



Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

Lead Editor: Angelo A. Paparelli

Associate Editor: L. Batya Schwartz Ehrens

Contributing Authors: Louann Bronstein, Laura Danielson, Michael Dunn, Adam Gale, Steve Ganis, Sherman Golden, Matt Gordon, Doug Hauer, Mark Katzoff, Robert F. Loughran, Brandon Meyer, John Neill, John Roth, Reid Thomas, Greg White, and Ben Zou.

Shipping Now!

Book Online

PART I - PREPARING FOR EB-5 REGIONAL CENTER DESIGNATION

I. Chapter 1: Introduction

- a. Recent Developments Affecting the EB-5 Program
- b. Roadmap to this Book
- c. What is the EB-5 Program?
- d. Evolution of the Immigrant Investor Program
- e. What is a Regional Center?
- f. What are the Benefits of Regional Center Investments?
- g. What Opportunities Does the EB-5 Regional Center Program Offer to Developers and Business Innovators?
- h. How much is the Required Investment?
- i. When Must Job Creation Occur?
- j. Who May Apply for Regional Center Designation?
- k. Multiple Players Involved in the Regional Center

II. Chapter 2: Navigating the Application Process

- a. EB-5 Regional Center Job Creation Requirements
- b. Input-Output Modeling Checklist
- c. Roadmap Including Timeline for Submission, Forms, and Costs Involved with Regional Center Formation
- d. Understanding the Required Forms
- e. Role of the Business Plan and Plan Write

III. Chapter 3: I-924 Process, Tips and Best Practices

- a. I-924: Applying for Regional Center Designation and Amendments
- b. What to Include with the I-924 Form
- c. Additional Considerations for the I-924
- d. I-924 Checklist
- e. Form I-924A Supplement - After Regional Center Status Approval
- f. Immigration Requirements and Steps for Investors

PART II – ADVANCED CONSIDERATIONS FOR EB-5 REGIONAL CENTER PLANNING

IV. Chapter 4: Sourcing, Vetting, and Attracting Investors

- a. Source of Funds: Understanding and Vetting Your Investors' Background
- b. Use of Escrows in EB-5
- c. Attracting Investors: What Investors Want in an EB-5 Regional Center

V. Chapter 5: Choosing the Corporate Structure, Management Issues, and PPM Due Diligence

- a. Organizational Structure – A Key to EB-5 Investor Recruitment
- b. Management of the Job Creating Entity
- c. Experience of the Management Team
- d. PPM Due Diligence

VI. Chapter 6: Organizational Law and Securities Considerations

- a. Organizational Law Issues in the EB-5 Program
- b. Application of Advanced Organizations Structures in the EB-5 Program
- c. Relevance of U.S. Securities Laws to the EB-5 Marketplace
- d. FINRA Guidance on Applicability of the Suitability Rule to Broker-Dealers Marketing Private Placements
- e. Hot SEC Topics in EB-5 Financings

VII. Chapter 7: Learning From the History of Risk and Fraud in the EB-5 Regional Center Context



Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

Lead Editor: Angelo A. Paparelli

Associate Editor: L. Batya Schwartz Ehrens

Contributing Authors: Louann Bronstein, Laura Danielson, Michael Dunn, Adam Gale, Steve Ganis, Sherman Golden, Matt Gordon, Doug Hauer, Mark Katzoff, Robert F. Loughran, Brandon Meyer, John Neill, John Roth, Reid Thomas, Greg White, and Ben Zou.

Shipping Now!

- a. USCIS Revocations of Regional Center Designations for Non-Compliance
- b. Current Immigration Law Regarding Revocation of USCIS Designation
- c. History of Fraud in Regional Centers
- d. Best Practices and Tips to Avoid Common Pitfalls and USCIS Requests for Additional Evidence

VIII. Chapter 8: Risk Management

- a. A Note on Ethical and Risk Management Considerations: Representation of More than One Party in EB-5 Cases

