



COMPANY PROFILE

THE LAW OFFICES OF KAMELI & ASSOCIATES, P.C.

A UNITED STATES LAW FIRM

About Us

Intro

Welcome to the Law Offices of Kameli & Associates, P.C., a Chicago-based law firm dedicated to achieving your goals in a competent, trusting, and results-oriented manner.

Established in 1996, the Law Offices of Kameli & Associates, P.C. is a full-service law firm that specializes and has a proven track record of success in immigration law. We are committed to offering the highest quality representation, while providing cost-effective and pragmatic advice and counsel, so that our clients can achieve their immigration goals, such as:

1. Obtaining a temporary, non-immigrant visa;
2. Attaining permanent residency within the U.S. through marriage, relatives, employment, investment, asylum, or the green card lottery;
3. Becoming a U.S. citizen; or
4. Remaining in the U.S. through defense in removal proceedings.

Our experienced attorneys and personnel are known for the quality relationships they establish with our clients, which allows us to better understand and meet their goals and objectives. We have successfully represented hundreds of clients in immigration matters before U.S. Citizenship and Immigration Services ("USCIS"), U.S. Immigration and Customs Enforcement ("ICE"), U.S. Customs and Border Protection ("CBP"), the U.S. Department of State, the U.S. Department of Labor, U.S. Immigration Courts, and U.S. Federal Courts.

We truly believe that your success is our success and look forward to working for you to achieve your immigration goals.

Our Attorneys

At the Law Offices of Kameli & Associates, P.C., we take pride in our work, and our tradition of excellence has long been a factor in attracting the best and brightest legal talent to our firm. Our attorneys possess significant business experience and education in addition to their legal training.

We believe in the caliber of our attorneys and invite you to review their credentials, presented below in their individual biographies.

1. Taher Kameli, Principal

Admissions

- United States Supreme Court, 2000
- Illinois, 1996
- U.S. Court of Appeals for the Sixth Circuit, 1999
- U.S. Court of Appeals for the Seventh Circuit, 1997
- U.S. District Court, N.D. of Illinois, 1996
- Washington, D.C., 2006

Education:

- Washburn University School of Law (J.D., 1996)
- Member of the Order of Barristers
- State University of New York Stony Brook (B.S., 1993)

Since 1996, Taher Kameli has served as the founding partner of the Law Offices of Kameli & Associates, P.C. He is a member of the bar of Washington D.C., the State of New York, the State of Illinois, and the U.S. Supreme Court. Throughout his career, Mr. Kameli has dedicated himself to issues arising from our current age of globalization. He specializes in immigration and corporate law and is a strong advocate for international business.

Since 2009, Mr. Kameli has facilitated over \$100 million dollars of foreign investment through USCIS-designated Regional Centers under the EB-5 Program to create sustainable jobs in the United States. Mr. Kameli has remained at the forefront of the EB-5 Program with creative solutions to complex business immigration issues and through engagement USCIS. Mr. Kameli has worked with investors from around the world for many years and has successfully relocated many businesses internationally through the E2, L1, and EB-5 programs. Further, Mr. Kameli has a weekly international show, broadcast in several countries in the Middle East region, in

which he informs foreign investors about U.S. immigrant investment programs, answers question about the EB-5 Immigrant Investor Program and discusses current affairs in the Middle East.

2. John R. Floss, Associate

Admissions

- Illinois, 2006
- U.S. District Court, N.D. of Illinois, 2006
- U.S. Court of Appeals for the Seventh Circuit, 2010

Education:

- Chicago-Kent College of Law (J.D., 2006, with honors)
- University of Wisconsin – Madison (B.S., 2001)

Mr. Floss has extensive experience representing clients in all aspects of business and family-related immigration, including employment and employment-creation (EB-5) immigrant visas. He also represents both employers and employees in a variety of employment matters, including employment litigation and avoidance, wrongful termination and contractual disputes, discrimination and equal employment, and wage and overtime claims. Mr. Floss has experience representing businesses in corporate governance, contractual disputes, franchise issues, small business startup, and a wide range of business and corporate law. He represents clients in U.S. federal and state courts, as well as multiple federal, state, and municipal administrative agencies. Mr. Floss has appeared and argued before the U.S. Court of Appeals for the Seventh Circuit. While in law school, Mr. Floss served as a judicial extern to the Hon. Patrick E. McGann of the Circuit Court of Cook County, Illinois. Mr. Floss also was a member and co-editor of The Seventh Circuit Review Honors Journal, and published the article: *Seeking Asylum in a Hostile System: The Seventh Circuit Reverses to Confront a Broken Process* (2006).

3. Aaron W. Chaet, Associate

Admissions

- Illinois, 2009
- U.S. District Court, N.D. of Illinois, 2011
- U.S. Court of Appeals for the Seventh Circuit, 2013

Education:

- DePaul University College of Law (J.D., 2009)

- Intellectual Property Certificate
- University of Michigan (B.A., 2005)

Mr. Chaet is an associate who focuses on various aspects of business and immigration law. Mr. Chaet assists businesses and individuals with a variety of litigation and transaction issues, with a focus on employment and labor related disputes, contract claims, investment based visas, and regional center designations. In his practice, Mr. Chaet has drafted winning briefs before federal appeals courts and administrative agencies. He also represents clients before numerous federal, state, and immigration courts. Additionally, Mr. Chaet has experience counseling businesses, artists, and management firms in the technology and entertainment industries. He has drafted terms of services and terms of use agreements for start-up companies and their websites. Mr. Chaet has also negotiated numerous artist performance agreements and copyright licenses for the broadcasting of music videos.

Mr. Chaet received his B.A. from the University of Michigan in 2005 and his J.D. from DePaul University College of Law in 2009. He is admitted to practice in the State of Illinois and is a member of the Illinois State Bar Association.

4. Joseph Barnett, Associate

Admissions

- Wisconsin, 2010
- Illinois, 2011
- U.S. District Court, N.D. of Illinois, 2011

Education:

- Vermont Law School (J.D., 2010, with honors)
- Vermont Law School (Masters of Environmental Law and Policy, 2010, with honors)
- Academic Excellence Award, Corporations and other Business Structures (Vermont Law School, Spring 2010)
- University of Wisconsin-Madison (B.A. 2006)

Joseph Barnett is an informed transactional and commercial attorney who counsels individuals and businesses on an array of organizational questions and planning matters. He advises each client with a strategy catered to their objectives, from business formation to business disputes, and is committed to helping clients negotiate contracts that protect the interests of their businesses. Mr. Barnett provides complete legal services to draft and provide due diligence

review of legal contracts in the areas of business formation and ownership, project financing, commercial real estate, construction, employment, securities, and telecommunication.

Our Services

The Law Offices of Kameli & Associates, P.C provides a full range of U.S. corporate, employment and immigration solutions to help get people to their desired destinations in a smooth, timely manner and in compliance with local laws and regulations.

Since 2008, our firm has focused on assisting clients navigate matters surrounding the complex and ever-changing EB-5 Program. Our attorneys' in-depth experience and knowledge of immigration policy, business development, financial structuring, and securities law positions our firm as a "one-stop shop" for all EB-5 Program investment opportunities.

1. Corporate Law

Transactional Law

We provide legal advice to individuals and companies in connection with a broad variety of business transactions. Such transactions include:

- Mergers and acquisitions;
- Business Restructuring;
- Shareholder Agreements, By-Laws, and Operating Agreements;
- Changes of Management;
- Business Entity Conversion;
- Management Agreements;
- Consulting and employment Agreements; and
- Other types of business transactions that require thoughtful and sophisticated lawyers.

Formation of Corporations, Limited Liability Companies, Partnerships and Other Entities

We assists clients in forming all types of entities. We work with entrepreneurs and new companies to create business strategies and plans aimed at achieving long-term success. We assist in:

- Sole proprietorships;
- Partnerships;
- Limited liability partnerships;
- Limited liability companies;
- Corporations;
- Business trusts and joint ventures;
- Buy Back Provisions;

- Franchising
- Copyright and Trademark Protection;
- Venture Capital;
- Individual Protection;
- Estate Planning;
- Business Succession;
- Out of State Expansion;
- Third-Party Contracts;
- Vendor Contracts; and
- Customer Contracts

Mergers and Acquisitions, Purchases and Sales of Businesses

We assist individuals and companies wishing to purchase or sell a business by merger or other form of acquisition and sale. We emphasize focusing on your needs and planning to achieve those needs, and addressing issues which may arise. We assist you in:

- Choosing the appropriate type of transaction;
- Structuring the transaction, taking into account tax considerations;
- Preparing and negotiating contracts;
- Complying with legal and regulatory requirements;
- Ensuring assets of the target company are kept in place;
- Working with employee reassignment; and
- Finalizing the transaction

Business Litigation

We represent clients in business disputes requiring strong, effective litigators. Most of the business disputes our clients encounter are conflicts between businesses, such as:

- Breach of Contract;
- Products Liability;
- Deceptive Trade;
- Breach of Warranty;
- Disclosure of Flood Levels;
- Failure of Conditions;
- Breach of Non-Disclosure Agreements;
- Breach of Non-Compete Agreements;
- Lease Modifications; and
- Service Contracts

Shareholder Disputes

We intervene on behalf of clients involved in disputes between shareholders, business partners, directors, and officers. Our lawyers work closely with businesses experiencing changes due to:

- Restructuring management partners and shareholders;
- Asset and/or equity transfers;
- Distribution of profits; and
- Obligations on losses

Bank Loans and Other Financings

We represent both borrowers and lenders in connection with loans, both secured and unsecured. We handle both business and personal loans including:

- Mortgages;
- Start-up financing;
- Refinancing;
- Receivable loans; and
- Other operating loans

2. Employment Law

Employment Litigation

Avoiding litigation is a top priority for most employers, and the attorneys at the Law Offices of Kameli & Associates, P.C. are experienced in providing advice and counseling that minimizes the risk of litigation. While we frequently advise clients on preventive and cost-effective alternatives, civil litigation is an unavoidable reality in the business world, and litigation defense is a significant part of our firm's practice.

