

THIRD EDITION

THE
Investor's Path
to a Green Card

HOW INVESTING IN AMERICA CAN PUT YOU AND
YOUR FAMILY ON THE PATH TO GREATER WEALTH
AND U.S. PERMANENT RESIDENCY.

Vaughan de Kirby
with Kenton de Kirby



Vaughan de Kirby is a 1981 Cum Laude graduate of Thomas Jefferson School of Law and is admitted to practice in the states of California, Texas, Maryland, the District of Columbia and before the United States Supreme Court. Vaughan is an attorney, writer, educator and speaker whose goal is to empower his readers and clients with the information they need to make the best legal decisions for themselves and their families. Vaughan has served as an adjunct professor of law and is the author of numerous best-selling books and consumer guides. Vaughan and his wife Christine have been married 37 years and are the parents of three children.

The Law Offices of Vaughan de Kirby, APC received the Golden Crown award from the *World Journal* newspaper based on a vote of its readers. The readers of *Sing Tao Daily* have rated the Law Offices of Vaughan de Kirby as number one in client service.

Kenton de Kirby received his B.A. in Linguistics from UC Berkley. Kenton is a writer, teacher, and tutor. He lives in Oakland, California with his wife Amelia.



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“The Investor’s Path to a Green Card presents its important subject with precision and clarity. This is a wonderful guide for anyone wishing to become a permanent resident of the United States through investment. If investment immigration is in your future, you must read this book.”

–Alexis Neely – founder of the Family Wealth Planning Institute, nationally recognized speaker and author of the bestselling book, *Wear Clean Underwear: A Fast, Fun, Friendly - and Essential - Guide to Legal Planning for Busy Parents.*

“Vaughan de Kirby has written a truly great book that will help so many people become part of the success story that is the United States. This book is required reading for anyone who wants to make a profitable investment in the United States and at the same time achieve permanent residency for themselves and their family. Vaughan has presented a intricate area of the law with a kind of clarity that will empower his readers worldwide.”

–Sandra Rohrstaff, Esq.
President–Elect Virginia Trial Lawyers Association
www.WRSAttorneys.com

“The Investor’s Path to a Green Card is the first true guide for potential investors seeking a Green Card. This book is informative, accessible and comprehensive in its treatment of what can be a confusing subject. If investment immigration is your desire, this is your book.”

–Bob Battle, Esq.
Virginia Attorney

“Vaughan de Kirby uncovers one of the best kept secrets in immigration law and explains it simply and passionately. Don’t confuse the EB-5 Regional Center Program with the original, congressionally mandated legislation. To do so is to lose the opportunity of a lifetime. If you are serious about wanting you and your family to enjoy the benefits of living and working in America, and you have \$500,000 to invest, Vaughan’s book is your ticket to the USA.”

–Charlie Hofheimer, Esq.
Author and Family Law Attorney

*“Vaughn has written an excellent book to educate the foreign entrepreneur on how they can make their American business dream a reality. Vaughan has written a go-to-guide on an under-appreciated area of immigration law. If you have any interest in this fantastic program, **The Investor’s Path to a Green Card** just might change your life.”*

–Nancy Cavey, Esq.
Nationally Recognized Social Security Disability
and ERISA Lawyer

“Finally, a book on immigration law—or any area of law for that matter—written for non-lawyers. There are many capable attorneys out there, but few understand the EB-5 program as well as Vaughan—and fewer still have the ability to communicate complex legal issues in simple language. I learned a lot from reading this book, and I’m sure you will too.”

–Chuck Boyk – Ohio personal injury attorney, co-author of
The Ohio Accident Book and *The Ohio Work Injury Book*.

“This is a book that takes a highly specialized area of immigration law and explains it in a simple format rather than using jargon. Most legal books are written for lawyers and filled with obscure legal language. We were thoroughly impressed by the depth of the information and the easy-to-understand format of this otherwise challenging legal area. With the advantages and disadvantages of each visa program clearly outlined and the fantastic ‘Question & Answer’ sections, this book is a necessity for anyone who is even considering seeking a Green Card through investment.”

–Alexis Sapphire Breyer, Esq. and Mark Breyer, Esq.
Breyer Law Offices, P.C., Phoenix, Arizona

“Vaughan is the most knowledgeable attorney I know about the EB-5 Investor Visa program. He literally wrote the book on the subject. I have been critical of many of the “lawyer” books I have come across: not much substance, not well written, way too much sales hype. Vaughan’s book is just the opposite. It is full of substance and a pleasure to read.”

–John Bisnar, Esq.
www.bestattorney.com

*“As a lawyer, I am keenly aware that investor immigration is a unique and often complex area of immigration law. Vaughan has done a tremendous job of presenting this information with clarity and critical insight. There is no other book that offers so much vital information to the immigrant investor. **The Investor’s Path to a Green Card** is an indispensable guide for any foreign investor looking for United States permanent residency.”*

–Michael Sherman, Attorney at Law
www.AlabamaFamilyLawBlog.com

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How investing in America can put you and
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I N T R O D U C T I O N

Why I Wrote this Book

My name is Vaughan de Kirby, and I have been practicing law for over 26 years. As an immigration attorney, I know of no better, more secure path to permanent U.S. residency than the EB-5 investor visa program.

The United States Congress created the EB-5 investor visa nearly 20 years ago. In its essence, the EB-5 program is simple: it gives immigration benefits to foreign investors who make a significant investment in the U.S. economy.

I wrote this book because I feel passionately about the EB-5 program. Unlike so much of U.S. immigration policy and immigration law, which is fraught with absurd catch-22's and bureaucratic black holes, the EB-5 visa program actually makes sense in a profound way. And it works!

The EB-5 program creates wealth and opportunity for both foreign investors and American citizens. It provides foreign investors with an opportunity for a return on their investments;

it gives the investors and their families full immigration benefits, including access the U.S. educational system; and it helps revitalize regional economies in the United States. The benefits of EB-5 investments to the U.S. economy are not abstract; they create real jobs for real people, in areas that are most in need of economic support. And it changes the lives of the investors and their families, who can enjoy the many benefits of living and working in the United States.

I also believe that the EB-5 program is an opportunity to deepen the partnership between China and the United States. Our world is changing rapidly, and the pace of change seems only to be quickening. An increasingly global economy means profound interconnectedness and interdependence between all countries. We benefit from each others' successes and we suffer each other's hardships. The more we take this to heart—the more we change our laws and economic policies to reflect this interconnectedness—the better our chances of creating a world of prosperity and opportunity. Capitalism is about competition, certainly. But the success of worldwide global economy is equally about cooperation. And nowhere is this more crucial than between two of the world's most powerful nations: China and the United States.

This book is meant to provide the potential investor with an essential guide to the EB-5 program. Of course, reading this book cannot take the place of consulting with a qualified attorney. Applying for an EB-5 visa is a complex, multi-faceted process. Working with an experienced Investment Immigration

Attorney is imperative. I cannot emphasize this enough: finding an attorney with the necessary expertise can mean the difference between obtaining visas for you and your family and having your application denied.

This book is divided into three parts. Part I is an overview of the EB-5 program. The first chapter compares the EB-5 visa to many of the other available paths to a Green Card. The second chapter provides a brief history of the EB-5 visa, and discusses the potential downsides and strict requirements of the original program. The third outlines the newer EB-5 Regional Center Program and discusses the many ways in which it represents a secure and flexible path for the potential investor.

Part II provides additional information about the Regional Center Program. As you will read about, the Regional Center Program requires one to invest in what is called a “Designated Regional Center,” which the government has officially allowed to act as an investment vehicle for EB-5 applications. However, choosing the right Regional Center is no simple task because not all of them are created equal. To the contrary, some are poorly managed, poorly structured and unsafe—both in terms of an investment and as a path to immigration. In addition, different Regional Centers have different priorities, which may not always fit with those of the immigrant investor. The difficulty of deciding which Regional Center to invest in is further compounded by the fact that there are so many to choose from. The question, then, is—if the potential investor wants to choose

a Regional Center for him or herself—how is it possible to make this decision in an informed way?

That is why I've devoted Part II to an organization called USAdvisors, which consults with potential investors to help them determine what Regional Center is most likely to be the best choice for them. Above all, I felt that my interview with Michael Gibson, USAdvisor's managing director, would provide an important perspective on the process of choosing a Regional Center.

Part III takes you through the nuts and bolts of applying for an EB-5 visa. The first section lists and describes the 12 major steps of the visa application process—from finding a qualified attorney to eventually, if you wish, becoming a Naturalized American citizen. Part III also catalogues the different types of documentation that you will be required to provide when submitting your application. Finally is an afterward.

I have been continually impressed by the insight and clarity that my clients have brought to our conversations, and I wanted this book to answer their most common questions in as clear and direct a way possible. That's why, at the end of two of the book's key chapters on the EB-5 program, I have included a section of questions and answers (Q&As). The Q&A sections gave me an opportunity to emphasize certain key points that I thought deserved special attention. However, most of the Q&As simply reiterate information that was also covered in the corresponding chapters, which gives you—the

reader—the option of skipping over these chapter entirely and going right to the questions and answers. If you already have specific questions, or if you feel that the Q&A format is the best way for you to start learning about the EB-5 program, then you should feel free to go directly to those sections.

I have devoted my career to helping people achieve the life that they long for, and I have written this book because I firmly believe that the EB-5 Investor Visa is the best instrument to bring many people's hopes to fruition. My own hope is that reading this book is the first step on a path to greater wealth and opportunity for you and your family. If you would like to gain a Permanent Resident Green Card; if you would like your family to have access to the U.S. educational system, and to be able enjoy all the opportunities that come with living and working in America; if you would like invest your capital in for-profit business ventures with the potential for a significant return; if you would like to help create jobs and revitalize local economies in the United States—then I urge you to keep reading.

I wish you and your family a bright future in the United States.

Vdek

May 14, 2012

PART I

The EB-5 Investor Visa



CHAPTER 1

Is the EB-5 Visa Right for Me?

A COMPARISON BETWEEN EB-5 AND OTHER ROADS TO A GREEN CARD

“Is the EB-5 program the best way for me to pursue a Green Card?” “Does it fit the needs of my family?” “Will it be the best avenue to allow my child to study and live in the United States?” “Do I qualify for an EB-5 visa?”

These are the most important questions you can ask yourself, and this chapter is meant to help you answer them. When we look at a map to find a path to our intended destination, we look at various possible routes. We look for the one that will get us to our destination the fastest, and with as little difficulty and uncertainty as possible. In this chapter, we will examine the map together. The terrain of immigration law in the United States can be complex and confusing, even for those of us who deal with it on a daily basis. I will try to offer you some clarity by comparing and contrasting the EB-5 program with the other possible paths that you might take to a Green Card, hopefully

helping you to determine which route is best for where you and your family are now.

To help make matters as straightforward as possible, I have included a brief summary at the end of every section, where I review the advantages, disadvantages and bottom line of each visa type. Our discussion will by no means be exhaustive. My aim is to give you a general understanding of many of the existing means of obtaining a Green Card, but there are other avenues—notably through marriage and family—that we will not discuss.

As you have heard me say before—and will certainly hear me say again before the end of this book—if you wish to obtain a Green Card, I strongly recommend that you find a qualified immigration attorney. No book could ever be an adequate substitute for a one-on-one consultation with an attorney who understands your needs and desires, as well as the law.

THE F-1 STUDENT VISA

I decided to include the F-1 Student Visa in our discussion even though it does not offer a path to a Green Card. I've included it because my firm has had many clients whose primary goal was to send their child to study in the United States, and this may be your goal as well.

The foreign student faces many obstacles to obtaining their F-1 Student Visa. To begin with, the student will face the capricious nature of the University admissions process, including

mindless decisions like the one recently made by the University of California Berkeley when it revoked the admission of 500 students from Asia because of SARS. But once the student has been admitted to a university, and has obtained an I-20 (Certificate of Eligibility), he or she can then apply with USCIS¹ (United States Citizenship and Immigration Services) to receive an F-1 Visa. To apply, the student must provide USCIS with the following:

1. Academic transcripts for all work completed outside the United States.
2. Proof of English proficiency, most commonly met by an acceptable score on the TOEFL exam.
3. A financial document verifying availability of funds (i.e., bank statement), demonstrating the student's source of financial support.
4. Letter of support from a sponsor if the student is not providing funds.

If USCIS approves the application, the student will then face an interview at the Consulate. The Consular Officer has absolute authority to grant or deny the F-1 Visa. Should the Officer arbitrarily be suspicious of any of the documentation, or suspect that the student's underlying intent is to immigrate to the United

1. USCIS stands for "United States Citizenship and Immigration Services." It is the United States' current immigration agency.