EDITORS

Angelo Paparelli is a partner of Seyfarth Shaw LLP. Practicing bi-coastally from offices in Los Angeles and New York City, he is well known for providing creative solutions to complex and straightforward immigration law problems, especially involving EB-5 Regional Centers, investor visas, mergers and acquisitions, and employer compliance and defense in immigration matters. His practice areas include EB-5 and E-2 investor visas; legislative advocacy; U.S. and foreign work visas and permanent residence for executives, managers, scientists, scholars, entrepreneurs, professionals, students and visitors; immigration messaging and speech-writing; corporate policy formulation; and immigration litigation before administrative agencies and the federal courts. He is also the Founder and immediate past President of the [Alliance of Business Immigration Lawyers](#), a 40+ law firm global consortium of leading immigration practitioners. He is an alumnus of the University of Michigan where he earned his B.A., and of Wayne State University Law School where he earned his J.D. Paparelli is admitted to the state bars of California, Michigan and New York. He co-edited [The Immigration Compliance Book](#), a comprehensive reference book on worksite enforcement and E-Verify. He also co-authors the New York Law Journal's 'Immigration' column, writes an immigration public policy blog on America's dysfunctional immigration laws and procedures (www.nationofimmigrants.com), and is frequently quoted and interviewed on immigration law in leading national media outlets.

Batya Schwartz Ehrens is the principal attorney at [Schwartz Ehrens Immigration Law](#) in New York, New York. Her full-service immigration practice serves the needs of individuals, investors, and employers in a broad range of fields seeking nonimmigrant visas and permanent residence. Ms. Schwartz Ehrens is also an adjunct professor of Business Immigration Law at the City University of New York (CUNY) School of Professional Studies' Advanced Certificate in Immigration Law program. As a member of the American Immigration Lawyers Association (AILA), Ms. Schwartz Ehrens is active on several committees of AILA's New York chapter including the Advocacy and Corporate Practice committees. She is the New York Ambassador of the American Immigration Council and has served on the Board of Directors of the Hebrew Immigrant Aid Society. Ms. Schwartz Ehrens has written and spoken extensively on a range of specialized topics relating to EB-5 Regional Centers, E-Verify, I-9 Compliance, naturalization, and grassroots advocacy. Most recently, she co-edited [Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators](#), a comprehensive guide for project developers seeking Regional Center designation in order to gain access to financing through EB-5 investments. Previously, she co-edited [The Immigration Compliance Book](#), an expansive reference book on worksite enforcement and E-Verify. Ms. Schwartz Ehrens received a Bachelor's degree in International Relations from Emory University and both a Juris Doctorate and M.B.A. from The American University. Ms. Schwartz Ehrens may be contacted at Batya@seimmigration.com.

CONTRIBUTING EDITOR

Louann Bronstein is a Member in the Atlanta office of [Stites & Harbison](#) practicing in the Business & Corporate Services Service Group. Her practice focuses on the business needs of international clients, mergers and acquisitions and securities law, and general corporate law. Ms. Bronstein may be contacted at lbronstein@stites.com.

Laura Danielson is the chair of the Immigration Department at [Fredrikson and Byron, P.A.](#) She taught immigration law at the University of Minnesota Law School for many years and is the co-editor of Green Card Stories and co-author of



Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

Lead Editor: Angelo A. Paparelli

Associate Editor: L. Batya Schwartz Ehrens

Contributing Authors: Louann Bronstein, Laura Danielson, Michael Dunn, Adam Gale, Steve Ganis, Sherman Golden, Matt Gordon, Doug Hauer, Mark Katzoff, Robert F. Loughran, Brandon Meyer, John Neill, John Roth, Reid Thomas, Greg White, and Ben Zou.

Shipping Now!

Immigration Law and Procedure in a Nutshell. Splitting her time between Minneapolis and Fredrikson & Byron's Shanghai office, Ms. Danielson provides global, business, and investment-related immigration services, including EB-5 for foreign investors. Ms. Danielson may be contacted at ldanielson@fredlaw.com.

Michael Dunn is a partner in the New York and Atlanta offices of [Seyfarth Shaw LLP](#) whose practice is focused on counseling public companies on registration and reporting obligations under the Securities Act of 1933 and the Securities Exchange Act of 1934. Mr. Dunn may be contacted at MDunn@seyfarth.com.

Adam Gale is the Co-chair of at [Mintz Levin Cohn Ferris Glovsky and Popeo PC's](#) Investment Funds Group. He focuses his practice on counseling hedge funds, private equity funds, broker-dealers, banks, and registered investment companies on regulatory and compliance issues, as well as on formation and structuring. He represents both well-established and start-up entities. Mr. Gale may be contacted at adgale@mintz.com.