When facing employment litigation, employers need fast, effective, and focused legal assistance. The Law Offices of Kameli & Associates, P.C. has the experience and resources to respond quickly when a lawsuit does arise, and offers cutting-edge strategies to help limit the client's exposure and costs. Every day, employers look to The Law Offices of Kameli & Associates, P.C. to assess their class action risk and to identify and remedy vulnerable workplace policies and procedures before they become problems.

We represent clients before state and federal trial and appellate courts in lawsuits pertaining to various employment matters, including:

- Wrongful discharge and termination claims;

- Benefits litigation involving wage and hour issues, unpaid commissions, vacation pay, severance pay;
- Contract and labor disputes;
- Unfair competition and trade secrets;
- Employment discrimination; and
- Sexual harassment.

Employee Policy Handbook

Regardless of the size of your business, having an employee handbook that addresses the company's policies and procedures can be one of the most valuable business documents you will create and use. An employment handbook is the foundation of your relationship with your employees, but it is also the foundation of a risk reduction strategy for employers who want to avoid employment-related litigation.

At The Law Offices of Kameli & Associates, P.C., we help businesses of all kinds and sizes draft and adopt employee handbooks and other policies that reflect the true intentions of the employer and reduce legal liability.

There are a variety of legal considerations a business should take into account when adopting its employee handbooks and policies. We assist businesses in addressing the implications of federal and state employment laws with regard to policies, including the following:

- Overtime and other wage and hour policies;
- Family and Medical Leave Act (FMLA) leave policies;
- Accommodation policies under the Americans with Disabilities Act (ADA);
- Discrimination and sex harassment policies;
- At-will employment policies;
- Equal Employment Opportunity Commission (EEOC) complaint policies; and
- Administrative and internal complaint policies

Part of running a serious business is giving serious thought to employment policies with the help of an experienced lawyer and putting those policies in writing in the form of an employee handbook. Most critically, a comprehensive employment handbook protects the company from litigation and administrative hearings by clarifying employment policies for workers and managers.

Medical and Dental Professionals

The Law Offices of Kameli & Associates, P.C. is an all-encompassing solution for physicians and other medical professionals. We assist physicians and dentists in almost all aspects of their professional and personal life. Our lawyers understand the unique personal and professional needs of those in the health care industry.

We are capable of helping you with all of the legal matters you or your practice may encounter, including business law matters, such as:

- Formation and governing documents for medical practices (articles of incorporation and organization, bylaws, partnership agreements, shareholder agreements, operating agreements and more)
- Buy-Sell agreements
- Immigration and visa issues
- Consulting agreements
- Independent contractor agreements
- Employment agreements/severance agreements
- Drafting an Employee Policy Handbook
- Joint venture agreements
- Employment law
- Non-compete and confidentiality agreements
- Real estate (sale and purchase agreements)
- Business separation/dissolution agreements
- Equipment lease agreements
- Minority entity certification
- Workout agreements with personal and business creditors
- Loan agreements and collateral documents
- Business planning and evaluation
- Risk management/insurance issues
- Commercial litigation
- Tax matters

Our team represents dentists, doctors and other medical providers in all professional licensing and disciplinary hearing matters, including:

- Public health code violations
- Prescription abuse
- Blue Cross excess billing, upcoding or overbilling claims

- Blue Cross deparicipation and reparticipation actions
- Medicare and Medicaid exclusion and reinstatement proceedings
- D.E.A. deregistration and reregistration litigation
- National Practitioner Data Bank responses and exceptions

3. Immigration Law

Business Immigration

The Law Offices of Kameli & Associates, P.C. manage inbound, outbound and cross-border transactions for employers of all sizes. Our attorneys are well versed in various aspects of immigration within the broader context of employment and labor law, allowing us to offer clients comprehensive mobility solutions. The Law Offices of Kameli & Associates, P.C. guides employers through the maze of regulations by providing advice about immigration policies and procedures.

The attorneys at The Law Offices of Kameli & Associates, P.C. are experienced in matters such as:

- Counseling employers on immigration laws and regulations, and the interplay between immigration laws and employment laws;
- First-employment based preference immigrant petitions for multinational managers/executives, outstanding researchers and extraordinary ability aliens;
- PERM Labor Certification;
- Immigrant Petitions based on second and third employment based preferences;
- Adjustment of Status and Consulate Visa Processing;
- Reentry Permits, Advance Parole and Employment Authorization;
- Intracompany Transferee L-1A and L-1B Individual and Blanket Petitions;
- Professional Employee H-1B petitions and Labor Condition Application Compliance;
- E-1 Treaty Trader and E-2 Treaty Investor Petitions and Consulate Registration;
- O-1 Alien of Extraordinary Ability in the Sciences, Arts and Business Petitions;
- J-1 Foreign Residence Requirement Waivers;
- Professional Employee TN visa status under the North American Free Trade Agreement;
- Temporary entry into Canada and Mexico under the North American Free Trade Agreement;
- Foreign business visitor entry requirements outside the United States;
- Form I-9 compliance, audits and policies; and
- Counseling companies on the impact of mergers, acquisitions, and other corporate reorganizations on immigration matters

Family Immigration

At The Law Offices of Kameli & Associates, P.C., we value families. We are here to help you achieve your goals of family reunification or family building by providing immigration legal services. Every year, thousands of legal immigrants in the United States apply for visas to have their fiancée, spouse or other family member join them in America.

The difference between a successful family visa application and a denial is often determined by an immigration attorney's skills and determination. We have seen first-hand how important it is for people to be successful when applying for a family visa. The application process can be frustrating and confusing, but our attorneys have a successful history of overcoming the obstacles that often lead to failure.

We assist clients in matters including:

- Spousal Petitions, Family Petitions: Husbands and Wives may sponsor their spouse, Mothers and Fathers may sponsor their children and stepchildren, Fiancé(e) Visas;
- Assistance with visitor visas: Obtain assistance with the consular process overseas; obtain extensions for business or pleasure; obtain a work visa in special situations;
- Removal of Conditional Residence; Assist aliens who remain married to their sponsoring spouse; or are separated from their sponsoring spouse maintain their resident status in the U.S.;
- Abused spouse cases: Assist aliens who have been physically or mentally abused by their U.S. citizen or legal permanent resident spouses. They are eligible to self-petition for residence; and
- Issues related to divorce: Assist clients who have obtained legal status or would obtain legal status through their spouse and are currently separated or going through a divorce; assist in children's issues

Immigration Litigation

Over years of immigration and naturalization practice, The Law Offices of Kameli & Associates, P.C. has developed the ability to represent clients in highly complex immigration cases. Our passion about and commitment to immigration law, combined with the multiple talents of our lawyers, mean that each case is handled with great care.

The Law Offices of Kameli & Associates, P.C. is dedicated to offering vigorous representation in immigration disputes, litigation and appeals related to:

- Deportation and Removal
- Asylum and Refugee status

- Temporary Protected Status (TPS) petitions
- Criminal Alien Defense
- Denial of green cards
- Consular Processing Delays
- Waivers for inadmissibility
- Denial of visas
- Naturalization and U.S. Citizenship Claims

Regional Centers and Developers

We provide business consulting solutions in the following areas:

- Comparison of Regional Centers
- Financial projections of projects
- Assessment of business plan and exit strategy
- Assessment of risk to business
- Legal documentation services
- Business plan writing
- Business modeling
- Regional Center due diligence
- Investor relations
- EB-5 project management
- Form I-924 Application for Regional Center designation
- Regional Center operational and business plan development
- Regional Center international marketing strategies
- Amendments to Regional Center designations
- Regional Center licensing, sponsorship, and affiliation agreements

Visa Information

The information contained in this section outlines the different categories provided for in the laws applying to Non-Immigrant and Immigrant Visas in the United States.

Temporary, Non-Immigrant Visas

A non-immigrant visa (“NIV”) is a visa issued to persons with a permanent residence outside the U.S. but who wish to be in the U.S. on a temporary basis. An NIV is most frequently a tourist, business, student, or specialty worker. An NIV travel document allows a person to travel to the U.S. during the validity of the NIV for a specific purpose. Individuals who are traveling to the U.S. for a temporary purpose are classified as “non-immigrants,” since they do not intend to remain permanently. Unlike immigrants, non-immigrants are subject to less numerical restrictions and are more likely to obtain waivers of inadmissibility.

The Law Office of Kameli & Associates, P.C. has the experience to successfully file for any NIV. Nevertheless, the most frequent visas requested by clients are B, F, H-1B, J, L, M, O, P, and U.

B Visas

B visas are available for non-immigrant visitors for business (B-1) or pleasure (B-2). The applicant must have adequate financial arrangements (including resources for traveling and staying in the U.S.) to carry out the purpose of the visit, and the applicant must intend to leave the U.S. at the end of the temporary stay.

In order to obtain a B visa, an individual need only apply with the U.S. consulate or embassy; an application to USCIS is not required. Foreign travelers who are citizens from certain eligible countries may be able to visit the U.S. without a visa on the Visa Waiver Program.

It should be noted that an alien entering the U.S. with a B visa must not engage in gainful employment (labor for hire) in the U.S. Additionally, the undertaking of an academic study program is not permitted (with a few limited exceptions).

B-1 Visa: Temporary Visitor for Business

A business visitor will be granted a period of entry sufficient to conduct his or her business. The term business refers to conventions, conferences, consultations, and other legitimate activities of a commercial or professional nature. This does not include local employment or labor for hire. Generally, these visits are approved for less than three months.