States—rather than simply going to school—the visa will be denied.

If the interview is successful, the F-1 student will be granted permission to remain in the United States, but only until the completion date noted on the I-20 Form, plus 60 days. The student must remain enrolled in school full-time and meet all other terms and conditions of the F-1 status, or the student will be required to return home immediately. The student is not authorized to be employed while in school, and should the student wish to transfer to another university, the process must restart from the beginning.

An important factor to keep in mind if your son or daughter wishes to attend a state-sponsored university is that having a Green Card provides the student with generous tuition benefits, which the F-1 visa does not. For example, in California, an international student at any University of California will pay approximately an additional \$20,000 each year. Assuming the student wishes to obtain an undergraduate degree and go on to graduate school, paying international tuition would result in an additional expense of \$120,000 at the end of six years. A student with an EB-5 visa, by contrast, would qualify for in-state tuition and save this sum.

F-1 VISA SUMMARY

Advantages: The F-1 visa is well suited for a student whose sole intention is to obtain a degree from an American university.

Disadvantages: The F-1 visa provides no path to a Green Card, which deprives the student of lower tuition rates and the right to hold a job.

Bottom line: If a Green Card is your goal, the F-1 visa will not provide you with a direct route, and you'll have to pay considerably higher tuition along the way.

THE L-1 INTRA-COMPANY TRANSFEREE VISA

Like the F-1, the L-1 visa is not designed to directly provide the visa holder with a Green Card. However, obtaining an L-1 visa can serve as the first step on a path to a Green Card, assuming all other business and application factors are successful.

The L-1 is designed to allow a company doing business in China to open or acquire an American subsidiary and transfer two key employees to operate and manage the business. These two employees, if they qualify, can obtain L-1 visas. The foreign parent company in China must own at least 51% of the U.S. subsidiary. The subsidiary can be a “start-up” in the United States, or it can be an existing American business acquired by the parent company in China. If all the basic requirements are met, two employees of the parent company in China may come to the United States to manage the subsidiary for a period of seven years. With proper planning—and if the business succeeds—the American subsidiary of the Chinese parent company can serve as the source of a Green Card for the Designated executive or manager.

The spouse and children of the L-1 employee may also reside in the United States and enjoy essentially the same benefits as the primary visa holder. The children of the L-1 employee can attend school in the United States and enjoy all the educational advantages associated with U.S. residency. The L-1 employee's spouse will receive employment authorization, allowing him or her to work for any employer in the United States.

To qualify for a visa, the L-1 employee must have worked for the parent company in a managerial or executive capacity role, or must possess a specialized knowledge or capacity to do a particular type of work necessary to the new U.S. subsidiary. An additional requirement is that the L-1 employee—or “transferee”—must have worked for the parent company in China for at least one year of the last three years prior to coming to the United States, and the employee must be coming to the United States to work for the subsidiary in a position consistent with his or her former role in the parent company.

The maximum length of the stay under the L-1 depends on whether the employee being transferred to the United States is classified as an executive/managerial role or is a possessor of special knowledge. If the applicant is an executive/managerial employee, the L-1 has a maximum duration of seven years. If the applicant is in a non-managerial/executive capacity, but possesses a specialized knowledge, the visa is limited to five years.

The length of the visa is also dependant on the type of company. The status of the L-1 employee will be approved for an initial period of three years if the U.S. subsidiary is a pre-existing company. If the U.S. subsidiary is a “start-up” company, the L-1 status is initially approved for a period of one year. At the end of one year, with the help of your attorney, you will need to demonstrate to the United States government that you have put in place the business plan which you presented as part of your application. If you fail in this regard, your L-1 will end, along with your authorized stay in the United States.

L-1 VISA SUMMARY

Advantages: If a Green Card is your goal, the L-1 is certainly a viable alternative if you are unwilling or unable to make the investment required by the EB-5 program. The L-1 is ideally suited for an executive or owner of a Chinese company who wishes to open a U.S. subsidiary and transfer a key executive/managerial employee to establish and manage the U.S. subsidiary.

Disadvantages: As I always warn L-1 clients, the visa is granted and extended based entirely on the success or potential success of the United States subsidiary. Should your business not perform as anticipated, the L-1 could be lost, along with any potential path to a Green Card.

Bottom line: If you’re not interested in having your legal residency depend on the success of your business, you should probably choose a different route.

THE EB-1 AND EB-2 “EXTRAORDINARY/ EXCEPTIONAL ABILITY” VISAS

In a desire to attract individuals of “extraordinary ability,” the United States government created the EB-1 visa category. According to USCIS, qualified applicants possess “extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. You must be one of that small percentage who have risen to the very top of the field of endeavor to be granted this classification.”² USCIS uses the example of the winner of the Nobel Prize as a person who clearly qualifies.

If you believe you fit this definition of a person of “extraordinary ability,” the EB-1 may be a viable path to a Green Card. However, you will be required to provide extensive documentation, and ultimate success is notoriously unpredictable. The reality, which USCIS acknowledges, is that only a very few will qualify under this program. In light of this high standard, USCIS allows applicants to present such evidence as the following:

1. Receipt of nationally or internationally recognized prizes or awards for excellence.
2. Membership in associations that demand outstanding achievement of their members.

2. *EB-1 Eligibility and Filing*. (n.d.). Retrieved July 7, 2008, from U.S. Citizenship and Immigration Services: <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3a4df271ab0fd010VgnVCM1000000eccd190aRCRD&vgnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>.

3. Published material about the alien in professional or major trade publications or other major media.
4. Evidence that the alien has judged the work of others, either individually or on a panel.
5. Evidence of the alien's original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field.
6. Evidence of the alien's authorship of scholarly articles in professional or major trade publications or other major media.
7. Evidence that the alien's work has been displayed at artistic exhibitions or showcases.
8. Performance of a leading or critical role in distinguished organizations.
9. Evidence that the alien commands a high salary or other significantly high remuneration in relation to others in the field.
10. Evidence of commercial successes in the performing arts.

The EB-2 [or “exceptional ability” classification] is similar to the EB-1 in several respects. For one, the EB-2 is also based on talent and achievement. Qualified applicants are “members

of the professions holding advanced degrees or their equivalent and aliens who because of their exceptional ability in the sciences, arts, or business will substantially benefit the national economy, cultural, or educational interests or welfare of the United States.”³

A second similarity between the EB-1 and EB-2 is that both visa programs require extensive documentation. To qualify for an EB-2 visa, the immigrant must provide at least three of the six following forms of documentation:

1. An official academic record showing the alien has a degree, diploma, certificate or similar award from a college, university, school or other institution of learning relating to the area of exceptional ability.
2. Letters documenting at least ten years of full-time experience in the occupation being sought.
3. A license to practice the profession or certification for a particular profession or occupation.
4. Evidence that the alien has commanded a salary or other remuneration for services which demonstrates exceptional ability.
5. Membership in professional associations.

3. *EB-2 Eligibility and Filing*. (n.d.). Retrieved July 7, 2008, from U.S. Citizenship and Immigration Services: <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3460194d3e88d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>.

6. Recognition for achievements and significant contributions to the industry or field by peers, government entities, professional or business organizations.

In addition to the above, the EB-2 petitions must generally be accompanied by an approved, Labor Certification from the Department of Labor.

There are a number of other EB categories, but the amount of time that even successful applicants must wait to obtain their Green Card—which is often several years—rules these EB categories out for most individuals seeking U.S. residency. The EB-5 visa, of course, is not one of them.

EB-1 AND EB-2 VISA SUMMARY

Advantages: If you are a person of “extraordinary” or “exceptional” ability, then the EB-1 or EB-2 visa may provide you with a direct path to a Green Card.

Disadvantages: Both visas require considerable documentation and involve an unreliable and strict application process. Being a person of extraordinary ability, on the one hand, and successfully convincing USCIS of this fact, on the other, are two very different things.

Bottom line: It’s a rare person who qualifies for these visas, but if you are such a person, the EB-1 or EB-2 visa may be right for you.

E-1 “TREATY TRADER” AND E-2 “TREATY INVESTOR” VISAS

The E-1 and E-2 visas are based on a treaty with the immigrant’s home country. If you are from the People’s Republic of China, you are not eligible for either of these visas. At the date of this writing, the United States does not have the necessary treaties in place with the People’s Republic of China.

The E visas are based on treaties that are designed to promote trade and investment between the United States and the treaties’ signatories. Individuals and companies from these countries can obtain visas to live and work in the United States. There are two separate E visa types: the E-1 “Treaty Trader” Visa and the E-2 “Treaty Investor” Visa.

THE E-1 TREATY TRADER VISA

The E-1 visa is available to citizens and companies from treaty countries that engage in a significant amount of international trade with the United States. The following countries have treaties with the United States that allow qualifying nationals to apply for E-1 Treaty Trader status:

Argentina	Taiwan	France	Italy
Netherlands	Sweden	Australia	Colombia
Germany	Japan	Norway	Switzerland
Austria	Costa Rica	Greece	Korea

Oman	Thailand	Belgium	Denmark
Honduras	Latvia	Pakistan	Togo
Bolivia	Estonia	Iran	Liberia
Philippines	Turkey	Brunei	Ethiopia
Ireland	Luxembourg	Spain	U.K.
Canada	Finland	Israel	Mexico
Suriname	Yugoslavia		

The amount of trade must be high enough to justify granting a visa to the individual trader or the trader company’s employees. Trade with the United States must make up the majority (50% or more) of the company’s international trade. Although USCIS sets no minimum amount of trade required to qualify, the greater the amount of trade, the greater the justification for granting the visa.

THE E-2 TREATY INVESTOR VISA

The E-2 visa is based on investment rather than trade, and is intended for companies or individual investors who purchase and operate a business in the United States. The following countries have qualifying treaties with the United States:

Argentina	Taiwan	Georgia	Kyrgyzstan
Pakistan	Switzerland	Armenia	Colombia

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Germany	Latvia	Panama	Thailand
Australia	Congo	Grenada	Liberia
Philippines	Togo	Austria	Costa Rica
Honduras	Luxembourg	Poland	Trinidad & Tobago
Bangladesh	The Czech	Iran	Mexico
Romania	Tunisia Republic		
Belarus	Ecuador	Ireland	Morocco
Senegal	Turkey	Belgium	Egypt
Italy	Moldavia Republic	The Slovak	The Ukraine
Bosnia	Estonia	Jamaica	Mongolia
Spain	United Kingdom	Herzegovina	
Bulgaria	Ethiopia	Japan	Netherlands
Sri Lanka	Uzbekistan	Cameroon	Finland
Kazakhstan	Norway	Suriname	Yugoslavia
Canada	France	Korea	Oman
Sweden			

Please note that, at the time of this writing, treaties have been signed, but have not been ratified, with the following countries: Albania, Azerbaijan, Haiti, Jordan, Nicaragua, and Russia.

As with the E-1 visa, USCIS has not set a minimum amount of investment in order to qualify. However, as a general rule, the more substantial the investment, the more likely USCIS will feel the visa is justified. An important requirement of the E-2 visa is that the investment must be “active,” meaning that the applicant must actively operate the business in the United States. Merely buying property or company stock (a “passive” investment) would not be sufficient to qualify for a visa. For applicants, a problematic aspect of the E-2 program is that the investment must be made before the visa petition is submitted, and there is no guarantee it will be successful. Pursuing a visa through the E-2 program, in other words, entails considerable risk.

THE E-1 AND E-2 VISAS—PRACTICAL ISSUES

The E-1 and E-2 visas have some significant drawbacks. The first is that neither directly leads to a Green Card. The second is that the spouse and children of the visa holder are not permitted to work in the United States, nor are they eligible to receive the reduced college tuition of a U.S. resident. And, finally, the longevity of an E visa is entirely dependent on the success of the qualifying business. In theory, E visas allow one to stay in the United States indefinitely. Though visas are initially granted for between two and five years, they can be continually renewed. In reality, however, an E visa only lasts as long as the business on which it is based. The

original justification for the visa—the amount of trade or value of the investment—must still be present for the visa to be renewed. If the level of trade diminishes, or if the investment loses value, the visa could easily expire.

E VISA SUMMARY

Advantages: The E visa may be well suited for a trader or investor whose sole interest is to do business in the United States.

