

EB-5 Direct Investors

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Basic Background Information on EB-5

- Compare RC or direct
- Setting up an EB-5 business
- Equity Investment
- Requirements / process timeline

TEA / Non-TEA Differences

- Targeted Employment Area – “TEA”
 - Minimum Investment Amount: \$800,000
 - As of July 2023 – No Visa Backlog for All Countries
 - Determined by Project Location:
 - Rural Area
 - High Unemployment Area
- Non-Targeted Employment Area – “Non-TEA”
 - Minimum Investment Amount: \$1,050,000
 - As of July 2023 – Visa Backlog for Certain Countries

New Commercial Enterprise

- Starting a new business
- Buying existing business
- Expanding existing business
- Franchise

Converting E-2 to EB-5

- E-2 Treaty Investor Visa Holders
 - Already Own and Operate Business in the U.S.
 - Have Existing Employees
 - Have Invested / In the Process of Investing the Required Amount of Capital
- Lawful Source and Path of Funds Issues

Investor's Role in the Business

- Pooled Direct EB-5 Investment No Longer Allowed (under the RIA)
- Engage in the Management of the New Commercial Enterprise
 - Day-to-Day Managerial Responsibility
 - Policy Formulation
- If the New Commercial Enterprise is a Partnership:
 - If the investor is a limited partner and the limited partnership agreement provides the investor with certain rights, powers, and duties normally granted to limited partners under the Uniform Limited Partnership Act.

Job Creation (10 Full-Time Jobs)

- Positions versus Jobs
 - Position Focused, Not Employee Focused
- Full-Time
 - Require A Minimum of 35 Hours Per Week
 - Not Seasonal, Intermittent, or Temporary in Nature
- Qualifying U.S. Employees
 - I-9s
- Within A Reasonable Time Standard

I-829 issues

- Job issues
- Bankruptcy/business closed
- Sustainment of investment

Questions?



For Further Information



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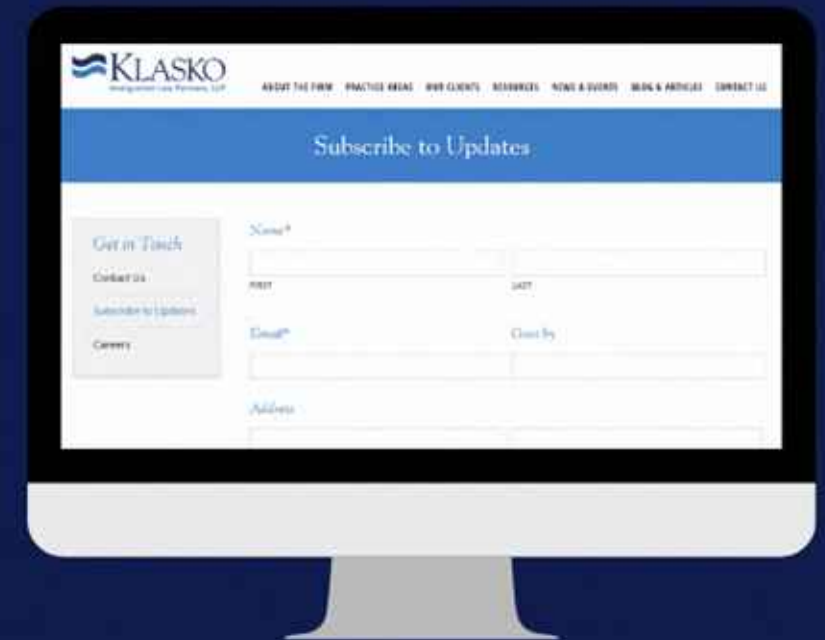
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H. Ronald Klasko
Managing Partner

Ron Klasko is one of the country's leading lawyers representing EB-5 clients. Ron is the chair of the firm's EB-5 practice area. Ron represents thousands of foreign investors worldwide, over 50 approved regional centers and numerous U.S. developers and business owners who have sought his counsel in connection with using the EB-5 program to raise capital for investment projects.

Ron's counsel has included applications to designate new regional centers; applications for approval of projects within regional centers; having projects adopted by existing regional centers; structuring projects to be EB-5 compliant; preparing template I-526 petitions; and advice on successfully marketing EB-5 projects. Ron has successfully represented many direct individual EB-5 investors, direct pooled EB-5 investors, and regional center investors.

During his five years as Chair of the EB-5 Committee of AILA, he led advocacy efforts with USCIS to improve the EB-5 program. As Chair of the Best Practices Committee of IIUSA, the association of EB-5 regional centers. Ron worked with regional centers, developers and EB-5 professionals to develop the first comprehensive list of best practices in the EB-5 industry.

One of the most prolific EB-5 bloggers, Ron is a sought-after speaker and regularly speaks on EB-5 topics around the country and around the world. Ron has been interviewed by U.S. Chinese media on numerous occasions and has been quoted in Forbes Magazine and other media on his views on EB-5 matters.



Alison Li
Associate

Alison Li is an associate attorney at the firm with nearly a decade of business and employment-based immigration experience. She works with regional centers, developers, and investors who seek to use foreign investment capital under the EB-5 program to fund job-creating projects. In preparing the required petitions, Alison coordinates with a complex network of professionals including economists, business plan writers, corporate attorneys, and market analysts. Her extensive experience in the EB-5 industry enables her to provide exceptional client service. She is accomplished in advising regional centers and developers on EB-5 filing requirements and best practices in compliance.

In addition to her work in EB-5, Alison is a seasoned business immigration attorney, having assisted numerous clients in obtaining E, H, and L visas, as well as family-based cases. She has successful experience in consular processing through both US embassies and consulates across the globe. The complex nature of her casework is successfully managed through her skilled client communication and precision with details.

Alison completed her undergraduate degree at Emporia State University, received her master's degree at New York University, and earned her Juris Doctor degree from the University of Maryland, Francis King Carey School of Law. She is a conservatory-trained classical pianist with a concentration on 18th – 20th century European art music and still performs occasionally in venues throughout New York City. She is bilingual in Cantonese and Mandarin Chinese.