B-2 Visa: Temporary Visitor for Pleasure

A non-business visitor usually fall within one of the following categories: (i) tourists; (ii) those visiting friends and family socially; (iii) visitors coming for health/medical purposes; (iv) participants in conventions of social organizations; (v) participants in amateur musical, sports, or similar events with no remuneration; and (vi) persons accompanying B-1 non-immigrants. A majority of B-2 visa holders are authorized for a six month period of stay, however, extensions may be granted.

F-1 Visa: Academic Students

The F-1 Visa allows students to enter the U.S. as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. The student must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate, and the school must be authorized by the U.S. government to accept international students.

The general criteria for an F-1 Visa includes:

- Applicant must have a foreign residence with no intention of abandoning it;
- Applicant is a bona fide student qualified to pursue a full course of study;
- Applicant will study only at an institution designated by him and approved by in compliance with the Student and Exchange Visitor Information System ("SEVIS");
- Applicant seeks to enter the U.S. temporarily and solely for the purpose of pursuing a course of study at an established institution of learning or other recognized place of study in the U.S.; and
- Applicant will not attend a public elementary school or publically funded adult education program, and will not attend a public secondary school unless he or she attends the secondary school for a period not in excess of 12 months and demonstrates that he or she has reimbursed the school board the full, unsubsidized per capita cost of the education.

F-2 Visa: Spouse or Child of F-1 Visa Holder

The spouse and unmarried children under the age of 21 of an F-1 Visa holder are eligible for F-2 status, and may stay in the US as long as the primary student remains in legal F-1 status. The spouse and unmarried children can apply for F-2 visas, and either accompany or follow to join the F-1 Visa holder in the U.S.

To apply for an F-2 Visa, the F-1 Visa holder should contact his/her school's international student office and request a new I-20 for the dependents. The F-1 Visa holder will likely be asked to provide documents to demonstrate the relationship, such as marriage certificates and birth certificates. The F-1 Visa holder will also need to show evidence of financial resources sufficient to support his/her family living in the U.S. This may include bank statements, pay stubs, affidavits of support, and family savings in his/her home country. After receiving a new I-20, the F-2 Visa application procedure becomes very similar to applying for an F-1 Visa. The spouse and unmarried children need to make a visa appointment at a U.S. embassy or consulate, and bring to the interview all documents mentioned above, plus additional information to support their request for a NIV.

A spouse in F-2 status may not enroll in a full course of study, or engage in any study toward a degree program. An F-2 spouse may, however, take classes that are vocational or recreational in nature, such as part-time study for the purpose of pursuing a hobby or interest. A child in F-2 status is allowed to attend K-12 schools (elementary, middle, or high school). However, to study full-time at post-secondary level, the spouse or unmarried child must change his/her F-2 status to F-1, and may not attend school until the change of status request is approved by the USCIS. It should be noted that after turning 21, a child will lose his or her derivative F-2 visa status and must change to another nonimmigrant status in order to stay in the U.S.

H-1B: Temporary Professionals

The H-1B Visa is granted to foreign nationals with an occupation that requires theoretical and practical application of a body of highly specialized knowledge requiring completion of a specific course of higher education. To be eligible for an H-1B Visa, an applicant must (i) have a minimum of a four-year university degree or equivalent; (ii) be paid at the "prevailing wage," as determined by the U.S. Department of Labor; and (iii) the job must typically require a minimum four-year university degree or equivalent. Common H-1B occupations include computer professionals, teachers, physicians, engineers, architects, accountants, and health care professionals.

H-1B visas are subject to a numerical cap of 65,000 per fiscal year. In addition, 20,000 persons who obtain advanced degrees from universities in the U.S. have their own H-1B cap. Further, up to 6,800 H-1B visas are reserved for persons who are citizens of Chile and Singapore. USCIS accepts "cap-subject" H-1B petitions from employers each year starting on April 1st. Persons whose H-1B petitions are approved by the USCIS, and change their status or obtain H-1B visas abroad, may commence employment on October 1st.

Petitions are initially approved for up to 3 years but may easily be extended for an additional 3 years. The H-1B visa holder may apply for permanent residency within the U.S. and does not need to maintain a foreign residence during their period of stay. If an application for permanent residency has been submitted in a timely fashion, post-6th year extensions of H-1B status are possible.

H-4: Family Members of H-1B Visa Holder

The spouse and unmarried children under the age of 21 accompanying H-1B visa holders will be granted an H-4 visa. The 6 year limit for an H-1B also applies to H-4 dependents, but H-4s will get the benefit of any extension the H-1B obtains beyond the 6 years. H-4 Visa holders may not engage in employment in the U.S. but may undertake studies. Further, H-4 Visa holders are able to open bank accounts and hold a driver's license.

J-1: Exchange Visitor

The goal of the Exchange Visitor (J) NIV category is to foster mutual understanding between the people of the U.S. and other countries through educational and cultural exchanges. The J-1 Exchange Visitor NIV is provided for individuals who are approved to participate in exchange visitor programs in the U.S. An applicant must be accepted for one of the Exchange Visitor Program categories through a designated sponsoring organization. The Exchange Visitor Program is administered by the Office of Exchange Coordination and Designation in the Bureau of Educational and Cultural Affairs. There are numerous programs, each with their own application requirements, which allow applicants to work, study, teach, train, or research in the U.S.

This visa program is for professors, research scholars, short-term scholars, bona fide trainee or intern, college or university student, teacher, secondary school student, nonacademic specialist, foreign physician, international visitor, government visitor, camp counselor, au pair, or summer student in a travel/work program.

At the conclusion of the program, participants are expected to return to the home countries to utilize the experience and skills they have acquired while in the U.S.

J-2: Family Members of J-1 Visa Holder

The spouse and unmarried children under the age of 21 accompanying J-1 Visa holders who accompany or later join the J-1 holder in the U.S. can apply for a J-2 Visa. The immigration status of a J-2 Visa ends at the same time as the associated J-1 Visa holder's status.

L-1: Intracompany Transferee

L-1 visas may be granted to individuals who, within 3 years preceding his/her application for admission, were employed abroad continuously for one year by a parent, branch, affiliate, or subsidiary of the U.S. petitioning company. The individual must seek to enter the U.S. temporarily in order to render his/her services to a branch of the same employer or a parent, affiliate, or subsidiary thereof in a capacity that is managerial, executive, or involves specialized knowledge.

An individual may come to the U.S. to open or be employed in a new office. Generally, the L-1 is initially approved for a period not to exceed one year, after which the petitioner may demonstrate that he/she is conducting business in a regular, systematic, and continuous provision of goods and/or services by a qualifying organization and does not include the mere presence of an agent or office of the qualifying organization in the U.S. and abroad.

L-1A Visa

L-1A visas are for those who seek to enter the U.S. to render services in an executive or managerial capacity to a branch of the same employer or one of its qualifying organizations.

Qualified employees entering the U.S. to establish a new office will be allowed a maximum initial stay of one year. All other qualified employees will be allowed a maximum initial stay of three years. For all L-1A employees, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of seven years.

L-1B Visa

L-1B visas are for those who seek to enter the U.S. to render services in a specialized knowledge capacity to a branch of the same employer or one of its qualifying organizations.

Qualified employees entering the U.S. to establish a new office will be allowed a maximum initial stay of one year. All other qualified employees will be allowed a maximum initial stay of three years. For all L-1B employees, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of five years.

L-2 Visa

The spouse and unmarried minor children of the beneficiary are entitled to L-2 non-immigrant classification, subject to the same period of admission and limits as the beneficiary. Neither the spouse nor any child may accept employment unless he or she has been granted employment authorization.

M-1: Vocational Student

An M-1 visa is a temporary student visa that allows international students to attend an accredited vocational or non-academic school, such as a trade school or practical training school. To qualify for an M-1 visa, the applicant must be enrolled full-time in a vocational or non-academic education program at an approved institution in the US. Applicants are required to demonstrate that they have sufficient funds to support themselves for the duration of their course and that they intend to return to their home country upon completion of their studies. An M-1 visa is usually granted for the duration of the course to a maximum of one year and extensions may be granted. An M-1 visa also entitles the holder to engage in practical training or related temporary employment upon completion of their course.

M-2: Family Members of M-1 Visa Holder

Spouses and unmarried children under 21 years of age may apply for the applicable derivative visa (M-2 visa) to join their spouse or parent in the U.S. An accompanying spouse cannot accept employment or engage in study without obtaining an appropriate work or student visa, but accompanying children are entitled to attend primary and secondary school in the US.

O-1: Alien with Extraordinary Ability in Sciences, Art, Education, Business, or Athletics

The O-1 visa classification is intended for individuals with extraordinary ability in the sciences, arts, education, business or athletics. To qualify, an applicant must generally have extraordinary ability demonstrated by sustained national or international acclaim. Artists and entertainers in the television and motion picture industries are treated somewhat differently, and must demonstrate a record of extraordinary achievement. These objective O-1 requirements mean that applicants must present extensive documentation that demonstrates that they have received recognition of their extraordinary abilities and/or achievements from qualified, objective sources in their occupational field.

O-1 visas are based on a petition filed by a U.S. employer offering a specific job in the U.S. that requires a person of extraordinary ability. The petitioning employer must submit evidence that the prospective employee meets the established O-1 criteria, that the position offered requires an individual of extraordinary ability, and that the individual is coming to the U.S. to continue to work in the area of extraordinary ability. O-1 status may be granted for an initial stay of a maximum of three years, and may be renewed indefinitely in one year increments.