Disadvantages: The E visa is only available for individuals from a country with which the United States has the necessary treaty. The E visa, though theoretically indefinite, provides no path to a Green Card. Additionally, the E visa does not allow family members to be employed in the United States or enjoy the significant benefits of resident college tuition. And, finally, for the E-2 visa, the investment must be made before application is submitted, and with no assurance of success.

Bottom line: If a Green Card is your primary goal, an E visa is far from an ideal vehicle.

THE H-1B EMPLOYMENT VISA

The H-1B is another temporary visa category that is used by some immigrants as a first step on a path to a Green Card. At the time of this writing, the United States grants 65,000 H-1B employment based visas each year. However, this visa category receives an especially high number of applicants. Within a very short time after they have been released, all the available visas have usually been issued.

The H-1B is a visa that applies to what USCIS views as “Specialty Occupations.” The idea behind this visa is to allow an American employer to sponsor a foreign worker, who can legally immigrate to the United States to fill an employment position that requires special skills or knowledge—a job for which the employer is unable to find a qualified American citizen.

To qualify, the first condition is that the applicant possess a bachelor’s degree or higher. The second condition is that the immigrant must have been offered a job by a sponsoring employer who wishes to fill a position that, by its nature, requires a person who has a minimum of a Bachelor’s degree or higher. The third requirement is that the applicant must have the required qualifications and practical experience to fill the position. The final requirement is that employer must demonstrate that, with due diligence, he or she has been unable to recruit a qualified United States citizen to fill the position.

The H-1B Visa is initially issued for up to three years, but may be extended for a maximum of six years. As I mentioned, an H-1B can be a first step toward a Green Card, but the next step is a difficult one. The visa holder can apply for a Green Card if the employer or another company is willing to apply for a Labor Certification on the immigrant’s behalf.

Both the H-1B and a Labor Certification are based on the same principle—they are meant to allow a worker to immigrate to the United States and work for an employer who cannot find a qualified American citizen to fill the position. However, there is

big difference between the two: a Labor Certification demands a higher level of commitment on the part of the employer and the foreign worker, and it requires far more proof that the employer did everything possible to find a qualified U.S. citizen for the job, but could not. The Labor Certification process has two major stages. The first stage requires the applicant to present his or her case to the United States Department of Labor. If it is approved at this level, the applicant then petitions USCIS, which reexamines the case in its entirety.

My firm has helped many individuals with H-1B Visas and Labor Certifications on their way to a Green Card, but it is always a long and uncertain process. The number of employment visas available each year is limited—just how limited depends on the type of job they are applying for and, in many cases, on the immigrant's country of origin. It can take years, even a decade, before a Green Card is finally granted.

While the H-1B visa makes sense for certain people, I do not recommend it as a path to immigration—nor particularly as a means to obtain a Green Card—if the person has other options available.

THE H-1B VISA SUMMARY

Advantages: The H-1B visa can be an initial step toward a Green Card and allow you to temporarily work for your H-1B employer on your way to this goal.

Disadvantages: The H-1B has limited availability, is employment dependent, and has a duration of only six years. Obtaining a Green Card through an H-1B visa requires, at a minimum, a successful Labor Certification.

Bottom line: The H-1B is not a recommended path to a Green Card if another viable option exists.

THE EB-5 INVESTOR VISA

If you are prepared to invest \$500,000 in the U.S. economy, it is very likely that the EB-5 visa represents the best possible path to a Green Card for you and your family. With few exceptions, this is the only path to a Green Card that is direct and guaranteed, as long as you are able to make the necessary investment and meet certain basic requirements. And the benefits are unrestricted: the successful EB-5 applicant and his or her family are immediately able to live, work and go to school in the United States. After 21 months, the applicant can petition the government to make the Green Cards permanent. And after 5 years, the investor and the investor's family qualify for naturalization as full American citizens.

I hope after reading this chapter you have gained a better understanding of the options available to you. As we have seen, each visa type has its advantages, but most come with significant drawbacks. Many of the visas we have discussed are both temporary and conditional, and many depend on factors outside your control. A visa that allows you to immigrate to the United States; a visa that does not dictate what you do or where you

live, and cannot be revoked if your fortunes change; a visa that provides you with unconditional access to the benefits of U.S. residency—such a thing is a rare opportunity. The EB-5 visa, as we will see, is such an opportunity.

C H A P T E R 2

A Brief History of the EB-5 Visa Program

Today, the EB-5 program is a phenomenal opportunity, but it wasn't always that way. When it was first created, applying for a visa was a virtual nightmare for potential investors. I hope that learning a bit about the history of the EB-5 visa will help you appreciate what a fantastic opportunity the current program truly is.

In an effort to attract foreign investment in the economy, the United States Congress created the original EB-5 visa program in 1990, which set aside 10,000 new EB-5 visas per year. The original program required a 1 million dollar investment in a new commercial enterprise in the U.S. However, the program also allowed the amount of the investment to be reduced to \$500,000 if it was made in a “targeted employment area,” where unemployment was especially high. The former U.S. immi-

gration agency—the INS (Immigration and Naturalization Service)—was put in charge of administering the program.⁴

What made the original program so perilous and oppressive for investors were a series of conditions that had to be met in order to qualify for a visa. There were five primary requirements, each of which presented their own unique and daunting challenge. Let's examine them one-by-one.

A significant hurdle for potential investors was the “new commercial enterprise” requirement. According to the original program, it was not enough to simply invest the necessary sum of money in a business venture. To qualify for a visa, the applicant was obliged to show that the investment created an entirely new business. The investor must specifically have been present at the “inception” of the enterprise. This requirement was especially prohibitive for those intending to invest in a Limited Partnership. In a typical Limited Partnership, once the Limited Partnership has been created, the General Partner will seek additional investment from new limited partners. However, because of the “establishment” precondition, limited partners would not qualify for a visa.

The “new commercial enterprise” requirement also dramatically increased the financial risk for investors. Of course, investing

4. The INS no longer exists. After September 11th, the U.S. government underwent a significant restructuring in an effort to more efficiently combat terrorism and ensure preparedness for natural disasters. This restructuring created an entirely new department of the federal government: the U.S. Department of Homeland Security. In March of 2003, the Department of Homeland Security absorbed the former INS and split its responsibilities between two new agencies: the U.S. Immigration and Customs Enforcement (USICE) and the U.S. Citizenship and Immigration Services (USCIS). Currently, USCIS is in charge of administering the EB-5 visa program.

in a business always involves significant risk. But satisfying this requirement meant not only investing in a business, but also starting a business, and—on top of that—starting a business in an area that was most likely suffering economically. It is difficult to imagine a riskier undertaking. This requirement did little to convince potential investors that the government cared about protecting their capital. To the contrary, the “new commercial enterprise” condition seemed to suggest that the unstated intention of the program was to lure foreigners into making the kinds of risky investments that few Americans were willing to make.

A second requirement, and one of the most burdensome, was that of creating 10 new jobs. According to the original EB-5 program, the new enterprise must directly create employment positions for 10 full-time workers, who could not include the investor or members of the investor’s family. It was not enough to show that the investment had the effect of producing 10 jobs by contributing to the local economy or increasing productivity. The new commercial enterprise itself must have created 10 jobs. This, as you might imagine, represented a difficult feat for a single person’s investment.

Another oppressive condition was the “active management” requirement. To qualify for a visa, the investor was obliged to play an active role in the day-to-day management of the business. Investing one million dollars, establishing a new business, creating at least 10 jobs—these were still not enough to qualify for a visa under the original program. Applying for an EB-5 visa meant having to be a business manager as well.

This condition also meant that investors had no choice but to live where the business was located. Not only did this restrict the freedom of the applicant's family to live and work wherever they wished, but it often conflicted with one of the most important benefits of U.S. residency. For many applicants, giving their children the opportunity to go to school in the United States is an important goal of pursuing a visa. In America's university system, state residents are more likely to be admitted to the state's universities, and they pay significantly reduced tuition. So, while living in a particular state might be beneficial in terms of the children's education, it may make it difficult, even impossible, for an applicant to establish a financially viable business in a target employment area. In the end, the active management requirement simultaneously multiplied the work of the applicants in applying for a visa, and considerably limited their freedom, as well as their families' freedom, to enjoy the benefits of U.S. residency.

A fourth requirement—and possibly the most ill defined—was that the new enterprise must “benefit the U.S. economy.” You might wonder, doesn't investing one million dollars in a new business in the United States automatically constitute a benefit to the U.S. economy? Not according to the original EB-5 program, which included this requirement as a separate condition that the commercial venture must meet in order for the investor to qualify for a visa. For investors, the question then became, what does “benefit” mean, and how is it determined? Unfortunately, the law that created the EB-5 visa gave no specific definition

of “benefit,” nor did it give guidelines for how to determine whether a particular enterprise met this condition. The result was that the “benefit” requirement was almost completely subjective, leaving it entirely up to the former Immigration and Naturalization Services (INS) to decide whether a particular business enterprise satisfied this condition. The investor had no way of knowing what actions needed to be taken to help insure that the INS considered this requirement satisfied, thereby introducing an additional level of uncertainty into an already uncertain process.

The significant financial risk involved in applying for an EB-5 visa—the perilous nature of starting a new business in an economically depressed area—was one of the most significant deterrents for potential investors. But the last of the five primary requirements—the “at risk” requirement—introduced an entirely different type of risk. According to this condition, the investor could only apply for a visa after the funds had been fully invested. The investor’s capital must have been “at risk,” in other words, before the visa application could be considered. This meant that an investor’s worst nightmare might easily have come true: the business fails and the visa application is denied. Imagine it: you have done all that was necessary to create a new business in the United States—creating a business plan, investing the capital, launching the business, managing its affairs, creating 10 full-time jobs—and then the business fails. Though you have lost a great deal, you are at least consoled by the knowledge that your efforts have earned you and your family the right

to live in the United States. Imagine how heartbroken you would be to then learn that your visa application had been denied.

When you consider all of these requirements together, qualifying for a visa under the original program seems a virtually insurmountable task, not to mention an extraordinary risk. But so far we've been examining the requirements in the abstract. Satisfying these conditions and proving that they had been satisfied were two entirely different things. In the original EB-5 program, providing the INS with sufficient proof that the necessary requirements had been met was a burden that fell entirely on the shoulders of the investor. And this was no easy task. A complete list and discussion of all the documentation that the former INS demanded from the investor could be a book on its own.

In light of such burdensome requirements and such a severe application process, it is little wonder that the original program attracted nowhere near the number of investors the U.S. Congress originally had in mind. When faced with the prospect of losing their entire investment, and with nothing to show for it, many investors understandably decided to pursue a different route to U.S. residency. Since the purpose of the program was to encourage investment, one might wonder why it seems like it was expressly designed to do the reverse.

The answer has a great deal to do with the mentality that the former INS brought to the EB-5 visa. In addition to administering the program, the INS played a significant role in establishing

and defining its requirements, as well as enforcing them. It is difficult for someone who has had little exposure to the workings of the INS to grasp the peculiar mindset of the organization. In its collective mind, the world is teeming with people who would do almost anything to live and work in the United States—people who should not be trusted. The responsibility of the INS, according to this way of thinking, was to limit the flow of undeserving immigrants by making the requirements for entry as restrictive as possible.

This is not meant as a criticism of the INS. There were undoubtedly abuses of the EB-5 program that justified the INS crackdown. However, the point is that there was a fundamental mismatch between the goal of the program and the mindset of the organization that was responsible for administering it. The intent behind the program was to bring people and investment into the country. The function of the INS, from a certain perspective, was the polar opposite: to keep people out. In hindsight, it seems entirely predictable that, when faced with the task of enforcing and reforming the EB-5 visa application process, the INS would do what it had always done so well: closed loopholes, stiffened requirements and made it harder for foreigners to get a visa. The unfortunate results were that the program failed to strengthen the economy to the degree that U.S. lawmakers had hoped, and qualified investors were denied a fair, flexible path to permanent residency.

Fortunately, the story of the EB-5 visa program does not end here.

CHAPTER 3

Q&As: The Original EB-5 Program

Q: Why should I learn about the history of the EB-5 program?

Since it was initiated, the EB-5 program has changed dramatically. Applying for a visa under the original programs was a nightmarish ordeal for many investors. Fortunately, the U.S. Congress realized that changes were needed, and created a much more secure and reasonable application process. Learning about these changes, in my mind, will contribute to both your understanding and your appreciation of the current EB-5 program. In addition, you may hear horror stories from friends and associates about their experiences with the former program and this chapter will help you put these stories in a proper context.

Q: When and why was the EB-5 program created?

