



DAVIES & ASSOCIATES, LLC
IMMIGRATION ATTORNEYS

Davies & Associates, LLC

February 2016 - Nov 2020

Press Articles



Franchising

THE ASIAN AGE



Business Standard

BUREAUCRACY Today

IANS

Indo-Asian News Service



the pioneer

Entrepreneur

INDIAN EXPRESS

THE ECONOMIC TIMES

Business India

silicon india

The Guardian

DH

BW BUSINESSWORLD

The Statesman

THE HINDU

THE HINDU

OUTLOOK

THE AMERICAN BAZAAR

THE TIMES OF INDIA

Business Line

THE HINDU

Davies & Associates, LLC is a full service U.S. immigration and business law firm headquartered in New York City and Chicago, USA with offices across the United States and around-the-globe.

Although Davies & Associates, LLC specializes in providing innovative and customized immigration solutions to a large number of clients from all around-the-world we are especially known for our expertise in assisting Indian investors and business owners. Today Davies & Associates, LLC is the law firm of choice to Indian businesses and investors seeking to do business in or relocate to the United States.

Our unparalleled history of success in India and around-the-world leads our firm to be the sought after experts on US business and investor visa matters by leading Indian media.

What follows is a sampling of the media coverage Davies & Associates, LLC has received for major Indian media in December 2016 - Nov 2020

SOME OF OUR KEY FEATURES IN INDIAN MEDIA

S. No.	Publication	Media
1.	The Economic Times (National Coverage)	Print (Feature story)
2.	The Times of India (National Coverage)	Print (Feature story)
3.	American Bazaar	Online
4.	India Infoline	Online (Interview)
5.	Metro Review	Online (Interview)
6.	Business India (National Coverage)	Print (Contributory Article)
7.	Deccan Herald (National Coverage)	Print (Contributory Article)
8.	The Hindu Business Line	Print (Interview)
9.	The Hindu	Print (Interview)
10.	Franchising World	Print (Contributory Article)
12.	BW Businessworld	Print (Interview)
13.	The Times of India (National Coverage)	Print (Feature story)
14.	The Indian Express	Print (Feature story)
15.	The Economic Times (National Coverage)	Print (Feature story)
16.	The Times of India	Print (Feature story)
17.	Silicon India	Online (Contributory Article)
33.	Silicon India	Print
34.	The Economic Times	Print
35.	The Times of India	Print
36.	The Pioneer	Print
37.	The Times of India	Online
38.	The Economic Times	Online
39.	Silicon India	Online

S. No.	Publication	Media
40.	Deccan Herald	Online
41.	American Bazaar	Online
42.	The Asian Age	Online/Print
43.	The Times of India	Print
44.	The Pioneer	Print
45.	The Economic Times	Print
46.	The Hindu Business Line	Print
47.	The Statesman	Print
48.	IAN S	Online/Print
49.	The Quint	Online
50.	The Sunday Guardian	Print
51.	Bureaucracy Today	Print
52.	Silicon India	Print
53.	India Today	Online
54.	Entrepreneur India	Online
55.	Yourstory	Online
56.	The Pioneer	Print
57.	Outlook	Print
58.	IAN S	Online
58.	The Economic Times	Online (IAN S)
58.	Business Standard	Online (IAN S)
58.	The Week	Online (IAN S)
58.	The Statesman	Online (IAN S)
58.	Financial Express	Online (IAN S)
58.	Yahoo	Online (IAN S)
58.	MSN	Online (IAN S)
58.	News X	Online (IAN S)
58.	Enterpreneur India	Online (IAN S)
59.	The Times of India	Online
60.	Outlook	Print
61.	The Economic Times	Online (IAN S)
62.	IAN S	Online
63.	Business Standard	Print
64.	The Economic Times	Print
65.	The Times of India	Print
66.	The Times of India	Print
67.	The Statesman	Print
68.	Hindu Business Line	Print and Online