Steve Ganis is Of Counsel at [Mintz Levin Cohn Ferris Glovsky and Popeo PC](#), and has over 15 years of experience as a government and private-sector lawyer practicing financial services law, specializing in the federal banking, securities, and derivatives laws. Mr. Ganis speaks and teaches frequently about AML and OFAC, including at the FINRA Institute at the Wharton School of Business and FINRA's AML Boot Camp, and on numerous panels at conferences and seminars. Mr. Ganis may be contacted at SGanis@mintz.com.

Sherman Golden is senior counsel in the Corporate practice group in the Atlanta office of [Seyfarth Shaw LLP](#). Mr. Golden has been extensively involved in economic development through the identification and structuring of financings for specific economic development projects with an emphasis on urban redevelopment. He has represented both public and private interests and consulted with local governments on various matters. Mr. Golden may be contacted at SEGolden@seyfarth.com.

Matt Gordon is the Chief Executive Officer and Managing Director of [E3 Investment Group](#) and the architect of its Scalable-Direct™ EB-5 business. Mr. Gordon's career spans business operations, finance and law. Since entering the EB-5 sector, Mr. Gordon has become a noted expert in EB-5 organizational structure. Mr. Gordon is a licensed attorney, having practiced law with some of the most prestigious Wall Street firms, including Fried Frank and Sullivan & Cromwell. He is a member of the New York State Bar and holds SEC securities licenses. Mr. Gordon may be contacted at matt.gordon@e3ig.com.

Doug Hauer is a Member of at [Mintz Levin Cohn Ferris Glovsky and Popeo PC's](#) Corporate & Securities Practice, and Immigration Practice. On the corporate side, he focuses on private offerings and related securities work. Doug serves as counsel to developers and businesses seeking capital through the EB-5 investor visa program. He also counsels lenders, private equity firms and EB-5 Regional Centers on EB-5 compliance issues. Mr. Hauer may be contacted at DHauer@mintz.com.

Mark Katzoff is a senior counsel in [Seyfarth Shaw's](#) corporate department and a member of its Capital Markets Practice Group. Mr. Katzoff's practice focuses on the representation of public and private corporations, venture capital firms, private equity funds and underwriters in public and private equity and debt transactions, including direct and regional center EB-5 private placements to foreign investors, and in M&A transactions. Prior to joining Seyfarth, Mr. Katzoff spent a number of years as in-house counsel to a financial services company, serving as both a General Securities Principal and Financial and Operations Principal to their broker-dealer. Mr. Katzoff is a graduate of the Boston College School of Law and Hamilton College. Mr. Katzoff may be contacted at mkatzoff@seyfarth.com.

Robert F. Loughran is a Partner of [FosterQuan, LLP](#) and is Board Certified in Immigration and Nationality Law by the Texas Board of Legal Specialization. He has over 20 years of experience representing and advising Investors and Ultra



Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

Lead Editor: Angelo A. Paparelli

Associate Editor: L. Batya Schwartz Ehrens

Contributing Authors: Louann Bronstein, Laura Danielson, Michael Dunn, Adam Gale, Steve Ganis, Sherman Golden, Matt Gordon, Doug Hauer, Mark Katzoff, Robert F. Loughran, Brandon Meyer, John Neill, John Roth, Reid Thomas, Greg White, and Ben Zou.

Shipping Now!

High Net Worth individuals on U.S. and global immigration law. Mr. Loughran is nationally recognized as a leading EB-5 attorney and regularly advises developers on the formation of EB-5 Regional Centers. He has advised hundreds of individual investors on the EB-5 process and alternative immigration categories. Mr. Loughran has also successfully litigated to secured Removal of Conditional Status in Immigration Court for investors initially denied their final "green cards" by the Citizenship and Immigration Service. Mr. Loughran may be contacted at rloughran@fosterquan.com.

Brandon Meyer is Principal of Meyer Law Group. Mr. Meyer has written many noteworthy articles and studies on the EB-5 program. Mr. Meyer may be contacted at brandon@meyerlawgroup.us.

