

Mark A. Ivener\*  
David R. Fullmer\*

*Of Counsel*  
Lawrence F. Liebenbaum\*  
Donald A. Olsen\*

\*A Law Corporation  
\*Member of Illinois and Wisconsin Bars  
\*Retired

11601 Wilshire Boulevard, Suite 2280  
Los Angeles, California 90025  
Telephone: (310) 477-3000  
Fax: (310) 477-2652  
E-Mail: mark@usworkvisa.com  
Web: www.usworkvisa.com

**Associate Offices**

#900 - 555 Burrard Street  
Vancouver, B.C. V7X 1M8  
Telephone: (604) 688-0558  
Fax: (604) 443-5001

13th Floor Urbannet Otemachi Bldg.  
2-2-2 Otemachi, Chiyoda-Ku  
Tokyo, 100-0004 Japan  
Telephone: (813) 3231-8888  
Fax: (813) 3231-8881

## EB-5 REGIONAL CENTER DUE DILIGENCE

### 1. Attorney Due Diligence

- a. Do research on Regional Centers. Discuss type of investment client is interested in . Give list of 75+ Regional Center programs. Do not recommend just one program; let client choose.
- b. Recommend client retain their own independent real estate and / or business attorney to review the Subscription Agreement and/or Purchase Agreement.
- c. Recommend client to retain their own international tax attorney and/or financial advisor regarding profitability of EB-5 investment and tax consequences to the client.
- d. All above recommendations should be stated in the Fee Agreement.
- e. Also, recommend client visit current investment project and see past investment projects.
- f. Obtain State Bar opinion from Bar or Ethics attorney regarding finder's fee payment to attorney.
- g. Prepare a Consent Agreement regarding finder's fee payment.

### 2. Client Due Diligence regarding EB-5 Project

- a. What is the projected return on investment? (In Prospectus)
- b. How is the return determined?
- c. When is the return paid? Monthly, yearly, end of project?

- d. Does applicant receive interest on money until it is spent on EB-5 project? When paid?
- e. Does Regional Center have a confirmed project in their offering?  
How many projects has Regional Center completed?
- f. Obtain documentation of returns on past EB-5 investment projects.
- g. What is the total amount required to be paid to the Regional Center by the investor?  
Does money go into an escrow? What services and costs are included in the “buy-in” amount over the required \$500,000?
- h. May EB-5 applicant need to invest additional money over and above the initial investment during the term of the case?
- i. Does EB-5 project have U.S. investors as well as EB-5 investors? If so, how many?
- j. In Subscription Agreement or Purchase Contract, is there a provision for return of money if I-526 denied? If so, how much is refunded?
- k. Does the investor have to make any deposit or pay any fee for the offering materials?  
Amount? Refundable?
- l. Does the Regional Center provide regular reporting of the status of the investment to the investors? At what intervals?
- m. Does a referring attorney get a finder’s fee from the Regional Center? Amount?  
When paid?

**3. Client Immigration Approval Due Diligence**

- a. How many I-526 approvals?
- b. How many I-526 denials?
- c. How many Conditional Green Card approvals?
- d. How many Conditional Green Card denials?
- e. How many Removal of Conditions approvals?
- f. How many Removal of Conditions denials?

**4. Client Due Diligence of Regional Center. Will Regional Center company and principals be in business in the future for Removal of Conditions?**

- a. Obtain bank reference of Regional Center general partners and/or principals.
- b. Obtain Dunn and Bradstreet on general partners and/or principals.
- c. Any past lawsuits? (General partners or principals)
- d. Any past criminal convictions? (General partners or principals)
- e. When was Regional Center established?
- f. How long has Regional Center been doing business?
- g. How old is the Regional Center's TEA letter?
- h. How many years of experience do the general partners or principals have working with the EB-5 program?
- i. What steps are taken to monitor job creation?
- j. When can the investment be sold? When can client get money back? How is the amount determined?
- k. Does Regional Center have Due Diligence information in writing?