P-1: Internationally Recognized Athlete or Member of Internationally Recognized Entertainment Group

The P-1 visa classification is a temporary nonimmigrant visa available to individuals who are internationally recognized athletes, artists or entertainers. The P-1 visa may be issued to an internationally recognized individual, team or group who wish to compete or perform in the U.S. in an event or competition which has a distinguished reputation, and requires the participation of an individual, team or group that has an international reputation.

A P-1 applicant must demonstrate an internationally recognized reputation by providing a contract (if such contracts are normally executed) and evidence of at least two of the following:

- Participation in a prior season with a major U.S. sports league;
- International competition with a national team;
- Significant participation in U.S. intercollegiate activity in a prior season;
- A written statement from an official of a U.S. sports league or governing body of the sport detailing how the individual or team is internationally recognized;
- A written statement from a member of the sports media or an expert in the field;
- Proof of international rankings; or
- Evidence of a significant honor or award in the sport.

Additionally, the applicant must secure a written advisory opinion from an appropriate labor organization (where one exists) commenting on whether the alien or group is internationally recognized and whether the services the alien or group is coming to perform are appropriate for an internationally recognized athlete or group. In the alternative, the labor organization may submit a “no objection” statement. P-1 visa holders are generally admitted for the duration of a specific competition, event or performance, but may also receive an initial visa valid for a five-year period if they can demonstrate a schedule of services for that period.

P-2: Artist or Entertainer in Reciprocal Exchange Program

The P-2 visa classification applies to an individual who is temporarily coming to the U.S. to perform as an artist or entertainer, individually or as part of a group, under a reciprocal exchange program between an organization in the U.S. and an organization in another country.

P-3: Artist or Entertainer in Culturally Unique Program

The P-3 visa classification applies to an individual who is coming to the U.S. temporarily to perform, teach, or coach, individually or as part of a group, an art form that is culturally unique.

U-1: Victim of Criminal Activity

The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

Permanent, Immigrant Visas

An immigrant visa is issued to a foreign national who intends to live and work permanently in the United States. Green cards or status of a lawful permanent resident (“LPR”) provides individuals the privilege of permanently residing in the U.S. as an immigrant. The person must intend to keep the U.S. as its permanent residence. An LRP will lose his/her status if the absence of such intent is discovered. Although a green card holder may have multiple residences, their U.S. residence must be the permanent one. Moreover, green cards holders may be deported if they violate certain U.S. laws, such as a drug offense.

The Law Office of Kameli & Associates, P.C. has the experience to successfully file for any LPR. Nevertheless, the most frequent visas requested by clients are K, N, EB-2, and EB-5.

Family-sponsored:

Immediate Relatives

These visa types are based on a close family relationship with a United States (U.S.) citizen described as an Immediate Relative (IR). The number of available immigrant visas in these categories are not limited each fiscal year. Immediate relative visa types include:

- IR-1: Spouse of a U.S. Citizen
- IR-2: Unmarried Child Under 21 Years of Age of a U.S. Citizen
- IR-3: Orphan adopted abroad by a U.S. Citizen
- IR-4: Orphan to be adopted in the U.S. by a U.S. citizen
- IR-5: Parent of a U.S. Citizen who is at least 21 years old

Family Preference

These visa types are for specific, more distant, family relationships with a U.S. citizen and some specified relationships with a Lawful Permanent Resident (LPR). There are fiscal year numerical limitations on family preference immigrants, shown at the end of each category. The family preference categories are:

- Family First Preference (F1): Unmarried sons and daughters of U.S. citizens, and their minor children, if any. (23,400)
- Family Second Preference (F2): Spouses, minor children, and unmarried sons and daughters (age 21 and over) of LPRs. At least seventy-seven percent of all visas available for this category will go to the spouses and children; the remainder is allocated to unmarried sons and daughters. (114,200 plus any unused F1)

- Family Third Preference (F3): Married sons and daughters of U.S. citizens, and their spouses and minor children. (23,400)
- Family Fourth Preference (F4): Brothers and sisters of U.S. citizens, and their spouses and minor children, provided the U.S. citizens are at least 21 years of age. (65,000)

Employer-sponsored:

Employment-Based Immigration: First Preference EB-1

You may be eligible for an employment-based, first-preference visa if you have an extraordinary ability, are an outstanding professor or researcher, or are a multinational executive or manager. Each occupational category has certain requirements that must be met:

Extraordinary Ability

You must be able to demonstrate extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim. Your achievements must be recognized in your field through extensive documentation. No offer of employment is required.

Outstanding professors and researchers

You must demonstrate international recognition for your outstanding achievements in a particular academic field. You must have at least 3 years' experience in teaching or research in that academic area. You must be entering the United States in order to pursue tenure or tenure track teaching or comparable research position at a university or other institution of higher education.

Multinational manager or executive

You must have been employed outside the United States in the 3 years preceding the petition for at least 1 year by a firm or corporation and you must be seeking to enter the United States to continue service to that firm or organization. Your employment must have been outside the United States in a managerial or executive capacity and with the same employer, an affiliate, or a subsidiary of the employer.

Employment-Based Immigration: Second Preference EB-2

You may be eligible for an employment-based, second preference visa if you are a member of the professions holding an advanced degree or its equivalent, or a foreign national who has exceptional ability. Below are the occupational categories and requirements:

Advanced Degree

The job you apply for must require an advanced degree and you must possess such a degree or its equivalent (a baccalaureate degree plus 5 years progressive work experience in the field).

Exceptional Ability

You must be able to show exceptional ability in the sciences, arts, or business. Exceptional ability “means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.”

National Interest Waiver

Aliens seeking a national interest waiver are requesting that the Labor Certification be waived because it is in the interest of the United States. Though the jobs that qualify for a national interest waiver are not defined by statute, national interest waivers are usually granted to those who have exceptional ability (see above) and whose employment in the United States would greatly benefit the nation. Those seeking a national interest waiver may self-petition (they do not need an employer to sponsor them) and may file their labor certification directly with USCIS along with their Form I-140, Petition for Alien Worker.

Employment-Based Immigration: Third Preference EB-3

You may be eligible for this immigrant visa preference category if you are a skilled worker, professional, or other worker.

- “Skilled workers” are persons whose job requires a minimum of 2 years training or work experience, not of a temporary or seasonal nature
- “Professionals” are persons whose job requires at least a U.S. baccalaureate degree or a foreign equivalent and are a member of the professions
- The “other workers” subcategory is for persons performing unskilled labor requiring less than 2 years training or experience, not of a temporary or seasonal nature.

Skilled Workers

- You must be able to demonstrate at least 2 years of job experience or training
- You must be performing work for which qualified workers are not available in the United States

Professionals

- You must be able to demonstrate that you possess a U.S. baccalaureate degree or foreign degree equivalent, and that a baccalaureate degree is the normal requirement for entry into the occupation
- You must be performing work for which qualified workers are not available in the United States
- Education and experience may not be substituted for a baccalaureate degree

Unskilled Workers (Other Workers)

- You must be capable, at the time the petition is filed on your behalf, of performing unskilled labor (requiring less than 2 years training or experience), that is not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

Employment-Based Immigration: Fourth Preference EB-4

You may be eligible for an employment-based, fourth preference visa if you are a special immigrant. The following special immigrants are eligible for the fourth preference visa:

- Religious Workers
- Broadcasters
- Iraqi/Afghan Translators
- Iraqis Who Have Assisted the United States
- International Organization Employees
- Physicians
- Armed Forces Members
- Panama Canal Zone Employees
- Retired NATO-6 employees
- Spouses and Children of Deceased NATO-6 employees

Petitioning for an Employment-Based Fourth Preference Immigrant

- To petition for an employment-based fourth preference immigrant, your employer must file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. However, there are certain situations where you, the employee, may

Family of EB-4 Visa Holders

- Your spouse may also be admitted to the United States. Your children, unmarried under the age of 21, may be admitted to the United States.

Broadcasters

Under section 203(b)(4) of the Immigration and Nationality Act, the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG), or a grantee of the BBG, may petition for an alien (and the alien's accompanying spouse and children) to work as a broadcaster for the BBG or a grantee of the BBG in the United States. For the purposes of this section, the terms:

- **BBG grantee** means Radio Free Asia, Inc (RFA) or Radio Free Europe/Radio Liberty, Inc. (RFE/RL)
- **Broadcaster** means a reporter, writer, translator, editor, producer or announcer for news broadcasts; hosts for news broadcasts, news analysis, editorial and other broadcast features; or a news analysis specialist. The term broadcaster does not include individuals performing purely technical or support services for the BBG or a BBG grantee.

All Form I-360 petitions submitted by the BBG or a BBG grantee on behalf of an alien for a broadcaster position with the BBG or BBG grantee must be accompanied by a signed and dated supplemental attestation that contains the following information about the prospective alien broadcaster:

- (i) The job title and a full description of the job to be performed; and
- (ii) The broadcasting expertise held by the alien, including how long the alien has been performing duties that relate to the prospective position or a statement as to how the alien possesses the necessary skills that make him or her qualified for the broadcasting-related position within the BBG or BBG grantee.

Follow the instructions on Form I-360 on where to file your petition.

EB-5 Immigrant Investor

Visa Description

USCIS administers the Immigrant Investor Program, also known as "EB-5," created by Congress in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors. Under a pilot immigration program first enacted in 1992 and regularly reauthorized since, certain EB-5 visas also are set aside for investors in Regional Centers designated by USCIS based on proposals for promoting economic growth.