The EB-5 investor visa program was created in 1990 with the goal of attracting foreign investment in the United States.

Q: How did it work?

Applying for an EB-5 visa was, theoretically, a simple process: the applicant invests the required amount in the U.S. economy and the applicant is then granted full immigration benefits. However, the reality of the original program was far more complicated.

Q: How much was one required to invest?

The standard investment was set at one million dollars. However, it could be reduced to \$500,000 if the investment was made in rural area, or a “targeted employment area.”

Q: What was a “targeted employment area”?

A targeted employment area was defined as a geographical area with an unemployment rate 50% higher than the national average.

Q: What were the main requirements to qualify for an EB-5 visa under the original program?

The requirements of the original program were incredibly restrictive, and they imposed significant risks on investors. The criteria were so burdensome, in fact, that only a small fraction of the anticipated number of investors took advantage of the program. There were five principal requirements that the investor—and the investment—had to meet in order to qualify for a visa.

1. The “new commercial enterprise” requirement.
2. The “job creation” requirement.
3. The “active management” requirement.
4. The “benefit the U.S. economy” requirement.
5. The “at risk” requirement.

Q: What was the “new commercial enterprise” requirement?

It is hard to believe, but this condition actually required investors to start an entirely new business—simply investing the funds in an existing business was not enough. This requirement also specifically obliged the investor to be present at the “inception” of the new commercial enterprise. Investing in a limited partnership—which,

today, is a common way of obtaining an EB-5 visa—was therefore not an option under the first program.

Q: But isn't starting a new commercial enterprise an inordinate risk, especially in an economically depressed area?

Absolutely, and this is what turned many potential investors away from the program.

Q: What was the job creation requirement?

Of the five primary requirements, this was one of the most difficult to satisfy. The original EB-5 program mandated that the commercial enterprise create—and fill—10 new, full-time employment positions. It also specified that neither the investor nor the investor's family could count towards the 10 jobs. And creating this many jobs was, to say the least, a difficult feat for an investment of the required size.

Q: What was the "active management" requirement?

The "active management" requirement obliged the investor to play an active role in the day-to-day management of the business enterprise. This condition required that an applicant be not only an investor—and not only an entrepreneur—but a business manager as well. This also gave the investor no choice but to live where the business

was located, denying the applicant and the applicant's family the freedom to live, work and go to school wherever they chose.

Q: What was the “benefit the U.S. economy” requirement?

The law that established the EB-5 program specifically stated—as a separate requirement—that the applicant's investment must “benefit the U.S. economy.” One would think that investing one million dollars in a new business venture, and creating 10 new jobs, would automatically satisfy this condition. However, because it was included as a separate requirement, the INS interpreted the “benefit” clause as mandating an additional benefit to the economy. Exactly what kind of benefit, no one really knew—neither the INS nor the potential investors. The “benefit” requirement, in other words, was almost entirely subjective, giving the INS broad latitude to interpret it as it wished. This put investors in the precarious position of having to satisfy a requirement that they didn't fully understand.

Q: What about the “at risk” requirement?

According to this condition, the applicant's funds must be fully invested—at which point the capital is said to be “at risk”—before the visa petition can be considered. The terrifying result of this requirement was that an investor

could start a new business, which might then fail, only to have the visa application denied.

Q: What about the application process itself? How did one apply for an EB-5 visa under the original program?

Applying for a visa was a matter of proving to the INS—with sufficient documentation—that all the necessary requirements had been met. These included the requirements that we discussed here, as well as others. What made the original program so burdensome—besides the requirements themselves—was that the investor was essentially alone in proving that they had been satisfied. And this was an enormous and uncertain task, requiring reams of documentation, with no guarantee that the business that the investor had worked so hard to create would qualify under the program.

Q: Why was the original program so restrictive?

The answer is a bit complicated, but it had much to do with the mindset of the former INS. In my opinion, there was a fundamental opposition between the purpose of the EB-5 visa—to bring people and investment in to the country—and the function of the INS, which was, more often than not, to keep people out. When the INS was put in charge of administering the program, they acted exactly as one would predict. They made the already

onerous requirements even more restrictive. The result was unfortunate, not only for potential investors, but for America as well.

CHAPTER 4

The EB-5 Regional Center Program

The latest version of the EB-5 program—usually called the “Regional Center Program”—is what the first EB-5 visa should have been all along: a real incentive to invest in the United States, one that offers a secure and flexible path to a Permanent Resident Green Card for the investor and their family.

Today, the Regional Center Program is a phenomenal opportunity. In this chapter, we will see that each of the requirements of the original program were either made far more reasonable, or done away with entirely. But the difference between the two isn’t just a matter of more flexible requirements. It goes much deeper than that. The greatest difference isn’t in the requirements themselves, but in who is responsible for making sure that they are satisfied. In the original program, investors were essentially on their own in starting a new business and—during the application process—proving to the U.S. immigration agency that the investment met all the necessary criteria. And this, as you can probably imagine, was an enormous burden. The Regional

Center Program actually relieves the investor of this burden, radically reducing the work required to apply for a visa. And this difference, in my opinion, is difficult to exaggerate.

The Regional Center Program was created as an experiment—as an attempt to correct the many flaws of the original EB-5 visa. But for the new program to continue, the law required the U.S. Congress to renew it every five years. As an experiment, the Regional Center Program has clearly been a success—both for foreign investors and American citizens—and it is no surprise that Congress has repeatedly given it their stamp of approval. The Regional Center Program is currently up for renewal in September of 2012. I am confident that the temporary program will soon be reinstated, and I believe that it will soon be made a permanent addition to U.S. immigration law.

The Regional Center Program was created only three years after the first EB-5 visa was established. It didn't take long for U.S. lawmakers to catch on to the fact that far fewer investors were applying for a visa that they had anticipated. Realizing that the program's burdensome requirements and complicated application process were responsible for turning investors away, Congress experimented with a completely different vision of the visa application process in 1993. The Regional Center Program, as it became known, set aside 5,000 visas a year—half of the 10,000 total EB-5 visas available annually.

To qualify for a visa under the Regional Center Program, an applicant must invest \$500,000 in an area or business venture

that USCIS has awarded the status of “Designated Regional Center.” The necessary amount of the investment is certainly one of many advantages of the Regional Center Program. To apply for the original visa, the standard amount of the investment was set at one million dollars, unless it was made in an area that had especially high unemployment. The Regional Center Program we will discuss in this book will never require an investment greater than \$500,000.

So what exactly is a “Designated Regional Center”? The law defines a Regional Center as any economic unit, public or private, which focuses on a certain geographical area and “seeks to promote economic growth through increased export sales, improved regional productivity, creation of new jobs, and increased domestic capital investment.”⁵ Put simply, a Regional Center is an entity that USCIS has given permission to attract foreign investors under the EB-5 program. Any number of entities can be given Regional Center status, including a city government or a private company. In fact, a business development company will often collaborate with a city government in applying to USCIS, in order to establish the area as a Regional Center.

For an entity to become a Regional Center, it must submit a detailed business plan to USCIS in which it proposes new commercial enterprises and investment opportunities. It is then up to USCIS to determine whether the proposed business

5. Retrieved July 3, 2012, from the USCIS website: <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=2785a5f224a2e210VgnVCM100000082ca60aRCRD&vgnnextchannel=2785a5f224a2e210VgnVCM100000082ca60aRCRD>

ventures will contribute to the regional economy and meet all the necessary criteria for awarding EB-5 visas. If the application is approved, the business developer can form a limited partnership or corporation, and can begin attracting foreign investors.

This means that, if you invest in a Regional Center, the business enterprise that you invest in has already been approved! Once a business developer becomes a Regional Center, USCIS has already determined that the commercial enterprise meets all the major requirements! It is as if the business developer has submitted your application for you, before you have even made an investment. While applying for an EB-5 visa still requires substantial documentation from the investor—and although there are never any guarantees—this fact about the Regional Center Program dramatically reduces the amount of work, not to mention the risk, involved in obtaining a visa.

And that's not all. Remember the five major requirements of the original EB-5 visa? Let's revisit each of them, so we get a clear picture of how the Regional Center Program has made these conditions far easier to satisfy, and a more detailed understanding of how it has shifted the burden from the investor to the Regional Center.

Let's start with the "new commercial enterprise" requirement. Under the first EB-5 program, the investor was required to create an entirely new commercial enterprise. The investor must also have been present at the "inception" of the business. This condition no longer exists under the Regional Center Program.

It's enough to simply invest in an existing enterprise, as long as it was created after November 29, 1990. This, of course, is how it should have been from the start. The Regional Center Program therefore eliminates the excessive risk involved in starting a business from the ground up. And the job of planning and creating a new business enterprise no longer belongs to the investor. It's up to the regional center to create investment opportunities that will satisfy the criteria for an EB-5 visa. The investor's job is to be just that: an investor.

What about the job-creation requirement? Under the original program, the investor was obliged to prove that the new business directly created at least 10 jobs. Though it still requires that the investment create 10 jobs, the Regional Center Program changed the meaning of this requirement entirely. While the original program required that the new enterprise itself create and fill 10 new full-time employment positions—"directly" creating the jobs—the Regional Center Program requires that the investment indirectly create 10 jobs. So how is this determined? The answer: industry job-multiplier statistics using economic modeling tools. If these statistics show—as often they do—that an investment of \$500,000 would contribute to the regional economy in a way that would likely create or save at least 10 jobs, then this requirement is satisfied. The investment itself need not directly create any jobs at all. But again, satisfying this requirement is the responsibility of the Regional Center, not the investor.

Next, the "active management" requirement." Those applying for the original EB-5 visa were obliged to prove that they

were taking an active role in the day-to-day management of the business. While the Regional Center Program does technically require the investor to participate in management or policymaking, this participation is often largely symbolic, with the investor's vote as a limited partner satisfying the requirement. Many Regional Centers make investors into limited partners, which is enough to demonstrate that they are sufficiently involved in the project. The reality is that simply making the investment in an approved Regional Center is enough to satisfy this requirement. And this means that investors and their families can live anywhere they wish, regardless of what Regional Center they invest in. Investors have the freedom to live wherever is best for them and their families, giving their children better access to state universities.

What about the requirement that the investment must "benefit the U.S. economy"? While also still technically part of the Regional Center Program, this condition is no longer anything the investor need be concerned about. When a business developer is given the status of Regional Center, it is more or less assumed that investing in the pre-approved commercial enterprise would benefit the U.S. economy. When a city applies for Regional Center designation, it has to make precisely this argument. In effect, the Regional Center Program ensures that this requirement too is satisfied for you.

And, finally, the "at risk" requirement. The Regional Center Program continues to require that the investor's funds be "at risk," before his or her application can be considered. But like

the job-creation requirement, this condition can be satisfied in a way that offers more flexibility and security. The investor's capital need not be fully invested for this requirement to be satisfied—it can be held “in escrow” until the investor's application is approved. If you are not familiar with the term, escrow is a legal arrangement according to which a person's assets can be held by a trusted third party—often a bank—until the terms of an contract are satisfied, at which point the third party will transfer the assets to whomever the contract designates. In other words, the EB-5 investor signs a contract with the Regional Center, which says that, once the investor's I-526 application is approved in the United States, the funds will be transferred to the Regional Center and fully invested in the approved business enterprise. If, on the other hand, USCIS denies the application, the funds will be returned to the investor. (Though this arrangement is not available in most Regional Centers, it is technically permitted under the program.) This arrangement effectively eliminates the risk of a depreciated investment and a denied application—a significant disadvantage of the original program—and creates an excellent safeguard for investors.

I hope that, in reading this chapter, you have seen for yourself that the Regional Center Program represents a secure and potentially less less burdensome route to obtaining a visa. I believe the EB-5 visa is called an “investor visa” for a reason. Investors who apply for an EB-5 visa should be allowed to be just that: investors. EB-5 applicants should not be forced to also be business developers, entrepreneurs, and business managers.

I believe that investing \$500,000 in the U.S. economy earns you and your family the right to enjoy all the benefits of living and working in America. And this idea, it seems to me, is at the heart of the Regional Center Program.

C H A P T E R 5

Q&As: The Regional Center Program

Q: What’s the “Regional Center Program,” and why is it called that?

The Regional Center Program is a more recent alternative to the original EB-5 program. Its name comes from the requirement that applicants invest in a “Designated Regional Center.” Although temporary, it has recently been renewed for the third time and is now the most common way of obtaining an EB-5 visa. It is very likely that, within the next five to ten years, the U.S. Congress will vote to make it permanent.

Q: When was it created, and why?