John Neill is the Principal at [AKRF, Inc.](#) Mr. Neill leads a team specializing in economics and real estate advisory services for private developers, institutions, and municipalities. His group has performed hundreds of economic and fiscal impact studies for public and private clients, including input-output modeling in support of EB-5 applications. His areas of specialty include socio-economic analysis, economic and fiscal impact studies, and market and feasibility studies. He also serves as a project manager for environmental reviews of major development projects in New York City, including most recently New York University's proposed campus expansion plan. He regularly works with real estate lawyers and has provided expert testimony on economic issues at City Council hearings. He has joint graduate degrees from Yale School of Management and Yale School of Forestry and Environmental Studies. Mr. Neill may be contacted at jneill@akrf.com.

John Roth is the principal attorney of [Roth Immigration Law Firm](#). In addition, Mr. Roth is the owner of due diligence firm EB-5 Analytics, which provides foreign national investors with independent due diligence evaluations of EB-5 projects. Mr. Roth holds a law degree from the University of Pennsylvania Law School and has an MBA from the Wharton School of Finance. He holds Series 7 and Series 63 SEC licenses and is a registered representative of the broker-dealer firm Primary Capital LLC, of 80 Wall Street, NY, NY. Mr. Roth may be contacted at john@ttoorney.com.

Reid Thomas serves as the Executive Vice President for [NES Financial](#). Responsible for global sales and marketing, he brings over 20 years of sales and marketing leadership in both public and private companies in high-growth Silicon Valley technology companies. Thomas' past experience includes leading sales with Voice Over IP pioneer Sylantro Systems, driving revenue and market share growth to a successful IPO with VINA Technologies, and Octel Communications, which was acquired by Lucent Technologies. Most recently he served as SVP of Global Sales at Laszlo Systems, a global leader and pioneer in Rich Internet Applications. During his time with NES Financial, Thomas has been instrumental in the rapid growth of the company's EB-5 business, making NES Financial the leader in EB-5 by providing innovative solutions specifically built for the industry. Thomas' active participation in the EB-5 community has made him a frequent and sought after speaker at events and conferences across the country. He has written numerous articles, blogs, and white papers on the topics of escrow and fund administration, solidifying his position as an industry expert. Mr. Thomas may be contacted at rthomas@nesf.com.

Greg White is a Partner in [Seyfarth Shaw's](#) Corporate Department and a member of its Capital Markets Practice Group. Mr. White's practice focuses on the representation of corporations, private equity funds, venture capital firms, and underwriters in public and private equity and debt financing transactions as well as M&A transactions. Mr. White's practice includes both registered public offerings and private placements under SEC Regulations D and S, including direct and regional center EB-5 private placements to foreign investors. Mr. White is a graduate of the Boston University School of Law and Hamilton College. Mr. White may be contacted at gwhite@seyfarth.com.

Ben Zou is an associate in the Corporate Group in the Shanghai office of [Fredrikson and Byron, P.A.](#) His practice focuses on cross-border investment, business and M&A, where he assists clients who have various cross-border needs between the USA and China. Mr. Zou may be contacted at BZou@fredlaw.com.



Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

Lead Editor: Angelo A. Paparelli

Associate Editor: L. Batya Schwartz Ehrens

Contributing Authors: Louann Bronstein, Laura Danielson, Michael Dunn, Adam Gale, Steve Ganis, Sherman Golden, Matt Gordon, Doug Hauer, Mark Katzoff, Robert F. Loughran, Brandon Meyer, John Neill, John Roth, Reid Thomas, Greg White, and Ben Zou.

Shipping Now!

Buy Now: Forming and Operating an EB-5 Regional Center: A Guide for Developers and Business Innovators

~~\$199~~ **Currently Reduced \$149**

Free Shipping and Handling (taxes included)

Disclaimer: Buying this book does not create an attorney-client relationship. Returns based on damaged books will be replaced and reshipped at no extra charge. Orders once placed cannot be cancelled.

Name (as it appears on credit card): _____

E-mail (required): _____ **Phone:** _____

Credit Card: V/M/A/D _____ **Expiry** (Month/Year): _____

Credit Card Billing Address: _____

Shipping Address: _____

Or MAIL ORDER and include check payable to ILW.COM or FAX ORDER.

FINANCIAL AID POLICY:

- 50% discount to attorneys working for a non-profit organization, including educational institutions
- 50% discount to any attorney employed by any government agency
- 50% discount to an attorney who is unemployed
- 50% discount to attorneys with newly started attorney practices (within first 6 months of creation)
- 50% discount to any law students and interns
-

To avail of this discount, please contact webmaster@ilw.com.