



THE EB-5 BOOK 2nd Edition

Editor: Matt Gordon and Joseph Whalen
Articles by Laura Danielson, Robert Gaffney, Jennifer Hermansky, David Hirson, Jose E. LaTour, Daniel B. Lundy, Brandon Meyer, Elizabeth Peng, John Roth, and Paul Ruby
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Book Outline

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I. Articles on EB-5

- Introduction By: Matt Gordon
- Practical Approaches to Lawful Source of Funds Issues By Robert P. Gaffney
- I-526 Petitions Practice Pointers by Paul Ruby
- How to Successfully Represent Chinese Investors in EB-5 Cases By Elizabeth Peng
- I-829 Practice Pointer: Removing Your Investor's Conditions By: Jennifer Hermansky
- EB-5 Issues: The Investors by Joseph Whalen
- The EB-5 Attorney as Financial Adviser: A Practical Guide By John Roth
- Advising Investors (pre-I-526 and post-I-526 approval) By Laura Danielson
- EB-5 Issues: The Investment By Joseph Whalen
- Structuring and Market Planning for EB-5 Regional Centers and Their Projects By José E. Latour
- Building Your I-924 Submission Package by Brandon Meyer
- EB-5 Issues: Regional Centers By Joseph Whalen
- Tax Counseling for EB-5 Investor Clients Before and After Immigrating to the US: The Tax Implications of Immigration to High Income and High Net Worth Individuals By David Hirson
- "The Future of the EB-5 Immigrant Investor Program from the Perspective of an Immigration Lawyer, or Past Performance is Not Indicative of Future Results." By Daniel B. Lundy
- EB-5 Issues: Other Issues By Joseph Whalen

II. Resource Material

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- Section 2: Case
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III. CD-Rom Resource Materials

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EDITORS

Matt Gordon is the Managing Director of E3 Investment Group. He is a finance professional whose vision and passion is to help realize extraordinary value through the flawless planning and execution of strategy, financings and transactions that foster aggressive sustainable growth. 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

Joseph Whalen is a former government employee who is familiar with the INA. His education is in Anthropology with a concentration in Archaeology and has both a BA (from SUNY Buffalo) and an MA (from San Francisco State University) in Anthropology. He previously worked as an Archaeologist for the U.S. Forest Service before becoming an Adjudicator with INS which became USCIS.

CONTRIBUTING AUTHORS

Laura Danielson is the chair of the Immigration Department at Fredrikson & Byron. She has been an immigration lawyer since 1989, is a frequent speaker at national and international conferences, and teaches immigration law at the University of Minnesota Law School. She is also co-author of Immigration Law in a Nutshell and co-editor of Green Card Stories (www.greencardstories.com). As a member of the Alliance of Business Immigration Lawyers (www.abil.com), a premiere group of twenty-one U.S. lawyers, she has been especially active in developing its global consortium of immigration practitioners in countries throughout the world. Splitting her time between Minneapolis and Fredrikson & Byron's Shanghai office, Laura is committed to developing and providing global and investment-related immigration services, particularly EB-5 matters for foreign investors. Concentrating on arts, business and investor-based immigration, Laura works with companies, investors, and other professionals in non-immigrant and immigrant visa matters. She also has expertise in I-9 audits, employer sanctions, family immigration, asylum and naturalization matters.

Robert Gaffney, a California State Bar certified Specialist in Immigration and Nationality Law, has maintained a strong practice focus and developed significant expertise representing immigrant investors since enactment of the "EB-5" provisions in 1990. Through his firm in San Francisco, Mr. Gaffney has nearly 30 years of experience counseling a wide range of corporate and individual clients in areas of employment-related, investment, and family-based visa and immigration matters. Fluent in Mandarin Chinese, Mr. Gaffney is the author of "Country Specific Issues and Challenges in Representing EB-5 Petitioners from the People's Republic of China", a leading source of information on this rapidly evolving topic published in Immigration Options for Investors & Entrepreneurs, (American Immigration Lawyers Association, Edited by L Stone, et al. 2006, 2010). J.D. Hastings College of the Law (1980), National Foreign Language Fellow, Univ. of Michigan, Center for Chinese Studies (1973 - 76), B.A. summa cum laude, Chinese Studies, U.C. San Diego 1973.

Jennifer Hermansky (Jen), an Associate in the Firm's Philadelphia office, focuses her practice on both employment-based and family-based immigration. A member of the Eb-5 immigrant investor team, Jen has prepared and filed numerous successful I-526 petitions, both through regional center investments and individual investment opportunities, along with filing corresponding I-829 petitions to remove the conditions on permanent resident status. She also works with developers on options available for funding new projects that might qualify for EB-5 investments, either based on individual EB-5 petitions or through new or existing regional centers. She has extensive experience reviewing and editing both regional center and project business plans, economic reports, securities offering documents, and corporate documents for Eb-5 issues. She has prepared and filed I-924 applications for initial regional center designations, regional center



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amendment applications, and exemplar I-526 petitions for project pre-approval by USCIS. Jen also has prepared template I-526 and I-829 petitions for regional centers that were distributed to investors and their attorneys for filing with USCIS. She also has advised regional centers on record keeping for USCIS reporting requirements, record keeping for I-526 and I-829 petitions and job creation, and general regional center organizational, management, and staffing issues.