All EB-5 investors must invest in a **new commercial enterprise**, which is a commercial enterprise:

- Established after Nov. 29, 1990, or

- Established on or before Nov. 29, 1990 that is:
 1. Purchased and the existing business is restructured or reorganized in such a way that a new commercial enterprise results, or
 2. Expanded through the investment so that a 40-percent increase in the net worth or number of employees occurs

Commercial enterprise means any for-profit activity formed for the ongoing conduct of lawful business including, but not limited to:

- A sole proprietorship
- Partnership (whether limited or general)
- Holding company
- Joint venture
- Corporation
- Business trust or other entity, which may be publicly or privately owned

This definition includes a commercial enterprise consisting of a holding company and its wholly owned subsidiaries, provided that each such subsidiary is engaged in a for-profit activity formed for the ongoing conduct of a lawful business.

Note: This definition does not include noncommercial activity such as owning and operating a personal residence.

Job Creation Requirements

- Create or preserve at least 10 full-time jobs for qualifying U.S. workers within two years (or under certain circumstances, within a reasonable time after the two-year period) of the immigrant investor's admission to the United States as a Conditional Permanent Resident.
- Create or preserve either direct or indirect jobs:
 - Direct jobs are actual identifiable jobs for qualified employees located within the commercial enterprise into which the EB-5 investor has directly invested his or her capital.
 - Indirect jobs are those jobs shown to have been created collaterally or as a result of capital invested in a commercial enterprise affiliated with a regional center by an EB-5 investor. A foreign investor may only use the indirect job calculation if affiliated with a regional center.

Note: Investors may only be credited with preserving jobs in a troubled business.

A troubled business is an enterprise that has been in existence for at least two years and has incurred a net loss during the 12- or 24-month period prior to the priority date on the

immigrant investor's Form I-526. The loss for this period must be at least 20 percent of the troubled business' net worth prior to the loss. For purposes of determining whether the troubled business has been in existence for two years, successors in interest to the troubled business will be deemed to have been in existence for the same period of time as the business they succeeded.

A qualified employee is a U.S. citizen, permanent resident or other immigrant authorized to work in the United States. The individual may be a conditional resident, an asylee, a refugee, or a person residing in the United States under suspension of deportation. This definition does not include the immigrant investor; his or her spouse, sons, or daughters; or any foreign national in any nonimmigrant status (such as an H-1B visa holder) or who is not authorized to work in the United States.

Full-time employment means employment of a qualifying employee by the new commercial enterprise in a position that requires a minimum of 35 working hours per week. In the case of the Immigrant Investor Program, "full-time employment" also means employment of a qualifying employee in a position that has been created indirectly from investments associated with the Program.

A job-sharing arrangement whereby two or more qualifying employees share a full-time position will count as full-time employment provided the hourly requirement per week is met. This definition does not include combinations of part-time positions or full-time equivalents even if, when combined, the positions meet the hourly requirement per week. The position must be permanent, full-time and constant. The two qualified employees sharing the job must be permanent and share the associated benefits normally related to any permanent, full-time position, including payment of both workman's compensation and unemployment premiums for the position by the employer.

Capital Investment Requirements

Capital means cash, equipment, inventory, other tangible property, cash equivalents and indebtedness secured by assets owned by the alien entrepreneur, provided that the alien entrepreneur is personally and primarily liable and that the assets of the new commercial enterprise upon which the petition is based are not used to secure any of the indebtedness. All capital shall be valued at fair-market value in United States dollars. Assets acquired, directly or indirectly, by unlawful means (such as criminal activities) shall not be considered capital for the purposes of section 203(b)(5) of the Immigration and Nationality Act.

Note: Investment capital cannot be borrowed.

Required minimum investments are:

- General. The minimum qualifying investment in the United States is \$1 million.
- Targeted Employment Area (High Unemployment or Rural Area). The minimum qualifying investment either within a high-unemployment area or rural area in the United States is \$500,000.

A targeted employment area is an area that, at the time of investment, is a rural area or an area experiencing unemployment of at least 150 percent of the national average rate.

A **rural area** is any area outside a metropolitan statistical area (as designated by the Office of Management and Budget) or outside the boundary of any city or town having a population of 20,000 or more according to the decennial census.

Diversity Visa

The Diversity Immigrant Visa Program (DV Program) makes up to 50,000 immigrant visas available annually, drawn from random selection among all entries to individuals who are from countries with low rates of immigration to the United States. The DV Program is administered by the U.S. Department of State (DOS).

Most lottery winners reside outside the United States and immigrate through consular processing and issuance of an immigrant visa.

Note: There is no cost to register for the DV Program.

EB-5 Regional Center Services

Introduction

Our attorneys regularly travel the world to promote the EB-5 Regional Center program, and have the pulse of the EB-5 market to structure your EB-5 Regional Center and/or EB-5 Project so that it is attractive to foreign investors. By paying close attention to the details of your project, the Law Offices of Kameli & Associates, P.C. ensure that your Regional Center and EB-5 Projects are set apart from the competition; thereby making it more attractive to EB-5 applicants from around the world who are looking to immigrate to the United States through the EB-5 Regional Center Program.

Capital Funding Segments

In today's economic climate, finding conventional financing for development is becoming exceedingly difficult. Banking institutions have tightened credit to the point where even the most proven investors and organizations must demonstrate substantial equity investment before construction loans are provided. Furthermore, when banks do agree to fund a development project, the financing offered is usually in the form of short-term bridge loans, which lack the portfolio stability needed to attract private venture capital. On the other hand, when U.S. venture capital gets involved, it is invariably in the form of very high interest mezzanine financing, creating risk issues which makes other potential investors steer clear.

For these reasons, U.S. projects seeking funding are turning increasingly toward foreign venture capital that is generally available at lower interest rates than U.S. venture capital, especially when paired with immigration structuring for the investor. Through the EB-5 Program or other suitable investment-based visas, the cost of such funding can actually be substantially lower than the best bank rates available.

The Law Offices of Kameli & Associates works with the following types of clients to develop structured, targeted foreign venture capitalization plans which addresses the needs and wants of foreign investors and the goals of our clients:

- EB-5 Regional Centers seeking to tailor, fine-tune, or re-invent offerings and/or economic methodologies to generate maximum EB-5 investor interest.
- U.S. developers seeking foreign venture capital from high net worth individuals for whom the EB-5 program is not viable based upon the global tax implications of U.S. residency.

EB-5 Regional Centers

As of April 1, 2014, there are over 440 Regional Centers designated by USCIS. The EB-5 market is oversaturated with extensive competition as a result of the long list of EB-5 Projects that are being offered. Due to such fierce competition, Regional Centers tend to seek assistance from third-party vendors to reach out to investors and promote their EB-5 Projects.

Regional Centers usually outsource their marketing services to attorneys, agents, and immigration consultants. Let's face it, while these could potentially be suitable channels to promote EB-5 Projects on behalf of Regional Centers, such service providers lack the marketing know-how to ensure successful delivery of promotional campaigns that Regional Centers require for their EB-5 Projects.

1. EB-5 Regional Center Setup Services

Below is a list of services that Law Offices of Kameli & Associates offers as a complete EB-5 solution for setting up a Regional Center.

- Matter of Ho Compliant Business Plans
- Private Placement Memorandums
- Econometric Analysis
- Partnership Agreements
- Escrow Agreements
- Job Tracking Documentations
- Regional Center Map and TEA Designations
- Administration Documentation
- Regional Center Marketing Documentation
- Marketing Materials
- Operations and Marketing Plan and Budgets
- Responses to the USCIS Requests for Evidence (RFE)

2. EB-5 Project Marketing Services

The Law Offices of Kameli & Associates houses a team of domain-expert professionals who will work with your Regional Center to create a custom turnkey marketing solution that suits their EB-5 Project requirements. Our services cover all branding, placement, event-planning, and marketing initiatives that are appropriate for a particular project.

- Setup capital objectives, funding amount, and timelines
- Evaluate existing venture capitalization and needs
- Evaluate existing brand recognition and market placement
- Evaluate current online presence or activities
- Formulate capitalization plan and timeline
- Define geographic global regions where investors are most likely to be identified
- Setup online and social media in selected markets
- Integrate immigration solutions with the foreign venture capital plan
- Create brand, logo, and new website
- Create marketing content
- Execute online optimization and brand-establishment plan
- Setup international marketing events and seminars

3. EB-5 Capital Fundraising Services

The Law Offices of Kameli & Associates engages with international partners in key jurisdictions. We also work with U.S. investment bankers who represent potential investors already doing business in the U.S.

We provide your Regional Center with the necessary support to maximize your desired EB-5 investment fund-raising results. Teaming with the Law Offices of Kameli & Associates provides the required international reach to realize EB-5 capitalization objectives through comparably low-cost foreign capital funding.

- Liaison with international venture capital groups and resources
- Coordinate with identified U.S. investment bankers
- Promote the EB-5 Program directly to foreign investors

EB-5

EB-5 Overview

The EB-5 "Direct" Visa was created by the Immigration Act of 1990. This program provides a method of obtaining a Green Card for foreign nationals who invest money in the United States.

Initially, under the original EB-5 "Direct" Visa, the foreign investor was required to create an entirely new commercial enterprise; however, under the EB-5 Regional Center Program, investments can be made directly in a job-generating commercial enterprise (new, or existing - "Troubled Business") through 3rd party-managed investment vehicle (private or public), which assumes the responsibility of creating the requisite jobs. Regional Centers may charge an administration fee for managing the investor's investment.

To obtain the EB-5 "Direct" Visa, individuals must invest \$1,000,000 (or at least \$500,000 in a "Targeted Employment Area" - high unemployment or rural area), creating or preserving at least 10 jobs for U.S. workers, excluding the investor and their immediate family. If the investor's petition is approved and the U.S. consulate issues the visa, the investor and his/her spouse and unmarried children under the age of 21 will be granted conditional permanent residence that is valid for two years. Within the 90 day period before the conditional permanent residence expires, the investor must submit evidence documenting that the full required investment has been made and 10 jobs have been created or will be created within a reasonable time period.

