative source of financing.

This is evidenced by the dominance of major real estate developers and megaprojects in the EB-5 market. Leading “brand-name” developers like Extell, Kushner, Related and Durst have deployed EB-5 capital in large, multi-phase projects. For their marquee New York City Hudson Yards Mixed-Use Project, Related have already raised over \$1.2 billion in EB-5 funds. Real estate investment company Lightstone Group is currently looking to raise \$100 million for a new 228-unit condominium tower in New York City’s Financial District.

While the real estate projects using EB-5 capital vary greatly by type and location, most EB-5 real estate projects

are structured in much the same way. EB-5 financing is typically utilized as a mezzanine loan structure – a loan that is subordinate to conventional “senior” financing. This trend is due to a variety of factors. First, in today’s active real estate market, mortgage loans are more readily available to developers now than they were in the years following the financial crisis. Traditional mortgage loans are often obtained for a lower interest rate than that offered by an EB-5 lending vehicle. When compared with mezzanine debt however, EB-5 capital is much cheaper. In addition, mortgage lenders are often willing to lend at least 50% of a total project’s development costs. EB-5 capital typically cannot be raised for such a large amount, as it is limited by the requisite number of jobs to be created.

For real estate projects, EB-5 capital is also usually used for new greenfield construction. However, there have been projects in which existing structures



*For real estate projects, EB-5 capital is also usually used for new greenfield construction. However, there have been projects in which existing structures were converted or renovated.*



**ABOUT THE AUTHOR:  
MONA SHAH, ESQ.**

UK born, Mona, a dual licensed attorney, was formerly a Government Prosecutor with the British Crown Prosecution Service. Mona has extensive knowledge of all facets of U.S. immigration law; her expertise ranges from specialist business law to complicated, multi-issue federal deportation litigation before the US Courts of Appeal. Recognized as an industry leader in EB-5, Mona has received many accolades for her work, including voted top 25 EB-5 attorney in the US 4 years in a row; Top Lawyer by Who's Who International, 'Top Attorney of North America'.

Mona, is also an adjunct professor at Baruch College, CUNY University. She has authored numerous articles, a published book for investors, co-edited EB-5 Gateway (BLS) and is a recommended author with Lexis Practice Advisor. Mona is regularly invited to speak worldwide, has been interviewed by mainstream news channels, including Fox Business News, Al Jazeera and quoted in major newspapers, including the New York Times. Mona also hosts the first podcast series on EB-5, with over 55 podcast episodes.

were converted or renovated. (Sources: "2017 EB-5 Project Database with Trends" and "EB-5 Capital Project Database: Revisited and Expanded" by Jeanne Calderon and Gary Friedland)

However, while EB-5 has been a popular source of financing amongst real estate developers, it is by no means limited to use in real estate projects. EB-5 funding has been successfully deployed in a variety of unique and viable projects – underscoring its versatility as a source of capital. For example, \$10 million in EB-5 funding was raised for an advanced PET radio-pharmaceutical manufacturing and distribution facility. The New York City subway system received an EB-5 boost, when vendor Transit Wireless raised \$75 million to bring Wi-Fi underground.

Another successful deployment of EB-5 capital has been in the transportation industry. New York City-based NuRide Transportation Group has used EB-5 financing to build an asset-based, multi-

faceted transportation services company, covering all aspects of transportation: from luxury black-car services to non-emergency medical transportation to proprietary dispatch software. A preferred partner with Uber, for NuRide, access to EB-5 capital was vital for the company's success. Unlike real estate projects, where there are collateralizable assets such as land available, prior to commencement of construction, NuRide could not collateralize its tangible assets– making the obtainment of sizable conventional bank loans virtually impossible.

Another non-real estate project was Plaza Capital's New York Wheel, perhaps the only Ferris wheel to raise EB-5 funds, and it did so to the tune of \$150 million from 300 investors. A lawyer for the developer told The Real Deal Magazine that the project tapped EB-5 because it had difficulty attracting a conventional loan. "No one knows how to analyze that project for conventional bank financing," said Steven Polivy of Akerman.

# An Overview of Islamic Finance

By Sami Haidar

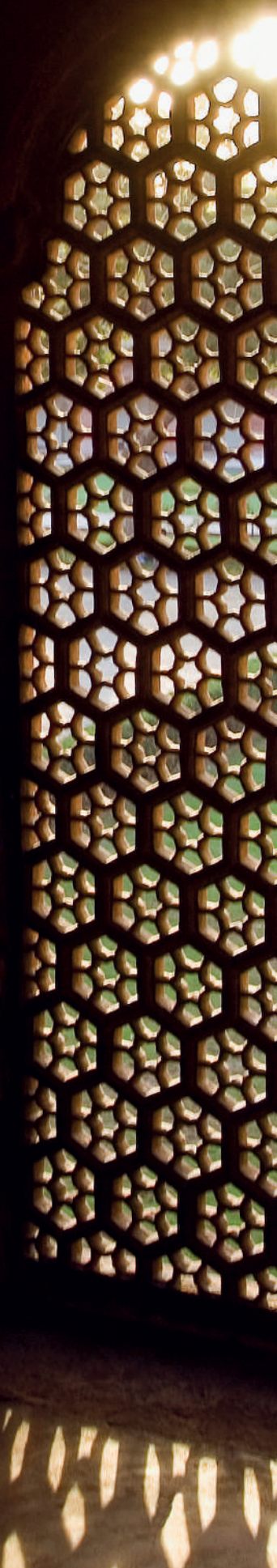
**A** burgeoning sector within the international banking system, Islamic finance is growing at a rapid pace. With a 10-12% annual growth rate, according to the World Bank, and a surge in compliant assets – estimated to be worth roughly 2 trillion USD in aggregate, Islamic finance is becoming an increasingly popular financing mechanism. While Islamic financing is primarily concentrated in a handful of Muslim-majority countries – Malaysia, Iran and various Gulf Cooperation Council (GCC) states, there has also been considerable growth in non-Muslim countries, such as the UK, Luxembourg, South Africa and Hong Kong<sup>1</sup>. In particular, the United Arab Emirates (UAE) has emerged as a hub for this type of finance, accounting for 15.4% of the total market share of the industry.

Despite the substantial growth in the industry, Islamic finance is nonetheless poorly understood. Essentially, the term Islamic Finance refers to financial products and services that are compliant with Islamic law (also known as Sharia law). There are four key tenets of Islamic financing: a prohibition of *riba* (interest); a mandate that all financing transactions are linked to some real, tangible asset (a ban on speculation); a prohibition of the financing of “unethical or immoral” businesses (e.g. gambling, tobacco, arms manufacturing); and the principle of profit-loss sharing. While these standards are fairly easy to understand, they are often misconstrued. A prohibition of *riba*, for example, does not mean that banks are

not entitled to earn profits on financing transactions. Rather, this means that a return must be linked to an underlying asset or the participation of risk-taking in some form of a joint enterprise.<sup>2</sup>

While there is a wide range of Islamic financing products of varying complexity available, there are three key products: *ijarah* (Islamic leasing); *murabaha* (asset-based loans) and *musharaka* (profit-loss sharing). *Ijarah* is simply a leasing contract, in which the lending institution purchases the asset (such as a house or manufacturing facility) being financed, and the customer pays a rental fee. Under this arrangement, the customer becomes the beneficial owner while the bank remains the legal owner – ensuring that the bank shares in the risk should something happen to the underlying asset. A variation of this form of financing allows the customer to eventually purchase the asset from the lessee at the end of the contract at a predetermined price. This type of transaction ensures complete transparency while also allowing for the bank to earn a return.

