



The EB-5 Workshop

Orlando, FL: Monday, March 5, 2012 – 8:30am-5pm

In cooperation with University of Central Florida

Edward Carroll, Steven Anapoell, K. David Andersson, Edward Beshara, Boyd Campbell, Laura J. Danielson, Jeffrey Carr, Daren Di Nicola, Robert Gaffney, Kate Kalmykov, Michael Homeier, Susan L. Pilcher, Dave Souders, Frederick Troncone, Cletus Weber

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We are the leading immigration law publisher. Our free *Immigration Daily* reaches an audience of over 35,000 subscribers. We assist your practice via our periodicals, seminars, and Yellow Pages. *Disclaimer: participation in this seminar does not create an attorney-client relationship with the speakers.*

Workshop Outline

This is an all-day, (8:30 am to 5 pm), comprehensive workshop. Considerable time will be devoted to back and forth and the seating is limited to the first 50 registrants to give participants ample opportunity to have their critical questions answered. **MCLE Credits Available For Many States.**

WORKSHOP OUTLINE - TENTATIVE

Description	Time
Registration: Continental Breakfast and Handouts Provided	8:30am-9:00am
Session 1: EB-5 Basics – Eligibility Criteria and the Petition Process <ul style="list-style-type: none">• Basic Eligibility for the I-526 Petition<ul style="list-style-type: none">◦ Overview of EB-5 Criteria◦ Significance of the Immigrant Investor Pilot Program – Regional Centers• Structuring the Investment: Selection of Business Model• Exemplar petitions: Can projects be “pre-approved”?• Lawful source of funds requirements<ul style="list-style-type: none">◦ Source documentation and tracing◦ Tax and licensing compliance◦ Currency control restrictions◦ Current trends and challenges• Overview of the Petition Process<ul style="list-style-type: none">◦ Sequence and timing◦ Current processing times◦ Child Status Protection Act• Preparing for the I-829: Basic requirements and overview of the I-829 petition	
15 min. break: Refreshments provided	10:30am-10:45am
Session 2: Building the Foundation – TEAs, Regional Centers, and Economic Studies <ul style="list-style-type: none">• Targeted Employment Areas (TEA)<ul style="list-style-type: none">◦ Purpose and definition◦ Current developments/challenges• Regional Centers and Regional Center Designation Process<ul style="list-style-type: none">◦ Purpose and definition◦ “Direct” vs. “Indirect” jobs◦ Mayorkas letter◦ Business plans<ul style="list-style-type: none">▪ Evolving USCIS requirements◦ Regional Center Applications and Amendments<ul style="list-style-type: none">▪ I-924 Decision Boards▪ Processing times and premium processing▪ “Material change”▪ Current developments/challenges◦ Oversight and I-924A• An Economist’s View<ul style="list-style-type: none">◦ The role of the economist	10:45am-12:15pm



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- Overview of regional economics and input-output modeling
 - Working within USCIS parameters
 - NAICS codes
 - Regional Center boundaries
 - What a TEA should look like
 - Which jobs “count”
 - Current challenges

Lunch Program:

Includes Lunch and Presentation

12:15pm-1:45pm

Session 3: Hot Topics and Current Developments

- Perspective on the EB-5 program from the USCIS Ombudsman
- Growth of Regional Centers
- Due diligence: Regional Centers and EB-5 projects
- Regional Center Leasing and Hosting Arrangements
- Hot Topics
 - I-829 Adjudications and “Material Change”
 - Bridge Financing
 - Regional Center adjudication delays
 - Pilot Program Sunset
 - Trending issues with USCIS

1:45pm-3:15pm

15 min. break: Refreshments provided

3:15pm-3:30pm

Session 4: EB-5 and Investments Through a Broader Lens

- Securities Law Issues
 - EB-5 Projects as securities
 - Investor Qualifications
 - Reg. D and Reg. S Exemptions
 - Disclosure Requirements
 - Broker-Dealer
 - Right of Rescission
- Ethics and Risk Management
 - Knowing when to co-counsel and when to use experts
 - Avoiding and managing conflicts of interest
 - Advising clients about investments – is it smart?
 - Finder’s fees
 - Professional liability insurance considerations

3:30pm-5:00pm

Session 5: Q&A with the Experts

5:00pm-5:30pm

ABOUT THE SPEAKERS

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Edward J. Carroll (Discussion Leader) is a graduate of S.U.N.Y.-Binghamton (B.A. 1966) and Brooklyn Law School (J.D. 1969) and was admitted to the Bar in N.Y.S. in 1969 and in Vermont in 1974. Articles authored by Mr. Carroll have appeared in publications of the American Immigration Lawyers Association, the American Bar Association, the Vermont Bar Association and in Canadian publications. Mr. Carroll has served the American Immigration Lawyers Association as a member of the Permanent Immigration Policy Committee, the Investor (EB-5) Committee and the Border Security Issues Committee, the Admissions & Interior Enforcement Committee and as Co-Chair of the Liaison Committee to the Vermont Service Center. He has also been liaison to CIS, CBP and DOL offices in Vermont for AILA's New England Chapter. He was Vice-Chair, of the ABA Immigration Law Committee, General Practice Section, 1994 - 2001. Mr. Carroll is a frequent presenter on U.S. immigration law to legal and business groups in the U.S. and Canada and at AILA conferences. He has taught immigration law to INS employees at the Vermont Service Center. He has been a commentator for radio and television on immigration issues. Mr. Carroll is listed in Best Lawyers in America.