Regional Centers

A Regional Center is any economic entity which has been designated by USCIS to be involved with the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment.

The EB-5 Regional Center Program was created by Section 610 of Public Law 102-395 on Oct. 6, 1992 and has been extended through September 30, 2015. The EB-5 requirements for an investor under the EB-5 Regional Center Program are essentially the same as in the original EB-5 "Direct" Visa. The difference is that the EB-5 Regional Center Program provides for investments that are affiliated with a "Regional Center." Investments made through Regional Centers can take advantage of a more expansive calculation of job creation including direct, indirect and induced jobs.

In order to receive a designation to become a Regional Center, organizers must submit a proposal showing:

- How the Regional Center plans to focus on a geographical region within the United States and promote economic growth in that region.
- How, in verifiable detail (using economic models), jobs will be created directly or indirectly through capital investments made in accordance with the Regional Center's business plan.
- The amount and source of capital committed to the Regional Center and the promotional efforts made and planned for the business project.
- How the Regional Center will have a positive impact on the regional or national economy.

EB-5 Regional Center Program

The requirements for the EB-5 Regional Center Program, which allows for the immigration applicant to create a new business through a designated Regional Center, are as follows:

1. Investment must be made in a new business (created after 1990) or a business that was substantially reorganized or restructured after 1990.
2. The individual must invest either \$500,000 or \$1,000,000 of capital into that business depending upon the area in which the business is located. (\$500,000 is only sufficient if invested in areas considered as "targeted employment areas").
3. Business results must benefit the U.S. economy and create direct, indirect, or induced employment for at least 10 U.S. workers.
4. The new business owner (the immigration applicant) must actively participate in the management of the new business, which may be accomplished by being a limited partner or member in the new business.

Targeted Employment Areas

A targeted employment area ("TEA") is an area that, at the time of investment, is a rural area or an area experiencing unemployment of at least 150 percent of the national average rate.

A rural area is any area outside a metropolitan statistical area (as designated by the Office of Management and Budget) or outside the boundary of any city or town having a population of 20,000 or more according to the decennial census.

Capital Investment Requirements

The investor is required to invest a minimum of \$500,000 for investments in a new business located within a TEA. This \$500,000 amount is the minimum allowed by the United States law to qualify for the EB-5 Green Card in a TEA.

As per federal guidelines, the EB-5 investment must be made “at-risk”, and any guarantee of return of capital is strictly prohibited. If given, the guarantee negates the “at-risk” requirement of the EB-5 law, and the investor’s petition will be denied.

Note: Investment capital cannot be borrowed.

EB-5 Benefits

The EB-5 Regional Center Program is the most flexible in the world. It sets no requirements for age, business training and experience, or language skills. Additionally, those immigrants who have entered the U.S. on an EB-5 Visa are able to travel to their home country during the course of the conditional lawful permanent residency status. They can even maintain business and professional relations in their country of origin, as long as it is not under U.S. sanctions. Generally, as a permanent resident, the investor and his or her family are free to return to their homeland for visits or business purposes, as long as they do not intend to abandon their residence in the U.S.

The EB-5 Regional Center Program also allows investors a great deal of freedom because it does not require immigrant investors to manage their investment on a daily basis, but rather, to 'actively engage' in a business enterprise, meaning they can be limited partners and pursue other professional or personal ventures. Moreover, should the investor and his or her family elect to become U.S. citizens, the time spent as conditional permanent residents is credited towards the five year lawful permanent residency requirement for U.S. citizenship.

EB-5 Visa Benefits

- Direct route to permanent residency in the United States for Investor, his/her spouse, and any unmarried children under the age of 21
- Freedom for Investor and family to live, work, and retire anywhere in the United States
- Investor and his/her spouse and children may attend college or university at U.S. resident costs
- Investor and immediate family may travel to and from the United States without another visa
- Route to U.S. citizenship for Investor and immediate family after meeting the USCIS requirements
- Ability for Investor to sponsor Green Cards for family members
- Investor receives all benefits of U.S. permanent residency status, including ability to develop and run his/her own business

Reduced University Tuition

One of the main benefits of obtaining lawful permanent residency within the United States is that you and your immediate family will be able to attend any university in the United States and pay tuition fees the same as any United States resident, not as an international student. This would mean an average saving of over \$85,000 per person enrolled in a university that is located within the state in which they reside. A family with four children enrolled into university that they reside in would save well over \$300,000 in tuition fees depending on the university that their children are enroll in. Check the below chart for further details.

School Name	In-State Resident Tuition Per Year*	International Student Tuition Per Year**	Potential Tuition Savings Over 4 Years***
University of Wisconsin-Madison	\$16,626	\$46,126	\$118,000
University of Virginia	\$9,870	\$31,870	\$88,000
University of California-Berkeley	\$10,333	\$33,050	\$90,868
University of Michigan	\$5,735	\$17,374	\$46,556

*Tuition rates for permanent residents living in the same state

**Tuition rates found via schools' public websites, March, 2010

***Average savings: \$85,856 not including additional visa and legal fees for international students.

EB-5 Process

There are standard steps that investors must complete to become U.S. permanent residents through the EB-5 visa program. Once these steps have been completed, EB-5 investors, their spouse, and their unmarried children under the age of 21 become U.S. permanent residents. They will even have the option to apply for U.S. Citizenship 5 years after obtaining their permanent residency.

Step 1: Locating an EB-5 Project

The preliminary step is for the EB-5 applicant to find a suitable business project to receive their investment. EB-5 business projects generally take the form of either an individual commercial enterprise or Regional Center projects. Overseas migration agents often help EB-5 investors locate the project that best suits their needs. Applicants must also ensure that they meet accredited investor income requirements in order to move forward with the EB-5 process.

Step 2: Capital Investment and I-526 Petition

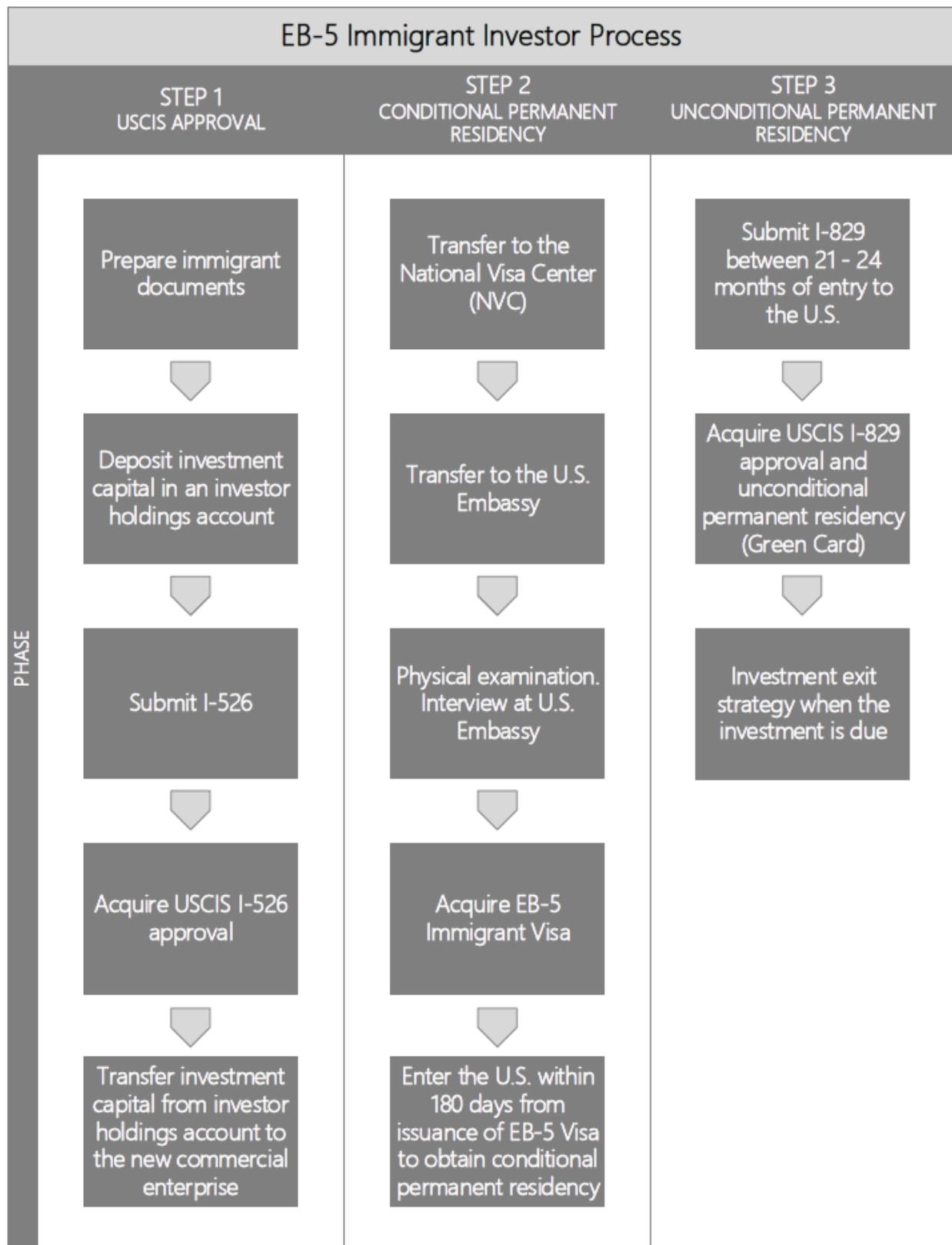
The second step of the EB-5 visa process is for the applicant to make the required capital investment amount in the project that they have chosen and verify the source of funds. This typically involves the assistance of an accountant to ensure that the \$500,000 or \$1,000,000 amount has either been invested or is in the process of being invested in their EB-5 project. These investments are often made into an investor holdings account. Then an immigration attorney provides proof of this investment by filing an I-526 petition with the USCIS. The USCIS typically informs applicants whether or not their I-526 petition has been accepted after 12 to 16 months.