*Murabaha*, also referred to as cost-plus financing, is an asset-based instrument that complies with the principle of the prohibition of *riba*, and is often used for consumer and corporate loans, as well as the financing of international trade and interbank lending<sup>3</sup>. *Murabaha* can be used to both obtain capital or acquire an asset. At its core, *murabaha* provides the same final product to the customer, the key difference is in the process.



Through a commodity-based murabaha transaction, for example, the bank or lender purchases an asset (such as a fixed-value commodity), and provides that asset to the customer for a higher valuation than what it is worth, or in other words, the cost of the asset plus a mark-up. The customer can then sell the asset to another broker or third-party to access the loaned funds, repaying the lending bank in fixed quantities over an agreed-upon time horizon. The expected return on the original loaned asset – i.e. the marked-up value of the loaned asset, functions in much the same way that interest payments do for conventional financing. The bank is earning a profit; however, this return is not being earned on money itself (which would constitute interest), but rather, on a tangible asset. Murabaha is the most popular and commonly used Islamic financing transaction.<sup>4</sup> It should be noted, however, that there is not unanimous agreement amongst religious scholars regarding commodity-based murabaha and that variations exist across jurisdictions.

The final product, musharaka, refers to a profit-loss sharing partnership. This type of contract can take a variety of forms, but at its essence is a joint partnership whereby two or more partners provide capital to finance a project. This partnership can be on a permanent or diminishing basis. Diminishing musharaka is often used for the financing of homes: one party agrees to buy the equity share of the other until the title of ownership is completely transferred to the purchasing partner.<sup>5</sup> Through musharaka, profits are distributed according to pre-determined ratios, while losses are also shared in proportion to the capital contributed. This concept of profit-loss sharing also applies to products like high yield savings accounts. The bank invests fixed deposits and distributes returns amongst depositors. If the bank makes a loss on its investment, it will typically dip into its reserves to pay accountholders.

The three products outlined above comprise the foundational building blocks of Islamic finance. More complex financial instruments are built upon these core concepts. What should be emphasized though is that the end product of Islamic financing is essentially the same – capital is obtained and risk-taking is rewarded with profit. Instead, what varies is the process by which this occurs. Thus, the growing demand for Islamic financing

*While there is a wide range of Islamic financing products of varying complexity available, there are three key products: ijarah (Islamic leasing); murabaha (asset-based loans) and musharaka (profit-loss sharing). Ijarah is simply a leasing contract, in which the lending institution purchases the asset (such as a house or manufacturing facility) being financed, and the customer pays a rental fee.*

products can be attributed to not only cultural sensitivities, but also to a desire for the transparency and equitable ownership structure of the process. It is also important to note that the growth in Islamic finance is not limited to the Muslim world. In 2014, Hong Kong issued a \$1 billion sukuk (Islamic bond) issuing that attracted more than \$4.7 billion in orders – two thirds of the orders originated from outside Muslim-majority countries<sup>6</sup>. While growth and profitability has slowed in the last couple of years due to low oil prices, particularly in GCC countries, S&P still projects the Islamic finance sector to grow to over \$6.7 trillion USD by 2020.<sup>7</sup> Islamic financial products, therefore, are not a post-recession fad; they are here for the long-run.

# GLOBAL INVESTMENT IMMIGRATION SUMMIT 2018

LONDON



The leading trade and invest migration event!



21<sup>st</sup> - 22<sup>nd</sup> June 2018

London, United Kingdom

#### CITIZENSHIP BY INVESTMENT EUROPE



BULGARIA



CYPRUS



MALTA

#### CITIZENSHIP BY INVESTMENT CARIBBEAN



ANTIGUA  
& BARBUDA



COMMONWEALTH  
OF DOMINICA



GRENADA



ST LUCIA



ST KITTS & NEVIS

#### BUSINESS MIGRATION



UK



USA



IRELAND



AUSTRALIA



NEW ZEALAND

#### EUROPEAN RESIDENCY



PORTUGAL



MALTA



GREECE



GERMANY

Register now

[www.events.citizenshipinvestment.org](http://www.events.citizenshipinvestment.org)





## *The EB-5 Directory*

## *Access the USA*



Michael Mattox is the CEO at the WTC-SF and is the Founding Principle of Access the USA, as well as the CEO of Access US Oil and Gas, Inc. He has been an entrepreneur and Marketing professional for more than 20 years. He holds a Masters of Business Administration and has held positions as Marketing Director and Director of Business Development at several companies. He has worked with economic development agencies at both the state and local levels and has owned and managed several businesses. Mr. Mattox has also been an Adjunct Professor of Marketing for St. Martins University in the USA and at the Shanghai Maritime University in Shanghai, China.

**Mike Mattox**  
CEO



673 Woodland SQ LP SE, STE 320, Lacey, WA

Tel: 206.792.7578

Email: [info@accesstheusa.com](mailto:info@accesstheusa.com)

web: [www.accesstheusa.com](http://www.accesstheusa.com)

# AISA



Peyman Kiaras-Attari is the President and CEO of AISA Investment Advisers (CRD#175121). A seasoned investment professional, his 30-year career spans multiple financial asset classes from international equities to fixed income and real estate. Before starting AISA, Mr. Attari was the head of EMEA equity research at Deutsche Bank, leading a previously unranked team to a global top 3 ranking. Mr. Attari has also held senior positions at Jesup and Lamont International / Euro Suisse Securities in London and was the co-founder and Managing Director of Saicor Securities in New York, a boutique investment bank specializing in Southern African investments.

Mr. Attari received a BSc Honors degree from Imperial College London, and is an Associate of the Royal School of Mines. He is also a former registered representative of the London Stock Exchange.

**Peyman Kiaras-Attari**  
President and CEO

312 S. Fourth Street, Suite 700  
Louisville, Kentucky 40202

Email: [info@aisa.us.com](mailto:info@aisa.us.com)  
Tel: (502) 213-5950  
Web: [www.aisaeb5.com](http://www.aisaeb5.com)



# Baker Tilly



Michael Fitzpatrick has been with Baker Tilly since 2000 and is a partner leading the EB-5 investment practice. Mr. Fitzpatrick also serves on the firm's board of partners.

Baker Tilly Capital, LLC is a boutique investment banking practice and member of FINRA, with specific approval to market EB-5 investments. Baker Tilly's EB-5 practice offers a wide range of consulting services for EB-5 projects and regional centers, as well as sourcing EB-5 capital globally. Baker Tilly's EB-5 team has collectively raised more than \$1 billion in capital and incentives, assisted in the formation of over 200 regional centers and composed over 700 EB-5 business plans and economic impact studies.

Baker Tilly Capital is a wholly-owned subsidiary of Baker Tilly Virchow Krause, LLP, a public accounting and advisory firm with approximately 2,700 employees across the United States and ranked as one of the 15 largest firms in the US. Headquartered in Chicago with major offices in New York City, Washington DC, Philadelphia, and Minneapolis, Baker Tilly Virchow Krause is an independent member of Baker Tilly International, which is the 8th largest global network of accounting firms with members in 147 countries.

**Michael Fitzpatrick**  
Partner



205 North Michigan Avenue  
Chicago, IL 60601-5927

Tel: (312) 729-8000  
Web: [www.bakertilly.com](http://www.bakertilly.com)

# Baruch College



Professor Yildiray Yildirim's research interests are real estate, in particular securitization and commercial leasing, credit risk, fixed income securities, inflation modeling, and Islamic finance. He was a visiting scholar at Princeton University, Office of Comptroller of the Currency, and Borsa Istanbul. He provided consultancy at the U.S. Department of Housing regarding issues concerning multifamily mortgage default and foreclosure, NAREIT, JP Morgan Chase on commercial mortgage origination and credit tenant risk among others.