The EB-5 Regional center program was established in 1993, only three years after the original program. It was created because it became immediately apparent that the

original program, because of its stringent requirements and complicated application process, was failing to attract foreign investors. The goal of the Regional Center Program was to create a more reasonable, flexible and attractive path to permanent U.S. residency.

Q: How does it work?

The applicant is required to invest \$500,000—not one million dollars—in a “Designated Regional Center.”

Q: What is a “Designated Regional Center”?

A Regional Center is an area or private company that USCIS has given permission to attract foreign investors. A Regional Center is defined as any economic unit, public or private, which focuses on a certain geographical area and “seeks to promote economic growth, improved regional productivity, creation of new jobs, and increased domestic capital investment.”

Q: Can any area or private company become a Regional Center?

Several different kinds of “economic entities” can be given Regional Center status, including a city government or a private company. A business development company will often apply to USCIS with the cooperation of a regional government.

Q: How does a business developer become a Regional Center?

The business development company must submit a proposal to USCIS, outlining investment opportunities that will contribute to the regional economy, and will also meet all the necessary requirements of the EB-5 program. If the application is approved, the business developer can form a limited partnership or corporation, and can begin attracting foreign investors.

Q: What is the biggest difference between the original and Regional Center Programs?

For one, the Regional Center Program made each of the major requirements far easier to satisfy. But as I often say to my clients, the greatest difference isn't in the requirements themselves, but in who is responsible for making sure that the investment meets them. In the original program, the investor was solely responsible for starting a business and proving to the U.S. immigration agency that the necessary requirements had been satisfied. And, if you understand the conditions that the investor had to meet under the original program, you have an idea of just how difficult this was. The Regional Center Program represents a radical departure from the original EB-5 visa because it doesn't force the investor to shoulder this burden.

Q: What are the main requirements to qualify for an EB-5 visa under the Regional Center Program?

As I mentioned, all of the major requirements of the original program were either made far easier to meet, or simply done away with.

Q: What about the “new commercial enterprise” requirement?

Gone! It is no longer necessary for an investor to start a new business venture from the ground up. It is sufficient to simply invest the necessary capital in an existing commercial enterprise, as long as it was created after November 29, 1990.

Q: And the job creation requirement?

This one—while still technically part of the Regional Center Program—has been changed dramatically. Under the original visa program, the new business itself must have created 10 new jobs. This is no longer the case. It is sufficient for the investment to indirectly create 10 jobs.

Q: How is indirect job creation measured?

Industry job multiplier statistics. It is enough to show that the investment—which is of a certain size, in a certain area, in a certain industry—would lead to increased productivity and sufficiently contribute to the regional

economy such that 10 jobs would likely be created. This means that the commercial enterprise need not directly create a single job. However, that is not to say that the investment does not contribute to the local economy. It just means that the way this contribution is measured has been made far more reasonable.

Q: Is the active management requirement also part of the Regional Center Program?

Yes, it does require some participation in policymaking or management. Officially, the Regional Center Program does not permit purely “passive investment.” But simply being a limited partner—which is the favored arrangement among Regional Centers—is enough to meet this requirement. The reality is that you don’t need to show that you play an active role in the day-to-day management of the business. The Regional Center Program therefore allows you to simply be an investor and voting limited partner, without having to be a business manager simultaneously.

Q: Is one required to live where the Regional Center is located?

Absolutely not. The Regional Center Program allows investors and their families to live wherever they choose, no matter where the Regional Center is located.

Q: The “at risk” condition greatly increased the risk of applying through the original program. Does the Regional Center Program still require that the funds be “at risk” before considering an investor’s application?

Yes, the investor’s funds must still be put “at risk.” But the Regional Center Program also permits an applicant to satisfy this requirement by putting his or her funds “in escrow.” Escrow is a legal arrangement whereby a person’s assets can be held in safekeeping by a trusted third party—typically a bank—until the terms of a contract are satisfied, at which point the third party will transfer the assets to whomever the contract specifies.

Q: How do American politicians feel about the EB-5 Regional Center Program?

Immigration policy is a contentious issue in American politics. Every program and every proposed reform is met with strong opposition from some political faction or interest group. And the truth is that a great deal of U.S. immigration policy doesn’t make a whole lot of sense—for anyone. While the original EB-5 program had its critics, and rightly so, the Regional Center Program is a notable exception on both counts. It’s extremely popular—at the moment, support is virtually unanimous in Congress—and it benefits both American citizens and foreign investors. The EB-5 program creates jobs and

revitalizes the economy in areas of greatest need, and it allows investors and their families to enjoy all the benefits of permanent U.S. residency.

PART II

Choosing a Regional Center

Share Price

INDEX SERIES

Day	Mth	YTD	Total	YTD	Gross	Div	Yield
%	%	%	retn	%	%	%	%
1.3	6.4	480.77	7.3	2.3	Oil & Gas		
1.4	6.2	435.19	7.2	2.5	Oil & Gas Producers		
1.3	6.9	602.12	7.8	2.0	Oil Equipment & Services		
1.4	7.1	631.85	7.8	1.6	Basic Materials		
6.3	295.86	7.7	2.4	Chemicals			
6.3	692.88	7.3	2.4	Forestry & Paper			
5.8	483.30	7.2	2.3	Mining			
4	592.83	7.2	2.3	Industrials			
4	480.77	7.0	2.3	Construction & Materials			
4	472.46	7.3	2.7	Aerospace & Defense			
433.66	6.0	2.2	2.4	General Industrial			
451.71	8.3	2.3	2.5	Electronic & Electrical Equipment			
107.27	8.4	2.4	2.6	Industrial Engineering			
85.00	8.2	2.3	2.6	Support Services			
17.71	13.9	3.4	2.1	Consumer Goods			
20	12.3	2.1	2.1	Automobiles & Parts			
7.2	7.2	2.0	2.0	Food Producers			
8.3	1.4	1.4	1.4	Leisure Goods			
8.8	1.2	1.2	1.2	Personal Goods			
7.5	1.9	1.9	1.9	Tobacco			
3	3.0	3.0	3.0	Health Care			
2.1	2.1	2.1	2.1	Health Care Equipment & Services			
1.7	1.7	1.7	1.7	Pharmaceuticals & Biotechnology			
2.0	2.0	2.0	2.0	Consumer Services			
2.0	2.0	2.0	2.0	Food & Drug Retailers			
1.7	1.7	1.7	1.7	General Retailers			
1.7	1.7	1.7	1.7				

No of	US \$	Day	Mth	YTD	Total	YTD	Gross
stocks	index	%	%	%	retn	%	Div
161	492.49	-1.8	-4.0	10.3	648.93	10.8	2.2
116	451.31	-1.7	-3.6	10.7	600.89	11.3	2.4
35	482.32	-1.8	-5.8	8.6	598.47	9.0	1.5
291	640.01	-1.7	-1.4	2.0	826.16	2.8	1.8
107	602.78	-1.6	-3.4	12.0	786.78	12.8	2.2
106	217.95	-1.6	-2.8	4.4	303.79	6.1	2.2
11	368.06	-1.8	-3.3	-2.0	1731.70	6.1	2.2
11	368.06	-1.1	1.5	8.0	332.98	2.8	1.6
26	179.41	0.7	10.4	323.05	3.8	1.6	
50	275.00	-1.2	2.3	10.4	820.65	11.5	2.2
72	663.40	-0.5	1.7	4.9	535.00	5.6	2.2
99	430.28	-0.8	5.7	8.2	261.57	9.3	2.2
56	217.94	-0.7	3.9	7.0	404.96	5.4	2.0
88	398.99	0.1	4.9	5.4	405.90	7.1	2.0
79	328.98	0.4	4.8	5.9	404.96	7.1	2.0
38	398.99	0.7	5.7	8.2	261.57	9.3	2.2
88	425.80	-0.8	3.9	7.0	404.96	5.4	2.0
24	172.91	-0.5	4.9	5.4	405.90	7.1	2.0
62	454.65	0.1	4.9	5.4	405.90	7.1	2.0
13	801.01	0.4	1.5	6.6	511.11	6.1	2.2
145	252.71	0.4	1.5	6.6	511.11	6.1	2.2
59	252.71	0.4	1.5	6.6	511.11	6.1	2.2

Market data

CHAPTER 6

USAdvisors—The Value of Information

The EB-5 landscape includes many strong Regional Centers, which may represent sound choices from both an immigration and an investment standpoint. That said, there are also quite a few that an immigrant investor would do well to steer clear of. Some are unlikely to produce the necessary number of jobs and present a significant risk of financial loss.

Of course, the challenge that the foreign investor faces is determining which is which, and—to put it mildly—this is no easy task. It requires not only the expertise of an investment advisor, but access to up-to-date information about existing Regional Centers and their projects. The difficulty of this decision is also compounded by its importance. For many if not most EB-5 applicants, their dreams—and often those of their families—are riding on the success of the process. So, the question is, how can one not only obtain the necessary information to make a wise decision, but distinguish between what's up-to-date and what's

out-of-date, what's most important and what's inconsequential, what's true and what's misleading?

Fortunately, the immigrant investor doesn't have to do it alone. That is where an organization called USAAdvisors comes in. In 2007, Michael Gibson made an astute observation and an accurate prediction: the EB-5 program was growing, and it would only get bigger as time went on. As he said to me in a recent conversation, soon "the amount of information would become so overwhelming that it would be hard for even an analyst to be able to understand what all the variables are."

Mr. Gibson made another key observation: what matters most for the investor is not so much the Regional Center, but the project that the EB-5 applicant actually invests in. Many Regional Centers have multiple projects in development at once, and these projects change over time. As projects are completed, new ones are developed. What this meant, Michael realized, is that—in his words—"there are good centers with bad projects and bad centers with good projects." And because projects are constantly changing, the prospective investor needs up-to-date information, which isn't easy to get a hold of, much less analyze and compare to the projects of dozens of other Regional Centers. What's more, he noticed, some Regional Centers were functioning as little more than holding companies, and were not involved in actually managing the projects in any significant way, making a focus on projects all the more important

Fortunately, Mr. Gibson had the experience to put his insights into action. He had spent years working for Citibank, doing large-scale funding for infrastructure projects in emerging markets around the world—a job description that overlapped significantly with the nature of EB-5 investment. After leaving Citibank, he threw his efforts into creating a comprehensive database that would help potential investors see the EB-5 landscape more clearly, and then make better, more informed decisions based on the most current information available. And, in keeping with original insight about the relationship between Regional Centers and their projects, Mr. Gibson determined that the database would be structured according to the actual investment projects themselves, rather than simply the Regional Centers.

Today, the EB-5 program has reached the size that Mr. Gibson predicted, which makes the service his company offers all the more valuable. A new client of USAdvisors is given access to their database, which includes all existing Regional Centers and their projects, and is continually updated. After a 30-day period required by law, the client is able to receive even more detailed information about the options available. On the basis of this information, the client typically selects three to five projects that seem most attractive based on the information the client had seen. Then, the client will be presented with an in-depth analysis of these projects, performed by professional analysts of USAdvisors, which looks at a huge number of variables. However, this analysis is ultimately geared towards answering

two key questions. The first is whether the necessary number of jobs will be created within the timeframe prescribed by the EB-5 program. The second is whether the investor's principal of \$500,000 or 1 million dollars will be returned, not only in its full amount, but as soon as the investor's immigration goals have been achieved.

In my mind, the work that Mr. Gibson's company does is the very definition of due diligence. The analyses that he provides his clients offer a sound basis, a firm foundation, from which to make an informed decision.

CHAPTER 7

Interview with Michael Gibson, Managing Director

Michael Gibson is the Managing Director of USAAdvisors. He has a degree in Economics from Virginia Tech. His previous work experience was with Citicorp where he worked in the Capital Markets and Investment Banking divisions as a broker-dealer, securities, foreign exchange, derivatives, money market, credit & debt analyst and portfolio risk manager.

His duties involved overseeing Citi's financial operations, structuring financial instruments and hedging bank and client risk and investments in emerging markets in Latin America, Africa and the Middle East. In 2007, he established USAAdvisors.org as an organization to assist foreign nationals with their EB-5 investment decisions.

I recently had the pleasure of interviewing Mr. Gibson about the service his company provides, his professional background and his perspective on the EB-5 process.

VAUGHAN: Can you tell me a little bit about how USAadvisors got started and what you did prior to?