Step 3: Two-year conditional permanent residency

The third step of the EB-5 application process is for the applicant to become a two year conditional resident of the United States so they can put their EB-5 project investment to work. EB-5 investors are eligible to become U.S. conditional residents once their I-526 petition has been approved by the USCIS. Residency can be attained in one of two ways. If the EB-5 investor already has lawful status in the U.S., then they must file form I-485 to adjust their status to conditional permanent resident. If the investor does not already have U.S. status, then they must file for an immigrant visa by submitting form DS-260 to the National Visa Center and must process through the U.S. consulate or embassy in their home country. Both of these steps typically require the help of an immigration attorney and the immigrant visa is issued on average in 6 to 12 months.

Step 4: Unconditional permanent residency and the I-829 Petition

The last step in the EB-5 visa process is for the applicants to become unconditional permanent residents by removing their two year conditional status. The I-829 petition is submitted to the USCIS 90 days prior to the anniversary of the date that the applicant first received their conditional residency. This application proves that the investor has met all requirements of the EB-5 visa program. The USCIS most often issues a green card 6 to 8 months after the I-829 has been submitted. The investor, their spouse, and their unmarried children under the age of 21 can then permanently live and work in the United States and have the option to apply for U.S. citizenship after a 5 year period from the date they received their initial conditional residency.



PHASE

Difference between EB-5 Program and E-2 Program

Visa	EB-5	E-2
Intention	Immigrant	Non-Immigrant
Experience	None required	Should have experience in operating a business to be successful
Process Time	12 – 18 months	Depends on how quickly they can find the business and prepare documents
Qualified Nations	All Nations	Nationality & Treaty based. Country list can be found on Department of State website under “Reciprocity by Country”
Amount of Investment	<ul style="list-style-type: none"> \$500,000 if in TEA Or \$1,000,000 anywhere Must be “at risk” investment 	Substantial investment based on a sliding scale and depending on the value of the business.
Investment Territory	Territory which is approved through USCIS	Any part of US
Residence in U.S.	Can live in any region of U.S.	Live near the Business Location
Business Operations	Regional Center may manage and operate the businesses under the program, but active participation in new commercial enterprise	Directly operate the business
Employment	Regional Center may manage the employment process and documentation, but active participation in new commercial enterprise	Responsible for own employment hiring and documentation
Special Requirements	Job Creation: 10, full-time jobs must be created but can be indirect or induced if investment is through a Regional Center	Profitability requirement. Plan to make more than a livelihood, should make significant economic contribution within 5 years
Duration of Stay and Visa Process	<ol style="list-style-type: none"> 1. Locate and qualify Regional Center 2. Apply for I-526 and get approval 3. Apply for Visa through US Consulate 4. Get EB-5 visa, arrive into the US within 6 months to obtain conditional Green Card 5. Apply for Permanent Green Card before 2 years (I-829) 	Non-immigrant visa but unlimited extensions, dependent on business status and must submit necessary documents to extend visa before each expiration (generally every 2 or 5 years)

Frequently Asked Questions

EB-5 Requirements

1. Do I have to speak English?

No. However, do try to learn English as it will help in an immigration interview.

2. Do I have to be in good health?

Yes. You must not have certain communicable diseases and have proper vaccinations.

3. Do I have to have previous business experience or education?

The investor is not required to have any prior business experience. Likewise, the investor is not required to demonstrate any minimum level of education. The only requirement for the investor is that he/she has the required net worth and capital.

4. What does it mean that the investor's assets be "lawfully gained"?

Under USCIS regulations, the investor must demonstrate that his assets were gained in a lawful manner. This requires the investor to prove his investment funds were obtained through lawful business, salary, investments, property sales, inheritance, gift, loan, or other lawful means.

5. Can money gifted by a parent or other relative be used for an EB-5 Investment?

Yes, provided that any applicable gift taxes are paid. It must be demonstrated that the gift is an actual arm's length transaction and is not a mere ruse that the gifted funds will be given back after permanent resident status is granted.

6. Can I apply for an EB-5 if I have been rejected or terminated in the past by USCIS for an L-1, E-2, B, or other visas?

Rejection in the past does not automatically disqualify the applicant, unless the reasons related to immigration fraud or other major problems. It is important that all criminal, medical, or U.S. immigration history problems be disclosed to the Regional Center and legal counsel in advance of application.

7. Can I apply if I am currently without a valid visa?

Out-of-status nationals are no longer permitted to apply for permanent residency from within the United States. They must first return to their country of origin and apply through the United States Embassy there. Examples of "out-of-status" individuals are students,

tourists, and E-2 treaty investors who remained in the United States after their visas expired or were revoked.

8. Are there any countries excluded from eligibility for the EB-5 Visa program?

No, there are no countries that are directly bared from participating in the EB-5 Program, but there are countries that do require additional licenses in order to invest. Please consult with your attorney for further information.

9. Is dual citizenship allowed under this program?

Maybe. The U.S. allows dual citizenship, but your original country of origin may not allow it. You will need to investigate this.

EB-5 Visa Matters

1. What is a Designated Regional Center?

- An entity, organization, or agency that has been approved by USCIS;
- Focuses on a specific geographic area and industries within the United States; and
- Seeks to promote economic growth through increased export sales, improved regional productivity, creation of new jobs, and increased domestic capital investment.

2. What is an ‘investor holdings’ account, and when does the investor transfer the money to this account?

An investor holdings account is a legal, interest-bearing account established in an FDIC bank to hold the initial deposit in trust or “escrow” until the completion of visa processing. This type of account is commonly used in the sales of real estate, businesses and personal property. Typically under the agreements, the investor’s investment money is not authorized to be released from the investor holdings account by the bank until the investor’s I-526 Petition has been approved or denied. Many projects have no investor holdings account or escrow account. The investor should be extremely careful with it.

3. How does the ‘investor holdings’ account protect me against the risk of losing my money?

The initial cash deposit from the investor is placed in a legal, interest-bearing investor holdings account. When an investor holdings account is established, the funds continue to belong to the investor; however, they are committed to be placed into the EB-5 investment project upon Form I-526 approval.

4. What issue has caused the most problem when applying for an EB-5 visa?

The most common problem has been insufficient documentation of the source of funds. Many people try to disclose the least possible information only to have the file returned with a request for further information. However, it is better to provide too much information, rather than too little information. USCIS case examiners require a well-documented source of funds application. Professional assistance from a certified public accountant or tax attorney is recommended.

5. After petition approval, can members of the family interview in different countries?

Family members can interview in different countries. The country of origin or where the family has current ties is the standard interview site. However, if one member of the family is located in another country, such as a student attending school in the U.S., then the student does not have to return to the country of origin and can adjust status in the United States at a district office of the USCIS.

Green Card

1. What are the benefits of the Green Card?

- All lawful permanent residents under the EB-5 Visa enjoy the same benefits as every other U.S. citizens, except for the right to vote and entitlement to certain public benefits.
- The U.S. is a safe harbor for your family as well as your personal and business investments. Any member of the family with a "Green Card" can enter the U.S. at any time and stay as long as he/she wishes.
- Investors have constant and easy access to the United States for personal, trade and business purposes.
- Permanent residents travel to the U.S. without the need of another visa. Investors may work, live, or own their own proprietary business anywhere in the United States.
- The U.S. has internationally recognized colleges and universities for both basic education and graduate study. As a resident, the investor can benefit from lower tuition costs.
- The cost of living in the U.S. is less than most large industrial nations. Consumer goods, services, and housing are significantly less expensive than comparable services and good in most other countries.

- Students may work in the U.S. while they attend college and then continue to work afterwards, enabling the student to pay part of his education and to work while attending graduate and postgraduate studies.
- The U.S. provides many financial, social, and education entitlements such as public schools, health and medical attention, social security, and education.
- The Investor has the ability to apply to bring immediate family members to the U.S. and after proper application, they can apply for U.S. citizenship.
- The unrestricted permanent residency requires no renewal or re-application. However, the physical card will need to be renewed after 10 years. Other U.S. non-immigrant visas, such as an E-2 and H visa may never result in permanent residency, have time limits, and require additional filing with USCIS or the Department of State. Furthermore, U.S. immigration laws may change and prevent future approval when a renewal of visa is required.

2. What is a 'Conditional' Green Card?

A conditional Green Card is a temporary Green Card that is valid for only two years. One year and nine months after it is issued, a three-month window opens up during which an individual must file another application (the I-829 petition) with USCIS to verify that all of the funds have been invested and employment has been created. When the conditional resident status has been lifted, full resident status is granted and a permanent Green Card is issued.

3. What is the difference between "conditional" and "unconditional" Green Cards?

Under the regulations, an investor who is approved for the EB-5 immigrant visa receives a "conditional" Green Card, which must be reissued after two years, subject to removal of conditions. Otherwise, the two cards offer the same rights and privileges.

4. Who receives the permanent residency ("Green Card")?

Husband, wife and any unmarried children under the age of 21. It is possible for adopted children to be included in the family. Upon approval you will receive a form evidencing approval and a travel document. You should also receive a temporary Green Card in the mail.

5. What is the difference between permanent residency and citizenship?

Once you obtain a Green Card and become a lawful permanent resident, you have most of the rights and obligations of United States citizens, except that you cannot vote and you

are not entitled to some public benefits. You are subject to the same tax filing requirements and are entitled to the same tax rates and deductions as U.S. citizens. Lawful permanent residents may also be subject to removal for certain criminal convictions.