He is a co-creator of the Jarrow-Yildirim framework for pricing inflation linked securities, and the founding partner of WOTN – a CMBS risk management company (2001-2005). His co-authored work on CMBS was patented in 2014. He is the Fellow of the Weimer School of Advanced Studies in Real Estate and Land Economics.

He graduated from Yildiz Technical University with a B.Sc. in Computer Science and Engineering. He received both his M.A. in Economics and Ph.D. in Statistics at Cornell University.

## Yildiray Yildirim

Director, Steven Newman  
Real Estate Institute

Zicklin School of Business, Baruch College, CUNY  
137 E 22nd Street, NY 10010

E-mail: [Yildiray.Yildirim@baruch.cuny.edu](mailto:Yildiray.Yildirim@baruch.cuny.edu)  
Tel: (646) 660-6934  
Web: [www.baruch.cuny.edu](http://www.baruch.cuny.edu)



## *Barst Mukamal & Kleiner LLP*



Clem Turner is a partner in the New York Office of Barst Mukamal & Kleiner LLP, the one of the oldest immigration law firms in the United States, where he leads the Corporate and Securities Practice. Mr. Turner is a graduate of Princeton University and Georgetown University Law Center and is admitted to practice law in New York and California.

Mr. Turner has significant experience in immigration investment, crowd finance, venture capital, securities law, general business and corporate counseling. He has counseled numerous corporations and Regional Centers raising capital through the EB-5 Program on matters of structuring, strategy, securities law and corporate law. His experience includes EB-5 offerings ranging from "direct" \$1 million raises up to complex \$400 million raises and everything in between.

Mr. Turner has been selected multiple times as a "Top 25 EB-5 Attorney" by EB-5 Investors magazine. He has been interviewed about the EB-5 program by various media sources, and has published several articles related to EB-5. He routinely lectures at events and conferences throughout the world. Mr. Turner is a respected member of the EB-5 trade association, "Invest in the USA" (IIUSA), and currently serves on its Public Policy Committee and Chairs its Securities Law Sub-Committee.

### **Clem Turner**

Partner



2 Park Avenue  
New York, NY 10016

Email: [info@bmkllp.com](mailto:info@bmkllp.com)  
Tel: (646) 679-4980  
Web: [www.bmkllp.com](http://www.bmkllp.com)

# *Civitas Capital Group*



Mr. Healy is responsible for the general management of Civitas Capital Group, an investment management firm based in Dallas, Texas. Mr. Healy founded Civitas Capital in 2008. Since then, has overseen the origination, structuring and management of more than \$700 million of investments in real estate, lodging and related asset classes. Through its EB-5 Capital division, Civitas manages 20 regional centers nationwide and serves more than 1,100 individual EB-5 investors from over 30 countries, while the firm's Alternative Investments group manages assets for institutions, family offices and other clients.

Prior to founding Civitas, Mr. Healy held senior executive roles with a boutique real estate investment fund and with Highland Capital Management, LP. Mr. Healy holds a Master of Business Administration from the Cox School of Business at Southern Methodist University and a Bachelor of Arts from the University of Texas at Dallas. He serves on the Board of Directors of Invest in the USA (IIUSA), the nonprofit trade association representing regional center operators.

## **Daniel J. Healy**

Chief Executive Officer

1601 Bryan Street, Suite M-200, Dallas, Texas 75201

Tel: (214) 572-2300

Web: [www.civitascapital.com](http://www.civitascapital.com)

civitas

## *Civitas Capital Group*



Manuel Ortiz is Head of EB-5 Investor Relations for the Civitas Capital Group of companies. He is responsible for developing and managing global investor relations, and overseeing the EB-5 Capital Division investor relations team. Mr Ortiz has been with Civitas since January 2013.

Mr Ortiz received a Bachelor of Business Administration from the University of Texas at Austin, Red McCombs School of Business, and an MBA from Southern Methodist University, Cox School of Business.

**Manuel Ortiz,**  
Vice President – Head of EB-5  
Investor Relations



1601 Bryan Street, Suite M-200, Dallas, Texas 75201

Tel: (214) 572-2300

Web: [www.civitascapital.com](http://www.civitascapital.com)



# *Cleveland International Fund*



Mr. Strnisha has been CiF's CEO since 2012. During that time CiF has funded \$240 million from EB-5 investors for projects with total investment in excess of \$1.5 billion, serving an area in excess of 10 million population. Mr. Strnisha is also currently Secretary-Treasurer for Invest in the USA (IIUSA).

Mr. Strnisha is a former senior analyst with Moody's, investment banker, and Finance Director and Chief Development Officer for the City of Cleveland. He has served as Deputy Director and Chief Development & Finance Officer for Cleveland's Chamber of Commerce. Prior to 2012 he was a financial consultant to real estate developers and major corporations.

Mr. Strnisha received his BA from the University of Virginia and Masters degree in Public Administration from Syracuse University.

**Stephen J. Strnisha**  
Chief Executive Officer

1240 Huron Road E. Suite 420  
Cleveland, Ohio 44115

Tel: (216) 245-0606

Web: [www.clevelandinternationalfund.com](http://www.clevelandinternationalfund.com)



## *Cloudseed International Fund*



Sumeet A. Patil brings a high level of expertise in financial and real estate dealings from over a decade in Real Estate to his role as Chief Executive Officer of the Cloudseed International Fund. He started his career in Hotel Real Estate Investments that led to starting a Hotel Division of a boutique Real Estate Brokerage in Columbus, Ohio. Most recently he was a Senior Mortgage Banker for JP Morgan Chase where he served clients across the Country in over \$250 million dollars of residential finance transactions and therefore can offer a unique and real-world perspective to our investors. As a Nationally licensed mortgage banker, Mr. Patil has an increased focus on reducing overall risk-exposure and truly understands the importance of protecting balance sheets. His expertise includes deal structuring, business development, and real estate finance and investing.

**Sumeet A. Patil**  
Chief Executive Officer



3300 Riverside Drive Suite 100  
Columbus OH 43221

Email: [info@cloudseedfund.com](mailto:info@cloudseedfund.com)  
Tel: (614) 259-8565  
Web: [www.cloudseedfund.com](http://www.cloudseedfund.com)

# CMB Regional Centres



Patrick F. Hogan is the CEO and Managing Member of CMB Regional Centers. Mr. Hogan's considerable experience in the EB-5 industry, dating back to 1994, establishes him as one of the most experienced practitioners in EB-5. In fact, Mr. Hogan has been involved in EB-5 before the creation of the very first regional center. CMB, an acronym for California Military Base or Closed Military Base, was formed in 1997. The original focus of CMB was to assist communities that had been devastated by the loss of tens of thousands of jobs due to the BRAC closure of several California military bases.

Mr. Hogan is considered a seasoned expert in the EB-5 industry. He sits on the Board of Directors for the Association to Invest In the USA (IIUSA) and has been an active participant in furthering industry best practices and program reauthorization. Mr. Hogan is a frequent expert panelist on EB-5 issues and has testified about the EB-5 Program and CMB Regional Center's successes before a State of Ohio subcommittee on Economic Development, as well as providing written testimony at a U.S. Congressional Hearing on the EB-5 industry as a whole.

**Patrick F. Hogan**  
CEO and Managing Member

7819 42 Street West  
Rock Island, IL USA 61201

Email: [info@cmb5visa.com](mailto:info@cmb5visa.com)  
Tel: (309) 797-1550  
Web: [www.cmb5visa.com](http://www.cmb5visa.com)



## *CMB Regional Centres*



Mr. James serves both as the Vice President of Government Affairs and as the Chief Economist for CMB Regional Centers. In his governmental affairs role, Mr. James is involved in the legislative, regulatory and policy environment of EB-5 to ensure integrity and long-term continuity of the program. As Chief Economist,

Mr. James oversees his team in analyzing and monitoring each of the projects receiving EB-5 investment funds through CMB. Mr. James authors economic impact studies supporting numerous CMB EB-5 limited partnerships. Mr. James enjoys free time spent with his wife and four children and volunteering with his local church and the Boy Scouts of America.