David Hirson has 30 years experience in the practice of immigration law. David co-manages the Firm's Irvine office and is the partner in charge of Fragomen's Consular Practice, which facilitates the processing of U.S. nonimmigrant and immigrant visa applications filed at U.S. Consulates and Embassies worldwide. He has been certified as a Specialist in Immigration and Nationality Law by the State Bar of California, Board of Legal Specialization for 20 years.

Jose Latour immediately upon graduating law school, was appointed to the U.S. Foreign Service by the late President Ronald Reagan. He served as a US Diplomat and Consular Officer in Mexico and Equatorial Guinea, West Africa. He began private law practice in the US in 1990, initially in the area of international real estate law, concentrating on land registration and title issues in Central America and the Caribbean. Subsequently, his focus became business US immigration law, international trade, and consular law. The firm's Florida law business rapidly expanded, resulting in the opening branch offices in Washington, D.C., Manila, Philippines, and Hong Kong. In 2003, Attorney Jose Latour sold his US immigration practice to his business partner. Mr. Latour, who received the highest possible A/V peer rating by Martindale-Hubble shortly after beginning private practice (and which he has continuously preserved), has long embraced technology in developing new ways to assist his national and international clients; he pioneered the concept of Internet-based delivery of legal services in the 1990s, providing direct client case management online. His daily Web column, Port of Entry, had over 30,000 daily readers in its prime. Mr. Latour has received a number of awards and distinctions for his innovative Web-based approach to law from organizations including Inc. Magazine, Florida Trend Magazine, and Cisco Systems.

Daniel B. Lundy is an Associate in the Firm's Philadelphia office and a member of the Firm's EB-5 Team. Mr. Lundy has successfully represented numerous immigrant investors in their EB-5 petitions and applications, including investors seeking permanent residence through investment in their own businesses and investors seeking permanent residence through investments into USCIS approved Regional Centers. Mr. Lundy also represents developers and others who seek to use foreign investment funds under the EB-5 program to fund their projects, either through the formation of a Regional Center or by joining with an existing Regional Center. Mr. Lundy works with various securities lawyers, economists, business plan writers and other professionals in the preparation and filing of Regional Center designation and Regional Center amendment applications. Mr. Lundy is experienced in reviewing Regional Center and project business plans, economic reports, securities offering documents, and corporate documents for compliance with the EB-5 program requirements, and in consulting and advising clients on the specific immigration requirements of the EB-5 program.

Brandon Meyer is Principal of Meyer Law Group, a full service immigration firm located in Stamford, Connecticut and Solana Beach, California. He received his Juris Doctorate (law) degree from University of San Diego School of Law, his Masters of Arts in East Asian Studies from George Washington University, and a Bachelor Arts in Economics from American University. He is a member in good standing of the Bars of the State of Connecticut and the District of Columbia.

Chun Yun ("Elizabeth") Peng is a co-founder and senior attorney of Peng & Weber, PLLC (www.GreenCardLawyers.com), a suburban Seattle-based immigration law firm focusing on EB-5 visa investors, L-1 executives and managers, and other areas of investment- and business-focused immigration law. Ms. Peng earned her L.L.B. degree at China University of Political Science and Law in Beijing, China in 1983. While pursuing L.L.M. studies at the same university, she earned a Ford Foundation scholarship to study law in the United States, completing her J.D.



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degree at the University of Kansas in 1988. Ms. Peng is a long-standing member of the American Immigration Lawyers Association (AILA), is a former executive committee member of the Washington State chapter of AILA, and has extensive experience representing Chinese businesses and entrepreneurs in all areas of immigration law related to EB-5 immigrant investors and L-1/EB-1C multinational executives and managers. She has spoken nationally on EB-5 issues.

John Roth is Managing Attorney at the Roth Immigration Law Firm. He is a member of the New York State Bar Association. In addition to being an immigration attorney, he has an extensive business background, including an M.B.A. For the Wharton School of Finance, a Series 7 and a Series 63 license, and he is a registered representative of a Broker-Dealer firm. His firm, EB-5 Analytics, provides due diligence analyses of EB-5 regional center projects for EB-5 Pilot Program immigrant investors.

Paul Ruby is general counsel to ILW.COM, where he guides development of CLE seminars and the book catalog. He also served as editor for "The EB-5 Book." Prior to coming on board at ILW.COM, Paul was in private practice in Milwaukee, Wisconsin. He is a graduate of Marquette Law School and Brown University.

L. Batya Schwartz Ehrens is an immigration attorney specializing in employment-based immigration law. She advises investors and entrepreneurs, as well as companies of all sizes, on visa strategies and immigration compliance in the United States. She also represents professionals in all fields to secure nonimmigrant visas and permanent residence for executives, scientists, physicians, artists, and others. As a passionate advocate for economic growth through the contributions and ingenuity of immigrants, Ms. Schwartz Ehrens has written articles and spoken extensively on a range of specialized topics including employment-based immigration options, E-Verify, I-9 Compliance, naturalization, and grassroots advocacy. She also co-edited [The Immigration Compliance Book](#), a comprehensive reference book on worksite enforcement and E-Verify. Ms. Schwartz Ehrens is 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. She is a member of the American Immigration Lawyers Association (AILA) and is active on the Corporate Practice, Department of Labor, and Advocacy committees of AILA's New York Chapter. She is also 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 received a Bachelor's degree in International Relations from Emory University and both a Juris Doctorate and M.B.A. from The American University. She is proficient in Spanish, Hebrew and Japanese. Ms. Schwartz Ehrens may be reached at batyaehrens@gmail.com.

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