MICHAEL: Sure. I think it would be best to start at the beginning and then we'll talk about USAadvisors. Originally, I had been working at Citibank. I've been working at Citibank Capital Markets overseas and their emerging markets divisions in Latin America, the Middle East and Africa. I had been doing mostly large-scale funding for infrastructure enterprises—airports, refineries, highways, desalination plants, all sorts of manufacturing and infrastructure projects. So, we were concerned with: 1) making sure that the investments that the bank made were safe and secure, and 2) that we would earn a good return.

After several years of doing that, I decided to come back to the United States and try to see if there was something similar to this kind of emerging markets funding, which is different from, I think, more traditional markets where the risk and the exposure is more well-known. I came across this EB-5 program, which in many respects is quite similar to working with emerging market projects in that typically, the capital available for project development is very limited and the risk and the exposure could be quite substantial for the investor, if they're not aware of all of what the project may entail. So, that was my prior experience.

Moving forward, I saw that this was a segmented and fragmented market. When I first started in 2007, there were only 17 Regional Centers and only five of them had projects. So it was a very easy to understand program in that there's only a limited

number of players with a very diverse set of projects. But that has grown in complexity and every year since 2008, the number of centers has doubled and we're probably going to exceed 100 Regional Centers this year. At that point about two years ago, I thought that should the number of projects increase at this rate, the amount of information would become so overwhelming that it will be hard for even an analyst to be able to understand what all the variables are. At that point, I decided to set about creating this EB-5 database.

VAUGHAN: As a vehicle for U.S. immigration benefits, what advantages do you think that the EB-5 program offers to immigrant investors?

MICHAEL: Let me answer that with a story. When I first started at Citibank, we were confirming our trades through Telex. Now, it's hard to even imagine going to a Telex machine today and confirming a transaction of several hundred million dollars. But that was standard at that point. That was where technology was—there was no Internet. Now, Telex was a technology that was developed in the 1800s, so you can imagine using that in 1986 when I started.

We used a similar instrument, the Monroe calculator, to calculate the value of bonds, including the yield, the maturity, the price and the coupon payments. We would calculate transactions of several hundred million dollars using a calculator that basically had been around for 100 years.

When I first came in to the EB-5 program, as I said, there were only 17 Regional Centers, five of which had projects. It was very easy to understand and to be able to assess the risk involved with each of the project variables. It was quite manageable to know which projects were open for investment, which centers were actively pursuing investors, the rates of overturn, historical information and things of that nature. But since the program has grown so explosively in the last few years, it's simply not possible for anyone to track who is not using a database.

Since we have these tools available to us now, I thought the way that everybody else out there in the market was holding basic data about their program was antiquated. Many people, even immigration attorneys, may be using spreadsheets or tools that are outmoded for things like keeping track of what projects are open for investment, which centers are actively operating, even their contact information or information beyond that, such as how many 526's or 829's they have approved. It's simply too difficult to do with the number of centers and the number of projects within each center that come online everyday.

So, we've decided that the only practical way for us to manage the complexity of data is to go to a database and then allow qualified foreign national investors who have been accredited to access that information so that they can better make a decision which is most appropriate for them.

VAUGHAN: It seems like you had a lot of foresight that the EB-5 program would grow in complexity, that there would be

more projects and more centers, and that pretty soon, for the investor to make an informed decision, it would be necessary to have some way of collecting and analyzing all the available information about these Regional Centers and their various projects. Would you agree?

MICHAEL: I do, Vaughan. We saw that this was a great program that was underutilized by both the immigration code of standards, but also more importantly, by U.S. businesses. In that way, we foresaw that companies were going enter this program in a much larger capacity and, at that stage, somebody will need to be ready to be able to handle the massive amounts of data that would be coming in.

VAUGHAN: From your experience, what tend to be the immigrant investors' highest priorities in terms of selecting Regional Center and project investment?

MICHAEL: All investors have basically two criteria, which are absolutely essential in any investment process. The first one is perhaps the most important, and that would be getting an unconditional Green Card. Without that, there would be no interest in the program because a conditional Green Card is not the objective of the investors. The investor's objective is to realize an unconditional Green Card. So removal of 829 conditions in two years time is absolutely number one.

VAUGHAN: And the second?

MICHAEL: The second most important goal would be the return of principal in a timely fashion. That's a harder goal to achieve.

VAUGHAN: So the important consideration, it seems, is not simply whether the investment retains its value, but whether it's structured so as to provide a way for the investor to withdraw their capital, as you were saying, in a timely manner.

MICHAEL: Right. The investments can fluctuate in value. First of all, there are fundamentally two different classes of investment.

One is loan-based, in which the investor places their capital into a holding company which then manages that investment. The holding company will typically then invest into, perhaps, an infrastructure project or another development project, but they do so in terms of a loan, meaning that there's a fixed repayment period and typically a fixed coupon or interest rate. Now, the question for the investors who invest in those loan arrangements is, will the borrower be able to repay at term? That's a question that we look at, and we have to analyze the resources available to the borrower.

The other one, of course, is the equity investments, meaning for the foreign national invest into a hard asset, which is PP and E—Property Plan and Equipment. It's something that they can actually physically hold, and the value of those is determined by market. The key question is, at some point in the future, will

the limited partner be able to sell their interest to either another limited partner or will there be a complete liquidity event, meaning that all the limited partners come out? And that's a much harder question to answer. So those are the basic two kinds.

To answer your question on what we look at in the database, under SEC guidance and regulations, within the first 30 days, we are only allowed to disclose what is considered general, non-specific information about the projects. Meaning that in our database, we do not actually identify which Regional Center is offering the project.

We use a unique code that identifies the project, but it doesn't say which Regional Center it is. Then we try to make the information 502c friendly, meaning that it doesn't violate any regulations. So most of the information in the database is fairly general, things like the investment amount. Is it \$500,000 or a million dollars? Are there subscription fees? If so, how much? Are there document fees involved? Some firms ask for a document fee before they will release the operating documents. Are the document fees refundable if the investor decides not to proceed?

Is this a public/private partnership? Meaning, is there a government entity involved in any way, which could mean an audit function or it could mean the public entity is assuming some of the risk with their project? It may actually even be funding a percentage. There may be local, state, or federal funds involved in the project as well, and it might be helpful for the investor to know that they're not the only source of funding.

Job creation methodology and accounting—that's important to know. Are we looking at having direct job count? Are we looking at indirect? All of those variables are important. Obviously, the industry is important. We want to know which industry and sub-industry. If it's in manufacturing, are they manufacturing construction equipment or are they manufacturing cars? That may be important to know.

VAUGHAN: So it seems like in general, one might say that the database is structured to reflect the various kinds of information that would be directly relevant to the investor's goals of both qualifying for an unconditional Green Card and investing in a project that allows them to withdraw their capital in a timely manner.

MICHAEL: Not exactly. There is not enough information in the database to make an investment decision. The purpose of the database is to simply allow the foreign nationals to understand the number of projects which are open for investment and the different characteristics about each project.

For instance, an analogy I'll use is if you were buying a car. This database would be analogous to one that listed what kinds of cars are available. You have sport cars, you have utility vehicles, you have trucks, you have SUV's. To further the analogy, perhaps add how many miles per gallon the sports cars have, versus the SUV's or versus the hybrids. What colors do they come in? What's the location of the nearest dealer?

It's more of a shopping list. It's for you to understand. The first question that a foreign national usually has when they come in to us—and we understand their concern—is about removing conditions at 829 and making sure that they get their money back. But the question is, which projects are open for investment? The purpose of the database is simply to identify what is available for investment. That's a starting point.

To answer the final question of which of these projects is the safest according to the investor's requirements or what rates of return that they offer, analysis must be done.

VAUGHAN: Right. So would it be accurate to say instead that the database is structured according to the various dimensions along which projects might differ?

MICHAEL: That I would say, yes. Showing the differences and the variety between the projects. Then the number of projects and the differences between the projects.

VAUGHAN: That's very clear. So what are some of the pitfalls that prospective investors face, and how does the service that USAdvisors provides help avoid those pitfalls?

MICHAEL: I would say that number one is either misinformation or misleading information. And the reason is, in particular for foreign national investors, they typically have heard about a center through an agent who is overseas. Now, the goal of the agent is to sell them a particular investment, just like a real estate

agent is commissioned to sell a particular house. This agent's role is to sell a particular center. So what the agents may tell you or your clients may not be completely accurate.

I think one role of the database is to ensure that the information that they receive is neutral. We rely on the centers to provide us this information but we do have other resources to verify that the information that they provide is correct.

We are an independent neutral party. We do not care if the foreign national selects project A or project B. To us, it is completely immaterial. What we are concerned about is the quality of information that the investors receive.

VAUGHAN: It seems that what USAdvisors provides is accurate information that is collected together and presented in such a way as to help the investor understand the kinds of options that are available.

MICHAEL: Exactly. We invite experts in the field to write articles, to make commentary, to discuss different questions because the one thing that is true about the program is that it's not set in stone. The program is evolving and it is changing—laws are changing, guidance and regulations are changing. So, sometimes some of these regulations and guidance are not clear. What we try to do is use the vast array of resources that are available to us to discuss these many issues, and hopefully the end result is that the foreign national who comes to our database or

website is better informed and better educated about what their options are, and that will lead to a better investment decision.

VAUGHAN: From my perspective, the EB-5 program is an interesting mix of immigration law and capital investment. In that sense, it's really the only program of its kind that mixes those two things. How does this affect the relationship between the immigration attorney and their client?

MICHAEL: Right. I like to make a deal with people who practice immigration law. I promise I won't practice immigration law if they don't practice investment advice. You know, this is all we do. We only do EB-5 Regional Center due diligence, and it occupies a full team of people. It is our only job, and it occupies a considerable amount of resources that has taken us years to develop. And I do not know of any other firm in the world who can adequately assess all of the projects and the variables within the projects to give as complete a picture on the investment side as we can do.

An attorney who makes a recommendation on a Regional Center investment without providing their client all of the options and the full range of due diligence, is not providing their client with the best possible care and due diligence.

VAUGHAN: Right, because an integral part of pursuing a visa under the EB-5 program is this investment decision.

MICHAEL: It's everything. I think you can do a great job filing a beautiful I-526 and a great job filing an excellent 829, but if the underlying commercial operation has ceased to exist or if it has not done what it has promised their limited partners that it would do, then the petition will be denied and that will lead to removal. I think the underlying key consideration has to be on the investment side.

VAUGHAN: Right, because the success of the petition for the Green Card is not simply a legal matter. It hinges entirely on whether the investment qualifies under the rules of the program.

MICHAEL: Absolutely. Attorneys are very good at framing arguments and they can appeal cases, but there is no recourse if the limited partners have invested in an operation which is, say, 50% to 70% complete, but is sitting idle and has created no long term jobs. At that point, there is no appeal process, there is no argument that the attorney can make. They could sue the developer, but in terms of the immigration aspect, that does not help your client at all.

VAUGHAN: Even with the most experienced skilled attorney, it is highly unlikely that things could turn around for the client at that point.

MICHAEL: Right. After the two year window has expired, the options for the foreign national are extremely limited. So during the investigation, the due diligence has to be done at inception, not at term.

VAUGHAN: Let's say that I'm a new client at USAdvisors, can you tell me in very general terms how the process will work and what the main stages are?

MICHAEL: Absolutely. The first stage is to determine what they want for us to do. Typically, the clients will ask us to do a full evaluation to help them determine which investment is the most suitable for them. That requires for them to engage our services, which would be simply outlining the terms and conditions of the work that we will do for them.

Once the engagement is complete, then we give them access to the database. From that point on, they are free to ask us any and all questions regarding any of the projects within the 30 day window—the first 30 days once the engagement is signed and the funds are in place. We require an upfront fee, which compensates our analysts to do the work that they do. There is no obligation for them to complete an investment or to actually pursue investment in the EB-5, if they feel that there are no projects which are qualified for them but it does allow us to do the research for them. So once the engagement is signed and the fee is paid, then we allow them access to the database. Within the first 30 days of our client-firm relationship, there's only very limited information that we can release.

After the 30 days, the SEC has deemed that our relationship is substantial and pre-existing, at which point we can release more detailed information, like operating documents and information that will help them better analyze what options are available and

then to hopefully select three centers. We typically recommend that they select three projects—not centers, projects—and from those three projects we will do an in-depth analysis, which would cover close to 100 different topics. We analyze many, many variables primarily relating to the two questions that we want answered: What is the probability that the jobs will be created within that two year window and what is the probability that the capital will be returned at term?