**Kyler James**  
Vice President



7819 42 Street West  
Rock Island, IL USA 61201

Email: [info@cmb5visa.com](mailto:info@cmb5visa.com)  
Tel: (309) 797-1550  
Web: [www.cmb5visa.com](http://www.cmb5visa.com)

## Concorde EB-5



**Joseph c. LeBas,**  
Jr. President

Joe LeBas currently is the President of Concorde EB-Advisors, LLC, an EB-5 advisory company, operating EB-5 Regional Centers in New York, New Jersey and Florida, which prides itself on putting people and families first on their path to citizenship in the United States.

Mr. LeBas is an accomplished technology and commercial real estate entrepreneur with superior results in market creation and profitable growth. Mr. LeBas brings a proven record of building dynamic and innovative businesses in multiple industries and around the world, including four (4) successful software company exits to the Fortune 750.

Mr. LeBas is also currently the Principal and Founder at Carswell, LLC, a strategic advisory firm for innovative, young technology companies seeking investment, advisor services, as well as contract operating expertise, and also sits on the Board of Advisors of Convercent (GRC software) and the Board of Directors of Analyze Corporation (Big Data Analytics software) and Uptime Analytics (IoT Asset Management Software). Mr. LeBas also operates a technology-driven Commercial Real Estate development group named Concorde Group Holdings LLC, where he is Managing Director and Founder. Concorde Group owns almost 1M sq feet of commercial retail, office, industrial and multi-family assets across the Southeastern United States and Puerto Rico.

Prior to CRE, Mr. LeBas was President of True Office, a compliance training software company focused on “gamification” and analytics to increase learning efficacy until its acquisition by NYSE/ICE. Prior to that, Mr. LeBas was President of BWISE, Inc., a global leader in Governance, Risk Management and Compliance software solutions. Mr. LeBas was responsible for the overall operating performance of the North American business unit, and its rapid growth and market share led to a successful acquisition by the NASDAQ OMX Group in 2012, in which Mr. LeBas helped lead the strategic due diligence, as well as integration efforts post acquisition close.

Prior to BWISE, Mr. LeBas built information management software firm Vivisimo from start-up into a worldwide leader and ‘Big Data’ pioneer, serving as Senior Vice President and General Manager, Americas, and earlier as Vice President of Worldwide Sales. Vivisimo was ultimately acquired successfully by IBM as a core component of the formation of IBM Watson and its Big Data strategy. Earlier in his career, Mr. LeBas held a variety of executive, sales management, and sales/key account positions with PolyServe (acquired by HP), PeopleSoft (acquired by Oracle), Corporate Express, Boston Scientific Corporation, and Revlon. He holds a Bachelor of Science degree in Advertising from the University of Florida, and is a current member of the Institute of Internal Auditors (IIA) and the National Association of Corporate Directors (NACD).

301 Yamato Road Suite 1240  
Boca Raton, FL 33431

Email: [eb5@concorde-grp.com](mailto:eb5@concorde-grp.com)  
Tel: (561) 200-3997  
Web: <http://eb5concorde.us>



## *David Hirson & Partners, LLP*



David has more than 35 years of experience in the practice of immigration law. Although he practices in almost all areas of immigration law including family law immigration and all aspects of business law immigration, his focus is on EB-5 investment immigration law. He has been certified as a Specialist in Immigration and Nationality Law by the State Bar of California, Board of Legal Specialization continuously since 1990.

**David Hirson**  
Partner



BUSINESS & INVESTMENT IMMIGRATION LAW

122 Bristol Street, Costa Mesa CA 92626

Email: [info@hirsonimmigration.com](mailto:info@hirsonimmigration.com)  
Tel: (949) 383-5358  
Web: [www.hirsonimmigration.com](http://www.hirsonimmigration.com)

## David Hirson & Partners, LLP



Nima Korpivaara joined David Hirson & Partners, LLP in 2014. He handles all types of U.S. immigration, including complex matters associated with corporate business structure and EB-5 investor applications. Nima practices in the fields of corporate, investor (E-2 and EB-5) and family immigration law, representing large and small clients within a variety of industries. Nima has successfully represented thousands of investors in receiving EB-5 green card approval, as well as dozens of Regional Centers in successfully receiving designation from the USCIS.

Phuong Le's EB-5 practice focuses on advising businesses, developers, and Regional Centers with structuring, deploying, and managing EB-5 financing. Prior to joining David Hirson & Partners, LLP, Phuong was in-house counsel for a large Southern California EB-5 Regional Center and real estate developer. He draws upon an extensive background advising parties on all sides of EB-5 transactions, including individual investors, business owners, developers, and agents.

**Nima Korpivaara**  
Partner

122 Bristol Street, Costa Mesa CA 92626

Email: [info@hirsonimmigration.com](mailto:info@hirsonimmigration.com)  
Tel: (949) 383-5358  
Web: [www.hirsonimmigration.com](http://www.hirsonimmigration.com)



BUSINESS & INVESTMENT IMMIGRATION LAW

## *Deco Capital, LLC*



David J Hart is the Managing Director of Deco Capital, LLC and the founder & Executive Director of American Builders Regional Center (ABRC). Both Deco and ABRC were approved by USCIS/Homeland Security under the EB5 Regional Center program.

David Hart is a practicing immigration lawyer for the past 26 years, a graduate of the University of Miami, and a member of the NY and Florida bars. He is responsible for Deco's EB5 and non-EB

**David J Hart,**  
Managing Director



DECO  
CAPITAL  
REAL ESTATE



# *EB5 GLOBAL*



Over the last 20 years, Devin has developed corporate strategies, created early-stage business and sourced equity capital. She began as an investment banker in corporate finance working on IPOs, M&A and high-yield dept. She is a co-founder of EB-5 Global and is a graduate of the Harvard Business School.

**Devin Williams**  
President, Partner

1308 NW Everett St  
Portland, OR 97209

Tel: (001) 503 227 6593  
Email: [devin@eb5g.com](mailto:devin@eb5g.com)  
Web: [eb5g.com](http://eb5g.com)



## *First Pathway Partners*



Robert W. Kraft is Chairman, President, and CEO of FirstPathway Partners, a firm investing money on behalf of foreign citizens seeking U.S. permanent green card status and/or citizenship under Homeland Security's EB-5 Regional Centre Program. Mr. Kraft has over 40 years of international business experience at the Executive and Board levels. Mr. Kraft is a Board Member of IIUSA (Association to Invest in USA) and a member of the Presidential Advisory Council.

He has served on the boards of DCI Marketing Inc, United Community Centre, Metropolitan Milwaukee Association of Commerce, World Trade Association, and is co-Chair of the China Council. He also served on the boards of RBP Chemical Corp., Point of Purchase Advertising Institute, Council of Small Business Executives (MMAC), Word of Hope Ministries, University of Wisconsin China Leadership Board, and Open First LLC. Mr. Kraft has earned praise for his efforts driving economic growth and the job creation impact he has influenced. Mr. Kraft holds a Bachelor's Degree in Business Administration from John Carroll University in Cleveland, Ohio.