S. No.	Publication	Media
69.	The Pioneer	Print and Online
70.	Press Trust Of India	Online
71.	Hindustan Times	Newspaper and Online
72.	The Economic Times	Newspaper and Online
73.	Zee Business	Online
74.	India Global Business	Online
75.	The Asian Age	Newspaper and Online
76.	Deccan Chronicle	Newspaper and Online
77.	Mihu Express	Online
78.	Free Press Release	Online
79.	The Economic Times	Online
80.	The Times of India	Online
81.	The American Bazaar	Online
82.	Telangana Today	Print and Online
83.	The Hindu	Print and Online
84.	Indo Asian News Service	Online
85.	Moneycontrol	Online
86.	Quartz	Online
87.	Scroll	Online
88.	The Economic Times	Print
89.	Money Control	Online
90.	The Hindu	Print
91.	The American Bazaar	Online
92.	Money Control	Online
93.	The Economic Times	Online
94.	Money Control	Online
95.	The Pioneer	Print
96.	The Economic Times	Online
97.	Telangana Today	Print
98.	The American Bazaar	Online
99.	The Hindu Business Line	Online
100.	The American Bazaar	Online
101.	Mint	Online
102.	The Sunday Guardian	Print and Online
103.	Press Trust of India	Print and Online
104.	Telangana Today	Print and Online
105.	Moneycontrol.com	Online
106.	The American Bazaar	Online
107.	Indo Asian News Service (IANS), Washington	Online
108.	The Economic Times	Online

S. No.	Publication	Media
109.	The Hindu	Print and Online
110.	The Economic Times	Newspaper and Online
111.	Moneycontrol	Online
112.	The Financial Express	Online
113.	Mint	Print and Online
114.	Quartz	Online
115.	India Today	Online
116.	The Economic Times	Newspaper and Online
117.	Quartz	Online
118.	Quartz	Online
119.	Forbes	Online
120.	Mirror Now	Electronics
121.	Mint	Print and Online



GLOBAL CITIZEN

In December 2015, the US House and Senate recommended that the EB5 programme be extended till September 30, 2016

The EB5 Way to US Just Got Extended

Ishani Duttgupta

The US employment-based fifth preference category (EB5) immigrant visa, reserved for investing \$1 million in a new business, has been extended latest year.

The amount of investment for EB5, if made in a backward or targeted employment area, is half a million dollars and the investor can invest the funds directly or in a recognised regional centre for five years after which they are granted immigrant visa. The EB5 investors, along with their spouse and unmarried children below the age of 21 years, are after entering USA granted conditional green card valid for two years. The conditional green card becomes permanent after two years on showing that the investment is not withdrawn and 10 jobs are created in the US.

In December 2015, the US House and Senate recommended that the EB5 programme be extended till September 30, 2016, which means that none of the rules of the programme including minimum investment amounts and definition of targeted employment areas, will change till that stipulated time.

This will be of advantage for Indian investors who are planning to move to the US considering that Chinese investors, under the EB5 programme, have exceeded their quota in 2014 and will now have to wait for a couple of years before they can apply.

"EB5 regional centres in the US are now scouting for investors from India in a big way," said Sothir Shah, a Mumbai-based advocate specialising in immigration. He said that in 2013, several regional centres have sent representatives to India to Gujarat, Maharashtra, Delhi, Chandigarh, Bengaluru and Hyderabad to pitch to their applicants of EB5 visas.

"As a lawyer advising Indian investors on the EB5 programme, I have to carry out due diligence for the selection of regional centres. I also need to carry out checks about the source of funds and path of funds of my clients so that they satisfy the immigration authorities in the US that the funds which they are investing are legally earned," said Shah.

The extension of the EB5 programme will not increase the minimum investment require-

ment is likely to benefit Indian applicants in a big way. There were proposals to increase the minimum investment requirement from \$500,000 to \$800,000 and from \$1 million to \$1.2 million. The extension means less pressure for Indians and allows Indians more due diligence time on regional centres and on business planning," said Martin O'Sullivan, who runs an immigration consultancy, Fore Visa in America.

Mark I. Davies, chairman of New York-based immigration law firm Davies & Associates, too, said that the extension will allow Indian investors a window to invest in the EB5 programme at a lower investment level ahead of a likely change in

EB5 investor visa programme extended by US government

Advantage for Indian investors since there is no quota available for the Chinese

Applicants have got a window to invest in projects at lower level ahead of a likely hike

the law that may increase the amount. "For many Indian nationals the EB5 programme is by far the fastest way to a US green card or permanent residency. Many Indian business owners looking to expand in the US have been frustrated by limitations on the L visa programme. An EB5-based green card allows the applicants to carry out whatever legal work or business activities they may wish to in the US," Davies said.