What we're essentially trying to do is determine a risk variable to each of these components, so that we can do a final empirical analysis which would quantify the risk. We would then be able to assign all of those variables onto an XY graph, which would show simply the probability that both jobs will be created and principal will be returned, and assign that to the project so that they compare the three projects that they've selected on an empirical, quantitative basis.

VAUGHAN: Oh, I see. So it may be that a particular project may have a high probability of creating the requisite number of jobs and a high probability of returning the capital in a timely fashion, but it's also the case that both of those could be low, or one could be high and the other could be low. There could be a project that had a high probability of creating the right number of jobs but it wasn't as likely, according to the analysis, to be liquid enough to return the principal. Is that right?

MICHAEL: That's exactly right, because there are two different measurements. There's the job creation component, which

is on the Y axis, and then the return of principal which is on the X axis, and those are two very independent events.

I'll give you an example. Large-scale real estate investment projects typically generate a huge number of jobs even if you don't include the construction because of mixed use. You typically have retail on the ground floor, you may have some sort of flex or commercial aspect on the second, and the third could be any number of things, so it's a long-term phase.

But typically you create a huge number of jobs. The problem is that there may be so many people involved in that project, by the time the liquidity event occurs, which could be undetermined, the limited partner is typically so subordinate that it could be many, many years before they get their funding. But the job creation is very good. The chance of getting your principal back at term is hard to say.

So you're right, the two events are scored independently of each other and then once they're placed on the graph, it's visually very easy to see where they stand.

VAUGHAN: And so that gives the investor a very clear way of visualizing how these projects compare to one another along the lines of their highest priorities.

MICHAEL: That's right. So for your foreign national clients, who may not be very proficient English speakers and may not understand all of the complexity of these variables which we're

analyzing in quite a bit of detail, the graph is a great illustration for them to visualize their risk, once all of the variables have been summarized. That's been a very good tool for our foreign national clients who are not proficient English speakers.

VAUGHAN: In light of just how complex matters are, I would imagine that would impart considerable peace of mind in the decision-making process to an investor.

MICHAEL: Absolutely right, Vaughan. What we want to stress to the client is that this is not a crystal ball. We cannot see into the future five, six, seven years and determine with exactness what will happen. What we are doing is assigning variables, probability to certain risk variables, and we're trying to estimate where we consider the market to be for both the two events, both the job creation and the return of principal. From our standpoint, this quantitative analysis is the only one that exists in the market that analyzes the risk that is involved in these investment decisions, which is huge. And unlike a publicly traded security, these private regulation-based securities offer very, very little information to the investor.

VAUGHAN: What strikes me is that for an investment of the magnitude that is necessary under the EB-5 program, naturally, the investor is going to want to make the decision in the best way possible and with as much accurate, comprehensive, up-to-date information. While it's impossible to guarantee what the best decision is, because nobody possesses a crystal ball, it

seems like what USAdvisors offers is really the best conceivable way in which to make such an important investment decision.

MICHAEL: Right. And I will give you the most common example that I've heard. The way that they are assessing which investment to go with is typically through friends and family, via word of mouth. They may say, "Well, my brother, my cousin, my uncle, or my father received his Green Card through investment in this project. And because they did it, then it must be safe for us."

Many of the Regional Centers will use their prior track record of 526 and 829 approvals, if they have them, to illustrate that they are safe because they have had so many prior approvals. But the note of caution I would like to make is that in a rising market when all asset prices were rising and credit was so freely available, it was not very difficult to have jobs created and to have people purchasing your assets so that your investors were repaid.

This is now finished. The credit and equity market that existed, even two years ago after Bernstein and Lehmann collapsed and AIG and Citibank had near collapse, has completely changed since then.

I would caution the current investor to reevaluate relying on past records and word of mouth. Yes, take that into consideration but it cannot be the sole basis for making an investment decision of such magnitude.

VAUGHAN: All right. That's very clear. I noticed that the focus of the analysis is at the level of the project, not the Regional Center, and that seems like an important distinction. If I were a potential client and I came to you and I said, "Why can't I just pick a Regional Center that I think is good?" How would you respond to that?

MICHAEL: I'm so glad that you brought that up, Vaughan. It is absolutely true. We are project-centric. We focus on the project. In our minds, we think that the Regional Center is important, but the Regional Centers we are seeing lately, in fact, more and more Regional Centers, are acting more as holding companies and actually not managing the projects. It's our sense is that this has to be the approach. The approach that we take is to focus on the project itself.

What we're seeing is that more and more of their projects are not run by the center. In fact, the center may be located several hundred miles away. They may not have much of a day-to-day control of the management decisions, but the investor's petitions for success—the job creation and the return of principal—is dependent on the way the project managers run the commercial operation, not necessarily on how the Regional Centers do.

VAUGHAN: Right. It seems like a very important point.

MICHAEL: Especially today. When we first started, the Regional Centers were the project managers in nearly all of the cases. In fact, in all of the cases in 2007, the Regional Centers,

with one exception, were the project managers. Now it's less than 50%.

VAUGHAN: Wow. So one of the things that USAdvisors looks at in the analysis might also be the extent to which the Regional Center is actually involved in managing the project itself.

MICHAEL: Right. Not only that, we look to see what we call the 3 C's—Care, Custody and Control. What care, custody and control do the Regional Centers have on the project's manager? And in fact, it's usually very limited. Meaning that part of the subscription agreement that the investor will sign is immunization from liability, because the investor is investing in this project that the Regional Center has only limited control over.

That's what I want to emphasize to new investors. In many cases the Regional Center has no day-to-day or operational control, nor do they have any equity invested. They have no what we call "skin in the game." There's no contribution by the center and that concerns us in that they have no motivation to make sure that the project is successful. They have nothing to lose.

VAUGHAN: That's really interesting. Would you say this creates the possibility that there might be a "good" Regional Center but a "bad" project?

MICHAEL: I say that all the time. There are good centers with bad projects and bad centers with good projects.

VAUGHAN: Right.

MICHAEL: At the end of the day, are the projects which your foreign national clients are investing in the best ones to accomplish the two main objectives?

VAUGHAN: That's right. That's great. Just to sum up, if you had to give one piece of advice to an investor who's interested in EB-5, what might that be?

MICHAEL: Well, I would say work with the attorney. Work with the immigration attorney and listen to their guidance because your immigration attorney will be your key source for advice concerning the petition.

From the investment standpoint, I would say, do not rely on any one single source for all of your information. Do speak with other people, do research on the web to find people who offer objective and independent advice, and do as much homework as you would normally do in investment of this magnitude.

One would not purchase a house sight unseen, yet so many people will put all of their investment into what an agent tells them about a particular center or project. And I think that is very dangerous, especially as we have seen so many new centers develop and the agents are very well compensated to make sure that they get as many investors as they can. So what they may be telling the foreign national clients may not be accurate,

and it certainly would not be the complete picture. So, do the homework, investigate and research.

VAUGHAN: Sure. I can imagine that somebody who's interested in EB-5 program, if their focus is primarily on receiving immigration benefits, may not make the investment decision in a way that they might normally.

MICHAEL: Right, that's a great point. In the marketing materials of many of the Regional Centers, on the web and through the seminars (which some of the investors will surely go to), they will often advertise a 100% success rate.

VAUGHAN: Right.

MICHAEL: And that means that the people who have applied for 526 petition typically have received approval. But as I mentioned before, those may be in projects that have been closed for a long time. The projects which they're looking at investing in may be completely different. They may be run by different project managers. A past approval is no guarantee.

VAUGHAN: Right. To sum up: listen, work with your immigration attorney, do your homework, make sure to pursue information from multiple sources, beware of misinformation, be mindful of the fact that things are constantly changing, be aware of the distinction between the Regional Center and the project, and as such be wary of claims about how successful a

Regional Center has been in the past. Would you say that's a fair summary?

MICHAEL: Absolutely. As Ronald Reagan has been famously quoted to say, "Trust but verify."

VAUGHAN: Well, I think that's a great note to end on. Thank you so much, Michael for taking the time.

MICHAEL: Oh, Vaughan, no. It has been my pleasure. I think you're doing the right thing by bringing these issues to the attention of your foreign national clients. You're providing an invaluable service and I would say that because of this, you're the kind of attorney that we like to deal with, one who is open and objective and counsels their clients on doing the right thing, whether they use our service or not. I think your approach is to be commended because it does give your clients the options and the education that they need to make the best-informed decision.

VAUGHAN: Right. As an immigration attorney, part of serving the client is to advise them to make this decision in the best way possible.

MICHAEL: Absolutely, and I think you're doing a fantastic job in doing that.

VAUGHAN: I appreciate that. Thanks, Michael.

CHAPTER 8

Interview Highlights

BENEFITS OF THE EB-5 PROGRAM

“For the immigrant investor, this is the only program that allows permanent residency into the United States with investments. If your client already has a family and other Green Card options are not available to them—if they don’t qualify for the Green Card through work, through the lottery or through some other avenue—then the only recourse for them is through investments. For project managers seeking capital, this program is also very beneficial, in that it allows for them to access a source of funding which otherwise might not be available if they don’t qualify through traditional debt or equity funding.”

INSIGHTS BEHIND THE CREATION OF USADVISORS

“When I first came in to the EB-5 program, as I said, there were only 17 Regional Centers, five of which had projects. It was very easy to understand and to be able to assess the risk involved with each of the project variables. It was quite manageable to

know which projects were open for investment, which centers were actively pursuing investors, the rates of overturn, historical information and things of that nature. But since the program has grown so explosively in the last few years, it's simply not possible for anyone to track who is not using a database."

"We saw that this was a great program that was underutilized by both the immigration code of standards, but also more importantly, by U.S. businesses. In that way, we foresaw that companies were going enter this program in a much larger capacity and, at that stage, somebody will need to be ready to be able to handle the massive amounts of data that would be coming in."

PRIORITIES OF THE IMMIGRANT INVESTOR

"All investors have basically two criteria, which are absolutely essential in any investment process. The first one is perhaps the most important, and that would be getting an unconditional Green Card. Without that, there would be no interest in the program because a conditional Green Card is not the objective of the investors. The investor's objective is to realize an unconditional Green Card. So removal of 829 conditions in two years time is absolutely number one.... The second most important goal would be the return of principal in a timely fashion."

THE SERVICE OFFERED BY EB-5 INFO

"The purpose of the database is to simply allow the foreign nationals to understand the number of projects which are open for investments and the different characteristics about each project.... To answer the final question of which of these projects is

the safest according to the investor's requirements or what rates of return that they offer, analysis must be done."

"I think one role of the database is to ensure that the information that they receive is neutral. We rely on the centers to provide us this information but we do have other resources to verify that the information that they provide is correct. We are an independent neutral party. We do not care if the foreign national selects project A or project B. To us, it is completely immaterial. What we are concerned about is the quality of information that the investors receive."

"What we try to do is use the vast array of resources that are available to us to discuss these many issues, and hopefully the end result is that the foreign national who comes to our database or website is better informed and better educated about what their options are, and that will lead to a better investment decision."

"There is no obligation for them to complete an investment or to actually pursue investment in the EB-5, if they feel that there are no projects which are qualified for them but it does allow us to do the research for them."

"We typically recommend that they select three projects—not centers, projects—and from those three projects we will do an in-depth analysis, which would cover close to 100 different topics. We analyze many, many variables primarily relating to the two questions that we want answered: What is the probability

that the jobs will be created within that two year window and what is the probability that the capital will be returned at term? What we're essentially trying to do is determine a risk variable to each of these components, so that we can do a final empirical analysis which would quantify the risk. We would then be able to assign all of those variables onto an XY graph, which would show simply the probability that both jobs will be created and principal will be returned, and assign that to the project so that they compare the three projects that they've selected on an empirical, quantitative basis."

"So for your foreign national clients, who may not be very proficient English speakers and may not understand all of the complexity of these variables which we're analyzing in quite a bit of detail, the graph is a great illustration for them to visualize their risk, once all of the variables have been summarized. That's been a very good tool for our foreign national clients who are not proficient English speakers."

THE PERSPECTIVE OF USADVISORS

"We are project-centric. We focus on the project. In our minds, we think that the Regional Center is important, but the Regional Centers we are seeing lately, in fact, more and more Regional Centers, are acting more as holding companies and actually not managing the projects. It's our sense is that this has to be the approach. The approach that we take is to focus on the project itself."

“In many cases the Regional Center has no day-to-day or operational control, nor do they have any equity invested. They have no what we call “skin in the game.” There’s no contribution by the center and that concerns us in that they have no motivation to make sure that the project is successful. They have nothing to lose.”