### **Robert W. Kraft**

Chairman, President, and CEO



311 East Chicago Street  
Suite 510, Milwaukee, WI 53202

Tel: (414) 431-0742  
Web: [www.firstpathway.com](http://www.firstpathway.com)

# *Fragomen, Del Rey, Bernsen & Loewy, LLP*



Over the course of his career, Austin has served as staff counsel to the U.S. House of Representatives subcommittee on immigration, citizenship and international law and as an adjunct professor of law at New York University School of Law. He has testified before Congress on a range of immigration issues and before the Immigration Subcommittees of the House and Senate on a variety of business immigration topics. He is the founding co-author of a renowned series of immigration handbooks that provide information on the best practices and latest developments in business immigration. Austin is a graduate of Case Western Reserve University and Georgetown University.

**Austin T. Fragomen**  
Partner

7 Hanover Square  
New York, NY 10004-2756

Email: [info@fragomen.com](mailto:info@fragomen.com)  
Tel: (212) 688-8555  
Web: [www.fragomen.com](http://www.fragomen.com)

**FRAGOMEN**

# *Fragomen, Del Rey, Bernsen & Loewy, LLP*



**Chad Ellsworth**

Partner, New York, NY, USA

Chad's practice focuses on the representation of individual and business clients on a wide variety of corporate immigration and related employment matters. He has advised human resource personnel, managers, executives and professionals and multinational corporations on a variety of global immigration matters with an emphasis on the establishment and/or improvement of immigration compliant global mobility programs including jurisdictions with less formalized immigration processes and procedures. Chad also advises many high-net-worth individuals in their immigration related investments. As investors from Asia are the largest users of global investor migration programs, including the U.S. EB-5 investor visa, Chad regularly liaises with Asian private clients to address their global entrepreneurial or investor citizenship or residency immigration needs.

Chad is a member of the firm's Corporate Compliance and Private Client Practice Groups and a regular speaker at national and international immigration conferences including the American Immigration Lawyers Association, Council for Global Immigration (formerly ACIP), the China-US Business Alliance, EB-5 Investors, the Invest in America Shanghai Summit and Exhibition, and Immigration Lawyers on the Web (ILW). He is also the author of immigration related articles. Chad graduated with his J.D. cum laude from Tulane University School of Law, where he served as Associate Executive Editor for The Tulane Journal of International and Comparative Law. He also holds a B.A. from the University of Southern California.

**FRAGOMEN**

7 Hanover Square  
New York, NY 10004-2756

Email: [info@fragomen.com](mailto:info@fragomen.com)  
Tel: (212) 688-8555  
Web: [www.fragomen.com](http://www.fragomen.com)

## Great Texas Regional Center



**Roger W. Christoph**  
Chairman & CEO

Roger W. Christoph is the Founder, Chairman & CEO of Keystone Solutions, Inc. (Keystone™) a financial boutique & consulting firm. In addition to providing investment banking and wealth management, Keystone (4Keystone.com) also has a consulting practice advising clients in healthcare and real estate development. In 2012, Keystone became a USCIS licensed regional center providing EB-5 visas to its foreign investor clientele. Mr. Christoph has over 35 years of experience in the financial industry that includes: investment banking, portfolio management, trading, financial operations, and securities compliance.

As Managing Partner of Keystone Investment Advisors, a registered investment advisor (RIA) that provides asset management services to private clients, Mr. Christoph oversees the general operation of the firm in addition to being co-portfolio manager for the firm's managed accounts.

Mr. Christoph is also the President of Christoph Securities, (CSI), formerly a registered broker-dealer with FINRA and the SEC. CSI was a correspondent clearing member of Merrill Lynch and was responsible for the execution of most transactions for Keystone. As President, Mr. Christoph was responsible for all financial and compliance matters regarding the firm, Mr. Christoph draws from over 35 years experience as a General Securities Principal and Financial Principal.

6575 West Loop South, Suite 500  
Houston, TX 77401

Email: [info@GreatTexasEB5.com](mailto:info@GreatTexasEB5.com)  
Tel: (800) 247-1252  
Web: [www.greattexasEB5.com](http://www.greattexasEB5.com)



**GREAT TEXAS**  
REGIONAL CENTER  
CREATING JOBS FOR TEXAS

## *Homeier Law, P.C.*



Jor Law practices corporate and securities transactional law in Los Angeles and is a founding shareholder of Homeier Law PC. Jor maintains a broad-based general corporate legal practice with an emphasis on mergers & acquisitions and finance. He is most well-known for his expertise in alternative finance, including EB-5 finance, crowdfunding, and cryptocurrency ICOs, all industries where he is extremely influential. Jor founded the EB-5 practice of Homeier Law PC, which has gone on to represent clients on hundreds of different EB-5 matters, help companies and projects successfully raise billions of dollars through the EB-5 program, and influence policy changes and reforms to the EB-5 program. Jor received his J.D. from Columbia University and his B.A. from UC Berkeley. Jor is licensed to practice law in California and New York. Jor Law is also a co-founder and the principal architect of VerifyInvestor.com, the resource for accredited investor verifications trusted by broker-dealers, law firms, companies, and investors who insist on safety and reliability. These verifications are required by federal laws for generally solicited Regulation D, Rule 506(c) capital raises.

### **Jor Law**

Co-founder, Homeier & Law, P.C

Co-founder, VerifyInvestor.com.



13400 Riverside Dr., Suite 120, Sherman Oaks, CA 91423

Tel: (818) 450-1550

Web: [www.homeierlaw.com](http://www.homeierlaw.com)

## *I.A. Donoso & Associates LLC*



Ignacio Donoso is nationally recognized as a leading business immigration attorney, with particular expertise in visas for companies expanding operations to the U.S., start-ups and entrepreneurs. He is the founding member of I.A. Donoso & Associates, based in Washington, D.C.

He advises developers throughout the United States on the formation of EB-5 regional centers and the design of EB-5 projects and has successfully advised thousands of individual EB-5 investors on their visa petitions. Ignacio's career spans more than 20 years as a member of the State Bar of California. Since 2003, he has been a member of AILA and has been selected to serve in high-ranking positions such as on the National EB-5 Committee, the Annual Conference Planning Committee, the EB-5 Conference Planning Committee, and the Texas Service Center Liaison Committee.

**Ignacio A. Donoso**  
Attorney

4800 Montgomery Lane, Suite 640  
Bethesda MD 20814

Email: [eb5@donosolaw.com](mailto:eb5@donosolaw.com)  
Tel: (301) 276-0653  
Web: [www.donosolaw.com](http://www.donosolaw.com)



## *Invest In The USA*



Peter D. Joseph is the Executive Director of Invest In the USA (IIUSA) - the trade association for the EB-5 industry, a multi-billion dollar investment capital market that creates of hundreds of thousands of American jobs. He is a proven global leader and expert in foreign direct investment, immigration, and economic development policy. Based in Washington, DC, Mr. Joseph continues to represent the EB-5 industry as part of his passionate belief in the power of global capital markets to do good in the world when harnessed correctly through innovative public policy and cross-sector collaboration.

**Peter D. Joseph**  
Executive Director



300 New Jersey Ave NW, Suite 1075  
Washington, DC 20001

Email: [info@iiusa.org](mailto:info@iiusa.org)  
Tel: (202) 795-9669  
Web: [www.iiusa.org](http://www.iiusa.org)



## *Law Offices of Robert Abedi*



Back in 1999, after 10 years of legal experience, Robert set up his own immigration law firm with the idea of providing result driven and family-like practice to my clients. Over the years, these ideas have become my promise. One that comes from me, my staff, to you and to your family. Robert was primarily focused on the immigration nightmares, and he created five strategic pillars to guide clients as they began to turn their immigration experience around. The first pillar was securing the financial stability to provide consistent quality across the board by offering the refund of legal fees for EB-5 applicants if a denial was based on attorney error. Second was communicating quickly and directly with each client. Third was creating a fully electronic technology as it comes to give clients immediate and real time access to their cases. Fourth was taking advantage of technology to improve and implement an electronic real time file access system for each client. The fifth and most important pillar has been a central focus of Robert's work throughout his career: making a difference by addressing our clients most prominent immigration needs.