Your 'Green Card' is your most important travel and identification document. When your Green Card arrives, look at it carefully. If your Green Card is lost, stolen, or duplicated, you may replace it by filing a form with USCIS.

"Abandonment of Residency" rules are an important restriction to which lawful permanent residents are subject. Abandonment can occur when you are outside of the United States for more than six months without informing the USCIS of your plans in advance. The law provides that you are free to travel abroad, provided that your trip is "temporary". Generally, USCIS views any absence from the United States for longer than six months as not temporary. Thus, it is advisable to obtain a "re-entry permit" before your departure.

Naturalization is one of the most important opportunities that lawful permanent residents possess. Naturalization is the opportunity to apply for U.S. citizenship after five years. Being a lawful permanent resident for 5 years is one of the basic requirements for qualifying for naturalization. A second requirement is being physically present in the United States for 30 months during the 5 years prior to the naturalization application. Once becoming a United States citizen, an individual is entitled to benefits including the right to vote, hold public office, and cannot be removed from the United States.

6. If my I-526 petition is approved by USCIS, what is the purpose of the Consulate application and interview, and how soon do I get my "Green Card"?

Upon approval of your I-526 Petition, you must wait for notification from the US Consulate in your home country to prepare documents for the EB-5 Visa interview. The purpose of this procedure is to ensure that the investor and his/her family undergo medical, police, security, and immigration history checks before the conditional permanent resident visa are issued. At the interview, the consular officer may address these issues and information printed on the I-526 application, including asking the investor to summarize the nature of his/her immigrant investment. If the investor and his/her family are in the United States, then you may apply for adjustment of status by filing form I-485, and supporting documents, the application may be filed at the appropriate office of the USCIS.

7. Can my Green Card be taken away from me?

Once you receive a Green Card, there are only two conditions required to keep it for life. First, you must not become removable or inadmissible. The most common way of doing this is to be convicted of a serious crime.

The second requirement is that you do not abandon the United States as your permanent residence. As long as you are not planning to make your home somewhere else and satisfy the physical presence requirements, then legally you are still a resident of the United States. Problems may arise, however, because the USCIS will try to judge your intention by the way you act.

“Abandonment of Residency” rules are an important restriction to which lawful permanent residents are subject. Abandonment can occur when you are outside of the United States for more than six months without informing the USCIS of your plans in advance. The law provides that you are free to travel abroad, providing that your trip is “temporary”. Generally, the USCIS views any absence from the United States for longer than six months as not temporary. Thus, it is advisable to obtain a “re-entry permit” before your departure.

As a general rule, if you have a Green Card and leave the United States for more than six months, you may have difficult time re-entering the country. That is because the USCIS feels an absence of longer than six months indicates a possible abandonment of U.S. residence. To avoid a full-scale inspection, you should return within six months.

It is a common misconception that to keep your Green Card all you need to do is enter the United States at least once a year. If you ever leave the United States with the intention of making some other country your permanent home, you give up your lawful permanent residency when you go. Once again, USCIS will look to your behavior for signals that your real place of residence is not the United States.

On the other hand, remaining outside the United States for more than six months does not mean you have automatically given up your Green Card. If your absence was intended from the start to be only temporary, you may still keep your permanent resident status. However, you may no longer use your Green Card as a U.S. entry document. You must

either apply at a U.S. consulate for a special immigrant visa as a returning resident or you must get what is known as a re-entry permit.

8. I have a Green Card and plan on traveling out of the U.S. for a long time. Can I keep my Green Card?

Perhaps. The primary rule surrounding Green Cards is that you lose it if you give up your U.S. residence. The more common criterion, though, is time based. There are three important time limits to know about:

- If you are absent for less than six months, you will rarely have a problem. It is up to USCIS to prove that you abandoned your residency.
- If you are absent for more than six months but less than a year, the burden of proof reverses. It becomes your job to prove that you are still a permanent resident. This is based on the concept that after six months you have to be readmitted and have to prove that you are still admissible. As a side note, after an absence of more than six months, the various criteria for admissibility apply again too. For instance, if you in the meantime had become inadmissible, say through an HIV infection, you might have a problem.
- If you are absent for more than a year, your Green Card will be considered almost automatically abandoned. Once that happened, there is usually no recourse.

9. I need to travel out of the U.S. for more than a year. Is there anything I can do?

You can apply for a re-entry permit (on form I-131) before you leave the U.S. You can depart before the re-entry permit is approved. Note that the waiting time may be six months or longer for issuance.

With such a re-entry permit, you can return to the U.S. even after one year until the reentry permit's expiration date. Reentry permits are issued for two years. You cannot renew a re-entry permit, but you can return to the U.S. for a short time and apply for a new one.

10. How long is a Green Card valid for?

There are several answers to this question:

- If you received your Green Card through marriage, and have not been married for two years at the time you received your Green Card, you should have a conditional Green Card that is good for two years. Also, if you received your Green Card through investment (EB-5), you should have a conditional Green Card for two years. You must apply for removal of the conditions within 90 days before the two years are up using either a Form I-751 (for marriage) or a Form I-829 (for EB-5). Once that application is approved, you will obtain a regular unconditional Green Card. If you apply either too early or too late, you will have a problem and should consult with an immigration attorney for advice.
- If you do not have the conditions removed, the Green Card will become invalid at the end of two years, and your permanent resident status will be terminated. Unconditional Green Cards are valid for ten years. This does not mean that after ten years, you stop being a lawful permanent resident – only the card itself becomes invalid. You must apply for a new one using Form I-90. Without a current Green Card, you cannot use it to travel out of the U.S. or as evidence that you are permitted to work.

EB-5 in a nutshell

What is EB-5?

The EB-5 Visa was created by the Immigration Act of 1990. The EB-5 Visa provides a method of obtaining a Green Card for foreign nationals who invest money in the United States. To obtain an EB-5 visa, individuals must invest at least \$500,000 USD in a project or business within a Targeted Employment Area (see below for more details) and create at least 10 jobs through that investment.

What is a Regional Center?

The EB-5 Regional Center Program began in 1992. A "Regional Center" is a United States government approved entity dedicated to the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment of a region. EB-5 Regional Center projects must meet the requirements set forth by USCIS.

What is a Targeted Employment Area?

USCIS defines a Targeted Employment Area (TEA) as an area which, at the time of investment, is a rural area, (not within either a metropolitan statistical area (MSA), as designated by the Office of Management and Budget, or the outer boundary of any city or town having a population of 20,000 or more), or an area within an MSA or the outer boundary of a city or town having a population of 20,000 or more which has experienced unemployment of at least 150% of the national average rate.

Who are EB-5 Investors?

EB-5 investors can come from any country outside the United States and can even include people who are in the United States legally under a temporary visa. In 2013, over 70% of all EB-5 investors have come from China, Middle East, and South America.

What are EB-5 requirements?

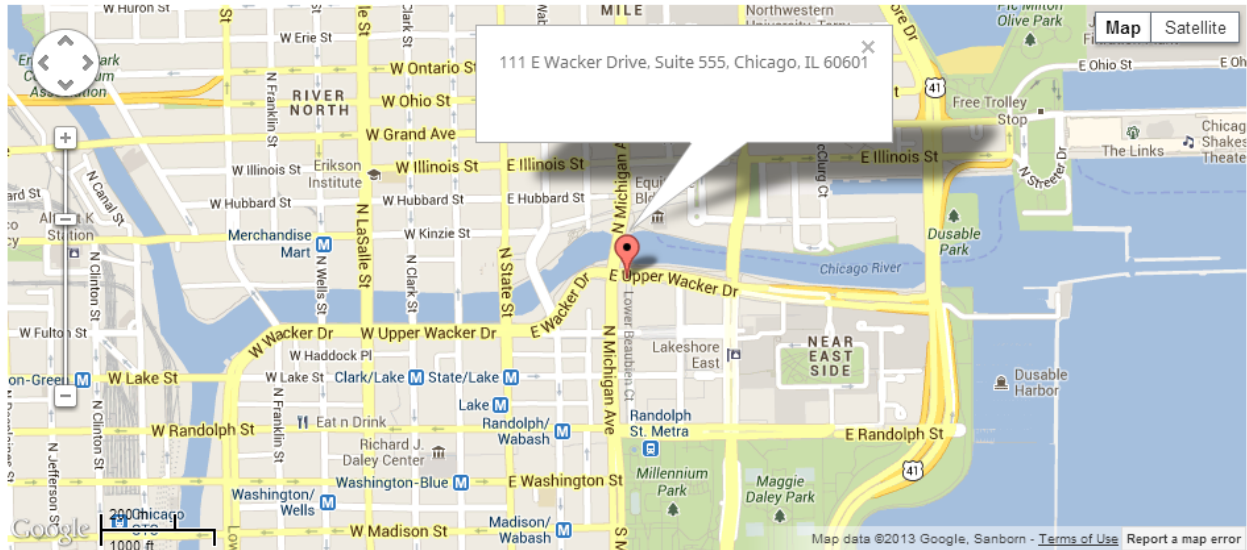
In order to qualify for an EB-5 Visa, an investor must invest at least \$1,000,000, or \$500,000 for a project in a TEA, in an enterprise that will create at least 10 new full-time jobs for U.S. citizens and legal residents. If the project is an existing business, the 10 new jobs have to be in addition to the existing jobs in the business.

Why EB-5?

- Direct route to permanent residency in the United States
- Freedom for Investor and family to live, work and retire anywhere in the U.S.
- Investor & their families may attend college or university at U.S. resident costs
- Investor & immediate family may travel to and from the U.S. without a U.S. visa
- Route to U.S. citizenship after USCIS requirements are met
- Ability for Investor to sponsor Green Cards for family members
- Investor receives all benefits of U.S. permanent residency status

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