Steven T. Anapoell's practice is focused on forming private equity, distressed debt, real estate, venture capital and special strategy funds, mergers and acquisitions, private and public securities offerings, debt and equity investments and financings, and structuring and negotiating complex corporate transactions. He has represented companies and investors in a variety of industries, including renewable energy, real estate, entertainment, telecommunications, sporting goods, software, senior life settlements and medical devices. In addition, he has substantial experience in representing start-up and emerging growth companies and regularly advises clients on such issues as capital formation and financing strategies, general corporate governance and tax planning. Steve also advises clients interested in raising capital for, and establishing regional centers to administer, projects qualifying for investment under the EB-5 Entrepreneur Investment visa program.

K. David Andersson lives in the border community of Ferndale, Washington and practices law at Chang & Boos in Bellingham, Wa. and at Andersson Cross Border in Vancouver, Canada. He was born in Uranium City, Saskatchewan in 1960. He has a Bachelor of Science (Biology/Chemistry) from the University of Alberta, and a Law Degree from the University of British Columbia. Mr. Andersson is called to the Bar in British Columbia (1991) and Washington State (1995). He has represented clients before the Supreme Court of British Columbia, the British Columbia Court of Appeal, the Federal Court of Canada, the Canadian Immigration and Refugee Board, United States District Court and the Executive Office of Immigration Review – U.S. Immigration Court. Mr. Andersson is the President of the Whatcom Opportunities Regional Center, Inc. an located on the Canadian border in the far north west corner of Washington State. Mr. Andersson serves as the President of "PACE" – the Pacific Corridor Enterprise Council, an organization concerned with trade and cross border mobility issues. As a representative of PACE, Mr. Andersson has testified before a Canadian Parliamentary Committee on Free Trade in Services, and the U.S. Congressional Government Reform Committee's Sub-Committee on Criminal Justice, Drug Policy, and Human Resources regarding ways to improve security, facilitate commerce and ease travel between the United States and Canada.

Edward Beshara, Managing Partner of BESHARA P.A., has been exclusively practicing U.S. Immigration Law and offering approvable solutions since 1983 in Orlando, Florida. He represents corporate and individual clients from all countries worldwide in regards to their U.S. Immigration goals. Edward Beshara has been representing Foreign National Investors and Corporate Clients in regards to the EB-5 process since 1991, and concentrating on the EB-5 Regional Center process for the past several years. Currently, Mr. Beshara is a member of Invest in USA and serves on the Best Practices Committee, Invest in USA as an organization which includes EB-5 Regional Centers, Marketing Brokers, US Immigration Attorneys, Economists and Business Planners. In addition, Mr. Edward Beshara is a member of Academy of International Business whose members are comprised of International legal and business professors worldwide, including leading professors at Universities in China. Mr. Beshara is a current Professor of Business Immigration Law and Practice at the University of Florida, Levin College of Law. Mr. Beshara continues to be involved in the preparation and filing of EB-5 Regional Center Applications, Amendments, Project Pre-Approvals, preparation and filing of I-526 Petitions, I-829 Petitions, and Conditional Permanent Residency Applications. Mr. Beshara leads a team of the most highly qualified and experienced professionals (Economists, Securities Attorney, Business Planner, Certified Public Accounts, and Corporate Attorney), in regards to EB-5 processes and solutions.

Boyd Campbell Boyd Campbell has practiced immigration and nationality law in Montgomery, Alabama, since 1988. He serves on AILA's EB-5 Investors Committee, has served as an AILA mentor for many years, and is a frequent speaker at AILA national and chapter conferences and seminars. He represents regional centers and is general counsel and director of America's Center for Foreign Investment, the largest regional center in the nation. He is included in The Best Lawyers in America in the field of immigration law, and his law firm is listed in Best Lawyers / U.S. News & World Report Best Law Firms. His website, [the Immigration Law Center on the Internet](http://www.immigrationlawcenter.com) provides information about immigration and U.S. visas, has been on the World Wide Web since 1994.

Laura J. 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 has taught 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, a coffee table style book which was released on January 30, 2012. You can read her weekly blog, which is a commentary on immigration law from a human interest perspective, at www.lampbesidethegoldendoor.blogspot.com. As a member of the Alliance of Business Immigration Lawyers, a premiere group of twenty-one U.S. lawyers, Laura 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



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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. She has a J.D. from University of Minnesota and was admitted to the Bar in Minnesota, 1989.