Welcome to my law firm, your successful, result driven and family style Immigration Law Firm, where our clients are our family.

### **About Robert Abedi, JD, ESQ:**

San Francisco Silicon Valley Office:  
425 Market Street, Suite 2200, San Francisco, CA 94105

Email: [abedi@lawabedi.com](mailto:abedi@lawabedi.com)  
Tel: (415)-398-4504  
Web: [www.lawabedi.com](http://www.lawabedi.com)



## *Litwin & Smith, A Law Corporation*



Mr. Donald E. Smith is a U.S. licensed attorney with an impeccable record in successful investment based immigration filings. He advises clients on immigration law, alternative strategies, and actions to achieve their immigration goals for EB-5, E, and L visas to the less common EB1 Extraordinary Ability and National Interest visas. Mr. Smith enjoys a long history and commitment to serving investors and entrepreneurs with an uncommon expertise and personal attention to offer a complement of services to clients and their families.

Mr. Smith's past and present professional affiliations, activities, and accomplishments include: American Immigration Lawyers Association, American Bar Association, and the Florida Bar Association. His publications and presentations include: Professional Visas (H-1B) and Intracompany Transferee Visas (L-1), The E Visa, EB-5 Investment vs. L-1 Intracompany Transfer, and an EB-5 investment Conference and Presentations in Vietnam.

Mr. Smith is an internationally recognized speaker before trade groups, associations, investment and professional groups on a variety of immigration topics. He provides consultancy to Attorney's with difficult Investment RFEs, NOIDs, and Appeals.

**Donald E. Smith, J.D.**  
Managing Shareholder



5201 Great America Parkway,  
Suite 320, Santa Clara, CA 95054

Tel: (408) 998-1159  
Web: [www.litwinlaw.com](http://www.litwinlaw.com)

## *LCP Group Live in America*



Adam Greene, an experienced finance expert of over 20 years, heads Live In America, a subsidiary of The LCP Group, which owns 23 Regional Centers covering all or a portion of 38 States and US Territories.

Mr. Greene is President of Live in America, which owns 23 EB-5 regional centres, and has sponsored more than a dozen projects. Prior to LIA, Mr. Greene established the hospitality financing program at Textron Financial in 2005, which provided over \$250 million in senior debt for hospitality development projects in the US, Canada and Mexico. Before Textron Financial, Mr. Greene focused on project financing for infrastructure, sports and petrochemical projects for six years with JP Morgan Chase in New York and London, and for WestLB in New York.

He completed advisory and banking assignments worth over \$3 billion, including construction loans for AT&T Park, the American Airlines Centre, and Wembley Stadium. Mr. Greene was Chief Financial Officer for a hedge fund investment manager, and started his career as an auditor for Arthur Andersen. Mr. Greene has a BA from Cornell University and an MBA from New York University.

**Adam Greene**  
President

711 Westchester Avenue, Suite 203  
White Plains, NY 10604

Tel: (914) 289-0059  
Web: [www.lcpgroup.com](http://www.lcpgroup.com)



## Manhattan Regional Center



**Winnie Ng, Esq**  
Chief Executive Officer

Winnie Ng, Esq. currently serves as as the Chief Executive Officer of the Manhattan Regional Center (MRC) and the Chief Counsel of MRC's associated projects. Attorney Ng directs the affairs of MRC and works closely with securities and immigration counsels to ensure that MRC and its associated projects are in compliance with EB-5 and securities laws and regulations.

Prior to joining MRC, Attorney Ng has provided legal services to hundreds of EB-5 investors in the past, assisting them with their I-526 petitions, consular processing, adjustment of status applications, and/or I-829 removal of condition petitions. She has also counseled many regional centers and project developers in structuring their regional centers and projects for EB-5 compliance.

Fluent in English, Cantonese, and Mandarin, Attorney Ng frequently speaks at EB-5 conferences and seminars, and conducts EB-5 trainings in the United States and overseas. She has also authored articles on EB-5 and EB-5 related topics. She is an avid advocate for increased transparency and integrity measures to counter fraud and abuse in the EB-5 industry.

Attorney Ng is a member of the State Bar of California, American Bar Association, Orange County Bar Association, American Immigration Lawyers Association, and the J. Reuben Clark Law Society.



New York Office:  
158-13 72nd Ave, Suite 2D,  
Fresh Meadows, NY 11365

California Office: 4685  
MacArthur Court, Suite 330,  
Newport Beach, CA 92660

Tel: +1.212.209.3395  
Email: [info@ny-eb5.com](mailto:info@ny-eb5.com)  
Web: [www.ny-eb5.com](http://www.ny-eb5.com)

## *Mona Shah & Associates*



**Mona Shah**  
Attorney

UK born, Mona, a dual licensed attorney, practiced as a Government Prosecutor with the British Crown Prosecution Service, before moving to New York. Highly proficient and recognized as an industry leader in EB-5 law, Mona was voted top 25 EB-5 attorneys in the US three years in a row. Mona is an adjunct professor at Baruch College, City University of New York, where she teaches EB-5. Mona is a member of the Leadership and Public Policy Committees for IIUSA.

Mona has extensive knowledge of all facets of U.S. immigration law; her practical expertise ranges from specialist business petitions to complicated, multi-issue federal deportation litigation. Mona has handled complex immigration law appeals before the United States Circuit Courts of Appeal for the Second, Third, Fifth, and Eleventh circuits.

Mona authored numerous articles and is the author of a published book for investors; she regularly speaks at seminars worldwide, has been interviewed by mainstream news channels, including Al Jazeera and Fox Business News.

She has been quoted in major newspapers, including New York Times and hosts her own podcast series. Mona has received many accolades for her work. Mona was admitted as a Solicitor of the Supreme Court of England & Wales in 1993, and to the New York Bar and the United States Federal Bar in 1997.

232 Madison Ave, Suite 1001,  
New York, NY 10016

Email: [info@mshahlaw.com](mailto:info@mshahlaw.com)  
Tel: (212) 233-7473  
Web: [www.mshahlaw.com](http://www.mshahlaw.com)



**MONA SHAH & ASSOCIATES**  
ATTORNEYS AT LAW

## *Mona Shah & Associates*



As an advanced EB-5 practitioner, with a litigation background, Rebecca works with project developers as well as individual entrepreneurs. She is responsible for analyzing, crafting and preparing project documents for RC designation and direct EB-5 project petitions, as well as I-829 petitions. Rebecca trouble shoots for other attorneys and is well versed in USCIS compliance.

Rebecca is highly proficient at investor petitions, counseling clients through all stages of the EB-5 program. She has successfully filed complex source of funds issues from clients worldwide. Rebecca is an expert in consular affairs and adjustment of status cases, handling issues such as consular waivers, problematic "Age Out" issues, and non-immigrant and immigrant visa applications.

Rebecca also has extensive EB-5 marketing experience, authoring numerous published articles, appearing and producing podcasts and other media streams, and traveling internationally for global conferences

**Rebecca S. Singh, Esq.**  
Mona Shah & Associates Global



**MONA SHAH & ASSOCIATES**  
— ATTORNEYS AT LAW —

232 Madison Ave, Suite 1001,  
New York, NY 10016

Email: [info@mshahlaw.com](mailto:info@mshahlaw.com)  
Tel: (212) 233-7473  
Web: [www.mshahlaw.com](http://www.mshahlaw.com)

## *Mona Shah & Associates*



**Omar Hakim, Esq.**  
Mona Shah & Associates Global

Omar currently handles all corporate and securities matter for issuers and developers seeking financing under the EB-5 program for Mona Shah and Associates. He offers clients years of experience in securities law and corporate law, including SEC compliance, corporate finance, and mergers and acquisitions. Omar is also able to draw on his experiences at major federal regulatory agencies and bodies, which includes work at the SEC, the United States House of Representatives Committee on Financial Services, and the CFTC.