ADVICE FOR PROSPECTIVE APPLICANTS

“Well, I would say work with the attorney. Work with the immigration attorney and listen to their guidance because your immigration attorney will be your key source for advice concerning the petition. From the investment standpoint, I would say, do not rely on any one single source for all of your information. Do speak with other people, do research on the web to find people who offer objective and independent advice, and do as much homework as you would normally do in investment of this magnitude.”

PART III

The EB-5 Application Process



CHAPTER 9

The EB-5 Application Process in 12 Steps

In Part IV of this book, we will address the details of applying for an EB-5 visa. In this chapter we're going to look at the 12 major steps that you will take throughout the application process—from consulting with a qualified Investment Immigration Attorney to obtaining an unconditional Green Card, and even becoming a full-fledged American citizen.

STEP 1 - SCHEDULE A CONSULTATION WITH VAUGHAN DE KIRBY

As I've said before, finding a qualified Investment Immigration Attorney is paramount. The EB-5 program is one of the most complex areas of immigration law and one that requires expertise and experience. For this discussion, I'm going to assume that you have contacted my firm and have scheduled a consultation with me. In our consultation—whether in person, through correspondence or on the telephone—we will review your personal immigration needs to make certain that the EB-5 visa

is both a viable option and indeed the best vehicle to reach your personal immigration goals, both for yourself and your family. We will review in detail the legal requirements of the EB-5 visa and discuss the process of applying for a Green Card. My firm understands how important your immigration decisions are, and we are committed to equipping you with the knowledge to make the most informed decision possible. Because my firm is committed to ensuring that all our clients are well informed, we charge no fee for this consultation.

STEP 2 - FILL OUT THE QUALIFYING QUESTIONNAIRE

If you decide, after consulting with my firm, that the Regional Center you've selected appears to be the best option for you to pursue your financial and immigration goals, we will work with you to complete the investor questionnaire. This questionnaire will help my firm and the Regional Center determine that you are a qualified investor, both from a financial and a legal standpoint. Once you have completed the questionnaire, and once the Regional Center and my firm have reviewed it carefully, we will be ready to proceed to the next step.

STEP 3 - RETAIN THE LAW OFFICES OF VAUGHAN DE KIRBY, APC

By signing a retainer agreement with my firm, you are authorizing us to contact the Regional Center on your behalf and request that they provide you and your financial advisors with complete financial information for careful review. These comprehensive financial materials will enable you and your financial advisor to

fully evaluate the Regional Center from an investment perspective. My firm still charges no fee at this point. We do not wish to collect an attorney fee until you have made your decision to move forward with your EB-5 application.

STEP 4 – SIGN A NONDISCLOSURE AGREEMENT

Once you have retained my firm, we will arrange for the Regional Center to forward to us a nondisclosure agreement. The nondisclosure agreement is mutual—it's meant to protect both your privacy and the privacy of the Regional Center. By signing this document, you are agreeing not to disclose to anyone other than your immediate family or your financial advisor any of the private financial and procedural information that the Regional Center will provide you. At the same time, this agreement also guarantees that the Regional Center will not release any of your personal information.

STEP 5 – REVIEW THE REGIONAL CENTER OFFERING DOCUMENTS WITH YOUR FINANCIAL ADVISOR

As your immigration attorneys we cannot serve as your financial advisors. Your investment with the Regional Center is a significant one, and we feel it should be made with the care that you would exercise in making any investment of this size. If you and your financial advisor determine with independent due diligence that the Regional Center is an appropriate investment for you, my firm will be ready to help you achieve your goal of an EB-5 Green Card.

If after reviewing the offering documents you decide that this is not the right investment for you, my firm will charge you NO FEE. I firmly believe that this is the way that attorneys and Regional Centers should do business. You should not incur costs and fees unless you decide to take advantage of this opportunity.

If you decide to proceed, you are ready to begin making your investment.

STEP 6 - TRANSFER THE NECESSARY FUNDS TO THE REGIONAL CENTER ESCROW ACCOUNTS

You may remember from our previous discussion that all funds initially invested in the Regional Center will be placed in escrow for your benefit. This means that your investment is placed with a third party banking institution that agrees to hold your funds until your application has been approved. In the very unlikely event that your application is denied, all of your money—the \$500,000 investment and the service fee—is refunded to you. Your only cost would be the bank administrative fee, which is typically less than \$500.00. My firm will not accept you as a client, and the Regional Center will not accept your investment, unless we are confident that you will be successful.

STEP 7 - COMPILE DOCUMENTATION OF THE SOURCE OF INVESTMENT FUNDS

As we will discuss in more detail later, the United States government requires that all funds invested in the EB-5 program be clearly traceable to their lawful source. Later in this book, you will find a guide to documentation, which reviews the kinds of

evidence that are required in this tracing process. As your immigration attorneys, we will work closely with you to help you identify and compile the documentation necessary to meet the lawful source requirement.

STEP 8 - COMPILE PERSONAL INFORMATION AND DOCUMENTATION

In addition to information about your investment, the U.S. government requires personal documentation for you and your family, to be certain that you are indeed who you say you are before they give you a Green Card. This documentation takes many forms, as you will find outlined in the guide to documentation later in this book. As your Investment Immigration Attorneys, we will work with you to identify those items of personal documentation that will be necessary in your particular case.

STEP 9 - THE LAW OFFICES OF VAUGHAN DE KIRBY FILES AN I-526 PETITION FOR WORK ALIEN ENTREPRENEUR WITH USCIS

At this point, we are ready to prepare and file your I-526 petition with USCIS. In addition to the petition itself, there are two critical pieces of the application. First will be the extensive personal and investment funds documentation that you have compiled. The second critical piece will be provided by the Regional Center, fully documenting their Regional Center and their projects. The Regional Center plays a very important role in your application and are firmly committed to your success.

STEP 10 – OBTAIN YOUR CONDITIONAL GREEN CARD

How you obtain your conditional Green Card—and, specifically whether an interview is required—will depend on the location at the time your I-526 petition is being processed. If you are living in the United States, you and your family will go to the local USCIS office to pick up your permanent resident Green Cards, once your application has been approved. Although local USCIS office procedures differ somewhat, no true interview is generally required.

On the other hand, if you are living outside the United States, you must first be interviewed at the U.S. Consulate or Embassy before receiving your permanent resident Green Card. First, you will receive a notification to prepare documents for the immigrant visa interview. Soon thereafter, you will be notified of the date and time of your interview. My firm will provide you with a complete immigration package to bring with you to the consulate and we will carefully prepare you for the interview process. At the conclusion of the successful interview, you will become a United States conditional Green Card holder and begin your preparations for your immigration to the United States.

No matter where you live, the only condition of your “conditional” U.S. permanent residency Green Card is that your investment in the Regional Center remains intact for two years. As long as you do not withdraw your funds during this two-year period, your Green Card carries all the benefits of permanent

residency. There are no restrictions on where you and your family live, work, or go to school in the United States.

STEP 11 - THE LAW OFFICES OF VAUGHAN DE KIRBY FILES AN I-829 PETITION TO REMOVE THE RESTRICTIONS ON YOUR CONDITIONAL GREEN CARD.

After you receive your conditional Green Card, you will wait a period of 21 months to reconfirm that the full investment has been made and remains invested in the Regional Center. After 21 months, my firm will begin the process of filing an I-829 petition to replace your Conditional Green Card with an unrestricted, Permanent Resident Green Card. We will file an I-829 on your behalf prior to the expiration of 24 months (2 years). The Regional Center will again work closely with us to provide USCIS with all the necessary documentation. Once USCIS has approved the petition, you will be granted an unconditional Green Card, allowing you and your family to live in the United States indefinitely.

STEP 12 - BECOME A AMERICAN CITIZEN

If you wish, you and your family will have the option to become Naturalized Citizens of the United States after you have held your Green Cards for a period of five years. If this is your goal, my firm will be ready at this five-year juncture to help you with the Naturalization process.

CHAPTER 10

Guide to Documentation— Source of Funds

The United States Government requires that the EB-5 applicant present proof that the funds to be invested in the EB-5 Regional Center came from an authorized legal source.

My firm has as our clear goal the absolute success of your EB-5 application. To reach that goal for you, we seek to provide overwhelming evidence on your behalf. Experience has taught us that, in dealing with United States authorities, it's always in your interest to provide more documentation rather than less. Listed below are the types documentation that we recommend you provide, depending on the source of the funds.

FUNDS FROM BUSINESS:

If you acquired the funds through business, you should provide the following documentation in order to prove that the money was lawfully acquired.

1. Tax Returns for the last three to five years.
2. Accountant's Audit of business financials specifically verifying source of funds.
3. Bank Statements from where the funds were on deposit.
4. Copy of Business License.
5. Photos of place of business.
6. Copies of other business documentation if available:
 - a. Brochures
 - b. Product or Service lists
 - c. Business cards
 - d. Municipal Permits or License

FUNDS FROM STOCK MARKET PROFITS:

Alternatively, if you acquired the funds through stock market investments, you should provide the following documentation.

1. Brokerage Account Statements.
2. Evidence as to where the original stock market investment funds originated with similar documentation as outlined in other sources of funds.

FUNDS FROM SALE OF REAL ESTATE:

Likewise, if you acquired the funds from the sale of real estate:

1. Evidence of ownership rights.
2. Contract of Sale – ownership rights transfer.
3. Verification that sale proceeds were deposited into a bank account demonstrating source of funds.
4. Verification by accounting firm that Client possessed ownership rights to the property sold.

FUNDS FROM GIFT:

And, finally, if you received the funds as a gift:

1. Affidavit from person giving gift stating the funds are a gift. We will assist you in writing this Affidavit.
2. Complete documentation consistent with source of gifted funds as outlined in other sources of funds.

CHAPTER 10

Guide to Documentation— Applicant and Family Information

The U.S. government wants to know as much as possible, not only about the source of your assets, but about you—the applicant—and your family. In a nutshell, USCIS wants proof that you are who you say you are, before giving you a Green Card. The following is a list of information and documentation that we recommend you provide as part of your EB-5 application. The list also includes information that you must provide your attorneys, which will enable them to best serve your interests.

1. Names and Addresses (for the last 5 years) of the applicant, spouse, and children.
2. Any aliases (other names used) of the applicant, spouse, and children.
3. Copy of Passport for applicant, spouse, and children.

4. Birth certificates (translated into English) for the applicant, spouse, and children.
5. Educational Certificates where applicable.
6. Copy of College Degree if it would assist in identification.
7. Copy of applicant's Marriage Certificate.
8. Do you have more than one wife? If so, my firm needs to know this information.
9. Copy of applicant's Divorce Certificate, if applicable.
10. Copy of Household Registry.
11. Town of birth for applicant, spouse, and children.
12. Name and occupation of the father and mother of the applicant.
13. Communist Party membership: If you are a member of the Communist Party we will need to establish that membership was mandatory for employment or advancement. If membership was voluntary we must show that the applicant did not receive special benefits from membership and was not in a policy making position. We will assist you in writing your affidavit that explains the nature of your membership.

14. Court records of any criminal convictions (either in U.S. or abroad): My firm needs to know this information in order to determine if you are still eligible for an EB-5 visa. Even if there is a problem, we may still be able to help you.

15. All dates of entries into the United States for the applicant, spouse, and children, and all dates of exits. Ideally, copies of your passports will determine this information. You want to check if the date of exit on the U.S. visa was complied with (in other words, whether you left the country during the time permitted by the visa).

16. Certified translations of any documents written in a language other than English. All translated documents should include the following certification on the bottom of the final page:

**CERTIFICATE OF TRANSLATOR'S
COMPETENCE**

I, (translator's name) hereby certify that I am competent and proficient in both the Mandarin/Cantonese and the English Languages, and that the above translation is a true and accurate rendition of the original of this document:

Signature: _____

Date: _____

17. Does the applicant, spouse, or children have any communicable diseases of any kind? Will they pass the medical test?

A F T E R W O R D

By now you have learned a great deal about the EB-5 visa—its history, requirements, and application process. I am continually shocked by how few people know that the program even exists. And for many of these people, the EB-5 visa seems tailor-made to meet their needs and fulfill their hopes of creating a life for themselves and their families in the United States. Of course, pursuing a Green Card through an EB-5 visa not for everyone. But if you believe that it is right for you—if you are prepared to invest \$500,000 or \$1 million in the U.S. economy, and if you want you and your family to enjoy living, working and going to school in the United States—then I am excited to say that you may have found a means to achieve those goals. It would be my sincere pleasure to help make these goals a reality.

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