[Jeffrey B. Carr](#) currently serves as President and Economist of Economic & Policy Resources, Inc. in Williston. For the past 22 years he has served in a number of capacities focusing on macro-economic analysis, economic forecasting, forensic economics, economic impact analysis, and fiscal policy analysis for federal, state, and local governments. For the past 13 years, he has served as the State Economist and Principal Revenues Analyst for the Vermont Agency of Administration over the past three gubernatorial administrations (including the Administrations of Governor James H. Douglas, Howard B. Dean, and the late Richard A. Snelling). He also has served as consulting economist to the Vermont Department of Economic Development since 1995, and a number of businesses, business-trade associations, and municipalities throughout the northern New England region.

Daren Di Nicola is with NES Financial

[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.

[Kate Kalmykov](#) focuses her practice on business immigration and compliance. She represents clients in a wide-range of employment based immigrant and non-immigrant visa matters including students, trainees, professionals, managers and executives, artists and entertainers, treaty investors and traders, persons of extraordinary ability and immigrant investors. Kate has extensive experience working on EB-5 immigrant investor matters. She regularly works with developers across a variety of industries, as well as private equity funds on developing new projects that qualify for EB-5 investments. This includes creation of new Regional Centers, having projects adopted by existing Regional Centers or through pooled individual EB-5 petitions. For existing Regional Centers, Kate regularly helps to prepare amendment filings, file exemplar petitions, address removal of conditions issues and ensure that they develop an internal program for ongoing compliance with applicable immigration regulations and guidance. She also counsels foreign nationals on obtaining greencards through either individual or Regional Center EB-5 investments, as well as issues related to I-829 Removal of Conditions. Ms. Kalmykov has a M.A., International Affairs, American University, 2005 a J.D., American University Washington College of Law, 2005 and a B.A., magna cum laude, International Studies, American University, 2002 and was admitted to the Bar in New York and New Jersey.

[Michael Homeier](#) practices in the area of general business, corporate, transactional, and business financing law. With nearly 25 years' experience in the corporate and business transactional field, both as in-house corporate counsel and with private law firms, Michael's practice emphasizes the drafting, negotiation, and review of contracts, including commercial contracts, financing agreements, factoring packages, intellectual property licensing agreements, new media, technology, and commercial contracts, and entertainment industry agreements for both production houses and industry professionals. An integral part of Michael's practice includes a comprehensive "entity practice" involved with the formation, maintenance, and dissolution of corporations and limited liability companies, both in the for-profit and non-profit sector.

[Susan L. Pilcher](#) is Of Counsel to the firm of Carroll & Scribner, P.C. in Burlington, Vermont, where her general immigration practice features a substantial focus on EB-5 matters, including representation of regional centers, regional center-affiliated projects, and of individual investors worldwide in connection with both regional center-based and standalone petitions. A featured speaker on EB-5 law for AILA and ILW.COM, she has also published extensively, most recently as a contributing author and Associate Editor of AILA's *Immigration Options for Investors and Entrepreneurs* (2d ed. 2010). Ms. Pilcher's professional background features 20 years of immigration law experience, including nearly a decade as full-time law faculty. She earned her law degree with distinction from Stanford Law School, where she served as Managing Editor of the *Stanford Law Review*.

[Dave Souders](#) is a Commercial Insurance Broker at Todd Associates, Inc., located in Beachwood Ohio and operating throughout the US. David and his team provide risk management consulting and insurance brokerage services for professional service providers in industries related to finance, law and technology. David's background includes the development of several niche specific professional and management liability insurance programs for industries with unique and often misunderstood exposures to regulatory/litigation risk. In 2010 David and his team were introduced to the EB5 program and have since have developed an underwriting methodology and bundled insurance policy for EB5 Regional Centers. David is a member of IIUSA and has presented several webinars including: "Risk Management and Insurance Strategies for EB5 Regional Centers"; "Insurance Under the "Rent-a-Center Model", "Lawyers Professional Liability Insurance vs. EB5 Related Claims".

Frederick Troncone is with the Department of Homeland Security Citizenship and Immigration Services (CIS) Ombudsman's Office.



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[Cletus M. Weber](#), Co-Founder and Managing Member of Peng and Weber, has two decades of legal experience, primarily focusing on representing clients nationwide in the areas of Immigrant Investors (EB5), National Interest Waivers (NIW), Aliens of Extraordinary Ability (EB-1A), Outstanding Professors or Researchers (EB-1B), Multinational Executives or Managers (EB1C), and J1 Waivers, as well as PERM labor certification, H1B, L1, and other areas of employment-based immigration law. Mr. Weber has written, spoken, and edited nationally on EB5 Investment Visas, National Interest Waivers, Aliens of Extraordinary Ability, Outstanding Professors or Researchers, PERM Labor Certification, H-1B cap exemptions, law office management and technology, and other areas of immigration law and practice.

ABOUT THE LOCATION:

The location of The EB-5 Workshop has been finalized: it will be at Institute for Simulation and Training, Partnership II Building, 3100 Technology Parkway, Room 211, Orlando, FL 32826.

MATERIALS

Material included in the registration price is **Immigration Options For Investors and Entrepreneurs** edited by Lincoln Stone