Omar has successfully filed numerous entrepreneur, direct-pooled, and regional center project and offering documents. Omar is experienced in EB-5 compliance, advising on policy and integrity measures, as well as handling the firm's client regional centers I-924 annual filings.

With a wealth of knowledge in EB-5 and securities, Omar has spoken and presented at numerous conferences, and has published several articles. He is also a member of the President's Advisory Council for Invest In the USA (IIUSA) and a member of the American Immigration Lawyers Association (AILA).

Omar earned his J.D. at the University of Virginia where he was a member of the Tax Review, and his Master of Laws in Securities and Financial Regulation at the Georgetown University Law Center. He earned his B.A. in Economics at Georgetown University with minors in Computer Science and Arabic, and has passed the Chartered Financial Analyst Level I exam.

232 Madison Ave, Suite 1001,  
New York, NY 10016

Email: [info@mshahlaw.com](mailto:info@mshahlaw.com)  
Tel: (212) 233-7473  
Web: [www.mshahlaw.com](http://www.mshahlaw.com)



**MONA SHAH & ASSOCIATES**  
ATTORNEYS AT LAW

## *Mona Shah & Associates*



Having worked for over two years at Mona Shah & Associates, Sami Haidar has gained extensive experience with the entire EB-5 process. He is currently conducting research on EB-5 and its potential, with Professors Jeanne Calderon and Gary Friedland, two esteemed experts in the field. Sami is a graduate of the Leonard N. Stern School of Business at New York University, with a Bachelor of Science in Business and Political Economy, with a Minor in History with Honors.

### **Sami Haidar**

Mona Shah & Associates Global



**MONA SHAH & ASSOCIATES**  
ATTORNEYS AT LAW

232 Madison Ave, Suite 1001,  
New York, NY 10016

Email: [info@mshahlaw.com](mailto:info@mshahlaw.com)  
Tel: (212) 233-7473  
Web: [www.mshahlaw.com](http://www.mshahlaw.com)



## *Mona Shah & Associates*



Brian has experience in investor and corporate immigration law and assists MSA with various immigration and non-immigration matters such as EB-5, E-2, O-1, L, H and G (Diplomatic) visas, EB-1, PERM, securities law and corporate law matters. His experience includes advising high-net worth individuals and multinational corporate companies such as large financial institutions, fashion designers, advertising agencies, pharmaceutical companies, transportation companies, and law firms on immigration and corporate matters.

### **Brian Idehen, Esq.**

Mona Shah & Associates Global

232 Madison Ave, Suite 1001,  
New York, NY 10016

Email: [info@mshahlaw.com](mailto:info@mshahlaw.com)  
Tel: (212) 233-7473  
Web: [www.mshahlaw.com](http://www.mshahlaw.com)



**MONA SHAH & ASSOCIATES**  
ATTORNEYS AT LAW

# *Nuride*



Nadim Ahmed Khan is the Executive Chairman of NuRide Transportation Group. NuRide is the largest asset-based transportation company in New York City and an industry innovator, having successfully developed EB-5 and E-2 project models. NuRide has succeeded in bringing the ground transportation industry into the 21st century through advanced structural and technological innovation.

**Nadim Ahmed Khan**  
Executive Chairman

## Nuride



Jawad Ansari currently serves as the Chief Financial Adviser for NuRide Transportation Group LLC. Prior to NuRide, Mr. Ansari headed the Real Estate Strategy and Analytics division at Sears Canada in Toronto, Canada. He was responsible for Sears Canada's retail, office, and industrial assets in excess of \$3BN. Over the years at Sears Canada, Mr. Ansari played a key role in right sizing the company through retail space optimization and maximizing return on assets that helped Sears Canada increase its market capitalization by \$0.5BN.

Mr. Ansari has held leadership roles in Finance & Strategy for Canada's leading companies. He also served as a consultant for the Chinese Government in Foreign Direct Capital Investments for their Economic Development Zones. At NuRide, Mr. Ansari brings a wealth of experience and expertise in cash flow management, financial planning & reporting, and sustainable growth initiatives. He holds a Bachelor in Business Administration from Western University in Ontario, Canada and a Master in Business Administration in Finance and Strategic Management from Purdue University in the United States.

**Jawad Ansari**  
Chief Financial Adviser

6 N Main Street,  
Essex, CT 06426  
Contact: Exec. Chairman Nadim Ahmed Khan  
Email: [Nadim@nuridetransportation.com](mailto:Nadim@nuridetransportation.com) | Tel: (917) 434-6412  
Web: [www.nuride.com](http://www.nuride.com)

**NuRIDE**  
TRANSPORTATION GROUP, LLC

## *Prashant Ajmera & Associates*



Prashant Ajmera is a reputed Indian lawyer and Canadian citizen with more than twenty-five years of experience in the field of corporate and migration law and international trade. His law practice is based on the solid foundation of providing honest and accurate legal advice to his diversified clientele who wish to obtain Residency and Citizenship through Investment.

Mr. Ajmera holds undergraduate and post graduate degrees in science and law respectively from India. He began his career as a lawyer at the High Court of Gujarat and was associated with the office of Additional Central Government Standing Counsel (Federal Attorney's office) for five years.

**Prashant Ajmera**  
Attorney

Law office of  
**Prashant  
Ajmera &  
Associates**  
Your Partner in Global Expansion

Law office: +91 9974253030

E-mail: [info@ajmeralaw.com](mailto:info@ajmeralaw.com)

Web: [www.ajmeralaw.com](http://www.ajmeralaw.com)

## Signature Bank



Robert Slopovsky serves as Group Director and Senior Vice President at Signature Bank (NASDAQ:SBNY), a New York-based full-service commercial bank.

Mr. Slopovsky brings more than 30 years of financial experience to his position and is a leader in financing, escrow services and strategic analysis for businesses, municipalities and government agencies qualifying under the U.S. Citizenship and Immigration Services' EB-5 Immigrant Investor Program.

Before joining Signature Bank in 2009, Mr. Slopovsky was a Vice President at HSBC managing a large commercial portfolio of clients including real estate developers, securities firms and government organizations. Bob was also the registered lobbyist for HSBC's New York City operations.

### **Robert Slopovsky**

Group Director and Senior  
Vice President

200 Park Avenue South  
New York, NY 10003

Tel: (646) 822-1500  
Web: [www.signatureny.com](http://www.signatureny.com)



## Torres Law P.A.



Osvaldo F. Torres, Esq. is a 1987 graduate of the University of Pennsylvania Law School. For the entirety of his professional career Mr. Torres has focused on assisting clients negotiate and effect complex corporate transactions, including securities offerings (both public and private), mergers and acquisitions and other sophisticated deals.

For the past six years, Mr. Torres has been immersed in EB-5 work, where his rich experience in complex legal matters has allowed him to successfully represent regional centers and projects with their corporate structuring and securities offerings matters. Mr. Torres has worked on numerous EB-5 offerings, including those involving hotel development, multi-family residential construction, senior independent living complexes, healthcare and medical device companies, restaurants and franchises. Mr. Torres frequently speaks at EB-5 conferences on securities issues and other aspects of the EB-5 practice and is a member of the EB-5 SEC Roundtable. He also serves on IIUSA's President's Advisory Council and its Compliance, Public Policy and Editorial Committees, the Steering Committee for the EB-5 Investment Coalition, is rated AV® Preeminent by Martindale-Hubbell and ranked a Top 15 EB-5 Securities Attorney by EB-5 Investors Magazine. In addition, Torres Law has been selected as a Medallion Partner by NES Financial.

