



EB-5 USA

Immigrant Investor Visas Option Update



Presenter



Bernie Wolfsdorf
Managing Partner
Bernard@wolfsdorf.com



About the Firm

WR Immigration is a top-rated immigration law firm that provides strategic, client-centered services.

Our high-touch approach and innovative technology continuously create value for our clients. We have an exemplary track record of building robust immigration programs for companies with diverse workforces.





AWARD WINNING CASE MANAGEMENT SYSTEM:

WRapid™

WRapid™ is a centralized, cloud-based technology and Enterprise Resource Planning solutions software for business immigration.

Powered by Salesforce and driven by artificial intelligence bots WRosie and WRay, WRapid™ and WRapid™ Global empower human resources professionals with robust analytics, extraordinary reporting, budgeting, forecasting capabilities, and case processing efficiencies.



EB-5 Requirements

- \$800,000 “at risk” investment in U.S. enterprise, if rural area, high unemployment area, or infrastructure project; otherwise, \$1,050,000
- Lawful source of investment capital
- Comprehensive business plan showing not fewer than 10 positions for qualifying employees created within 2 years
- “Direct” or “Standalone” EB-5 v. “Regional Center EB-5”
 - Investment amount based on location of job creation
 - Difference is job creation - W-2s v. economic modeling



Updates on Regional Center Program

- EB-5 Reform and Integrity Act of 2022 signed on March 15, 2022
- Substantial fund administration and securities due diligence certifications requirements
- New Form I-526E
- Limits % of indirect jobs allowed overall and jobs through construction expenditures



New Priority EB-5 Reserved Visa Categories

- Reserved visas
 - 20% for rural
 - 10% for high unemployment
 - 2% for infrastructure
- Reserved visas not available to pre-RIA investors who meet criteria
- Pre-RIA investors in “unreserved” visa category
- November 2022 Visa Bulletin
 - Unreserved China FAD: March 22, 2015
 - Unreserved India FAD: November 8, 2019





Concurrent and Subsequent Filing of Adjustment of Status

- Persons lawfully admitted can file Adjustment if available visa
- INA 245(k) 180-day grace period protection available

EB-5 Due Diligence

- EB-5 is a job creation program, with an immigration benefit.
- Immigration compliance v. financial/investment due diligence
- Regional center obligations –
 - Independent fund administrators, unless waiver
 - Form I-956 before December 31, 2022
 - Form I-956G annually



Questions?



We look forward to serving your global immigration needs.



visalaw@wolfsdorf.com
www.wolfsdorf.com



Bernie Wolfsdorf

Managing Partner
Bernard@wolfsdorf.com



Joey Barnett

Partner
jbarnett@wolfsdorf.com



Vivian Zhu

Partner
vzhu@wolfsdorf.com



BOSTON

100 High Street, Suite 1300
Boston, MA 02110
T: 617-482-1775

LOS ANGELES

6320 Canoga Avenue, Suite 230
Woodland Hills, CA 91367
T: 310-570-4088

NEW YORK

641 Lexington Avenue,
15th Floor
New York, NY 10022
T: 212-899-5040

OAKLAND

428 Alice Street, Suite 231
Oakland, CA 94607
T: 415-371-1800

SAN DIEGO

10531 4S Commons
Drive, Ste 166-46
San Diego, CA 92127
Phone: +1-619-826-4010

SAN FRANCISCO

540 Pacific Avenue
San Francisco, CA 94133
T: 415-728-9800

SANTA MONICA

1416 2nd Street
Santa Monica, CA 90401
T: 310-570-4088

SHANGHAI

22F, Tower 3, Jing An Kerry Centre
1228 Yan'an Road Middle
Shanghai, China 200040
T: +86 21-31063449

WR GLOBAL

9 Pennsylvania Plaza
Petoskey, MI 49770
Phone: +1-231-252-0303