**Osvaldo F. Torres, Esq.**  
Managing Partner



4550 Kearny Villa Road  
Suite 210, San Diego, CA 92123

Email: [moby@torreslawfirm.com](mailto:moby@torreslawfirm.com)  
Tel: (619) 425-0999  
Web: [www.torreslawfirm.com](http://www.torreslawfirm.com)

## *U.S. Immigration Fund LLC*



With the company since inception, Mr. Nicholas A. Mastroianni III is the President overseeing all U.S. Immigration Fund companies. Mr. Mastroianni uses his knowledge gained from studying abroad obtaining his Bachelors Degrees in Business Management, Marketing and Finance to ensure that all aspects of the EB-5 Program are completed. Mastroianni III applied his post secondary education to a career in domestic sales, multi-regional construction/development and now the expansion of the United States EB-5 Program.

Mastroianni III manages a number of Regional Vice Presidents, who reside in the U.S., Asia and the company's other foreign markets. Setting the long term goals and overseeing the achievement of critical milestones for the U.S. Immigration Fund, he has helped build a corporate reputation for being a stellar resource of information on the EB-5 Program. He and his father, Nicholas Mastroianni II, work in partnership to facilitate new projects and opportunities in a global marketplace. Mastroianni III maintains strong economic and business relationships around the world in order to create employment opportunities for workers in the United States.

**Nicholas Mastroianni III**  
President

115 Front Street, Suite 300  
Jupiter, FL 33477

Email: [info@USIFund.com](mailto:info@USIFund.com)  
Tel: (561) 799-1883  
Web: [www.visaeb-5.com](http://www.visaeb-5.com)



**U.S. IMMIGRATION FUND**

## *U.S. Immigration Fund LLC*



As the founder of the US Immigration Fund, LLC, Mr. Nicholas A. Mastroianni, II performs the necessary leadership to assure that the Regional Centers of USIF successfully perform their objectives. With decades of business experience and acumen, Mr. Mastroianni leads the development and attraction of quality projects into the USIF Regional Centers portfolio.

As the Chairman and CEO of USIF, Mr. Nicholas A. Mastroianni, II negotiates the contracts and leads design for EB-5-funded projects, both residential and commercial. Mr. Mastroianni works closely with his staff around the globe to assure that Regional Center projects are well managed, create the proper number of jobs and ensure that immigrant investors receive their permanent green cards within the required timeframe.

Mr. Mastroianni has been recognized for his commitment to excellence in construction by the Association of Builders and Contractors (ABC) and was awarded the prestigious Excellence in Construction Award in 1998. Mr. Mastroianni served as Executive Vice President of the Rhode Island Chapter of the ABC and has been a member of the Association of General Contractors.

**Nicholas Mastroianni II**  
Chairman & CEO



**U.S. IMMIGRATION FUND**

115 Front Street, Suite 300  
Jupiter, FL 33477

Email: [info@USIFund.com](mailto:info@USIFund.com)  
Tel: (561) 799-1883  
Web: [www.visaeb-5.com](http://www.visaeb-5.com)



## *Wilde and Associates, LLC*



Jinhee has been chosen as one of the top EB lawyers in the U.S. by EB Investors Magazine (voted for by thousands of attorneys, immigration brokers/agents, project developers and EB investors), candidates being chosen on reputation, track record and experience. This recognition is richly deserved, as the key aspect of her work, which is repeatedly mentioned by clients and colleagues, is her exceptional customer service. With hundreds of clients overseas she makes sure that phone calls and emails are replied to personally within hours – tackling issues fast instead of within days or even weeks. It is the personal care, thorough grasp of detail and speed of delivery that make Jinhee exceptional. Jinhee’s attention to detail and her 29 years of diverse legal experience have resulted in a 100 percent approval track record on her EB cases.

**Jinhee Wilde. Esq.,**  
Principal & Managing Attorney

97 Rockville Pile, Suite  
Rockville, MD 2085

P: (301) 881 8422  
E: [jwilde@wildelawusa.com](mailto:jwilde@wildelawusa.com)  
[www.wildelawusa.com](http://www.wildelawusa.com)



# Excellence in Contract Publishing

BLS Media is an innovative, progressive and creative media company with traditional attention to detail, led by experienced professionals.

**The EB-5 Gateway** covers many different topics related to trade and investment in the US. This unique publication presents information regarding the EB-5 program that caters to a Middle-Eastern, North-African and Persian Gulf readership, giving advertisers an opportunity to reach this largely untouched market.

**CBI** is an ultimate guide for Arab HNWI's looking to invest for residency/citizenship purposes. With an editorial focus on finance and investment, real estate, issues that face HNWI's relocating, legislation around citizenship/residency and dedicated country spotlights among much more, CBI magazine has become the ultimate guide for Global Citizens looking to invest for citizenship purposes.



## BLS Media

Unit 5, Hiltongrove N1  
14 Southgate Rd  
London N1 3LY

[www.blsmmedia.co.uk](http://www.blsmmedia.co.uk)

**T** +44 (0) 20 7241 1589  
**F** +44 (0) 871 314 0213  
**E** [info@blsmmedia.co.uk](mailto:info@blsmmedia.co.uk)

**BLS**  
media



# I.A. DONOSO **GOT ME HERE.**

*Welcome to New York City, Raj.*



## **Newcomers Welcome.**

As a leading business immigration law firm, I.A. Donoso & Associates is dedicated to helping foreign businesses and investors navigate the U.S. visa process successfully. Through rigorous analysis and effective creative solutions, we strive to provide every client with a thoroughly rewarding experience.

**Take it all in... you have most certainly arrived.**

**WORK VISAS**

**PERM LABOR CERTIFICATIONS**

**INVESTOR GREEN CARDS**

301.276.0653 EB5@DONOSOLAW.COM DONOSOLAW.COM

**I.A. DONOSO  
& ASSOCIATES, LLC**





# Invest in Your Family's Future with Our EB-5 Investment Opportunities



## U.S. IMMIGRATION FUND EB-5 REGIONAL CENTER OPERATORS

### EB-5 VISA BENEFITS

- One of the Fastest Ways to Immigrate to the U.S.
- No Waiting Lists<sup>1</sup>
- Investor and Their Immediate Family Members All Eligible For Green Cards
- Flexibility to Live & Work Anywhere in the U.S.
- Lower Tuition Rates and Higher Acceptance Rates to College<sup>2</sup>
- No Sponsorship Needed from Employer or Family Member

.....  
**1.855.EB5.USIF | USIFGATEWAY.COM**  
.....

All information contained in this brochure is confidential and privileged and shall not constitute an offer to sell or a solicitation of an offer to buy any interest in any security or any security derivative products of any kind, or any type of trading or investment advice, recommendation or strategy. No offer to sell or solicitation of an offer to buy an interest in any security [or other such product] may be made to a prospective subscriber (i) until a copy of the applicable subscription materials have been provided to and reviewed by such prospective purchaser, which must be completed and returned in accordance with the terms thereof, (ii) unless made exclusively outside the United States to a prospective subscriber who is a non-U.S. citizen or non-U.S. permanent resident in accordance with Regulation S of the Securities Act of 1933, as amended; and (iii) in any jurisdiction in which such offer or solicitation is unlawful. Any representations to the contrary are unlawful. US Immigration Fund, LLC and its related companies are not affiliated with, nor agencies of, the United States Government. <sup>1</sup>Certain countries do have a waiting list for an EB-5 Visa. <sup>2</sup>Residency within university's state required for in-state tuition. © 2017 US Immigration Fund. All rights reserved.