He said that while current laws allow investors to take a loan from both financial and non-financial organisations (including friends and family), the new legislation, which might become effective after September 2016, proposes that loans for an EB5 programme can only be taken from US government-recognised private or government financial institutions.

"This will be good hindrance to Indian investors as the interest rates offered by financial institutions are very high. Under the current laws, investors can take a loan from friends or family at minimal interest rates," he said. There could also be change in the kind of projects that EB5 investors can put their money into.

THE ECONOMIC TIMES:

Ishani Duttgupta, the Editor of the 'Global Indian' column in The Economic Times is well-known in the Indian media for valuable insights and the industry stories that she writes. She did an industry feature story on the extension of the EB-5 program till September 2016. The article encapsulates the advantages Indian investors enjoy over the Chinese who have already used up their quota. In the article, Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC is quoted: "For many Indian nationals the EB5 programme is by far the fastest way to a US green card or permanent residency. Many Indian business owners looking to expand in the US have been frustrated by limitations on the L visa programme. An EB5-based green card allows the applicants to carry out whatever legal work or business activities they may wish to in the US."

The Economic Times enjoys a near monopoly status, in terms of both circulation and advertising and is India's No.1 financial and business publication. According to the most recent survey among decision-makers by India's largest and most respected market research agency, 95 percent of company chairmen and chief executives, and 87 percent of all senior executives, read The Economic Times. It is the world's second-most widely read English-language business newspaper, after the Wall Street Journal, with a readership of over 800,000. The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

Uptick in EB5 visa applications to US from Indian businessmen

Rachel Chitra
@timesgroup.com

PUSH FOR GREEN CARD

EB5 visas are provided for Indian businessmen who create jobs in US

ONE PROVING
IN NEW YORK

Chennai: Immigrant EB5 visas, for small businesses that create jobs in the US, have seen a spurt of interest in India with applications under this quota increasing 25% year over year, say sources.

For the first 70 days of 2016, 190 EB5 visas have been granted by the US government for Indian businessmen, while only 111 were granted for the whole of 2015, data with the US State Department said.

The immigrant visa, aimed at helping businessmen, fell afoul of authorities when Indian-origin Anshoo Sethi convinced about 290 Chinese nationals to invest \$100 million dollars in a non-existent hotel complex.

Charges were brought against Sethi that he had defrauded investors and the US government through false statements and representations over his intention to build a convention center complex with hotels near O'Hare International Airport between January 2011 and February

	2017	2016	2015	2014	2013	2012	2011
Direct EB5 Visas Issued	15	10	9	13	4	-	-
Regional Centre EB5 Visas Issued	160	120	102	83	31	-	-
Total EB5 Immigrant visas issued	175	130	111	96	35	38	37

ry 2013.

But despite such setbacks and negative press, law firms say that there is now a definite increase in interest in both countries for the issuance of visas in this category.

"I can certainly say EB5 will be the next big thing on the Indian business start-up scene. We've had clients from high-level fashion houses to sweet shops opting for the programme. China every year has thousands of visas issued under this category. Even Vietnam that's much smaller in size has more EB5 visas issued than India," says lawyer Mark Davies.

In 2015, immigrants of Chinese origin had 8,156 EB5 visas issued compared to 111 visas for Indian businessmen

wanting to set shop in the US.

China tops the list with 83.5% of the market share, while India comes on fifth with just 1.1%. Vietnamese businessmen bagged 280 visas in 2015 with 2.9% of the market.

"EB5 immigrant investor programme was created to pump in fresh funds into the American economy. It hopes to create stimulus with jobs and new capital from high-net worth foreign investors. The minimum requirement is that the applicant invest \$1 million in some commercial enterprise in the US and create at least 10 jobs for locals," says Abhinav Lohia of law firm Davies & Associates, LLC, which specialises in im-

migrant policy.

For many Indians, the green card provides such an irresistible allure that they fail to read the fine print when it comes to the investment they make in their American business.

"One has to be very sure as to the reason why one needs visa under a particular category. There are L1, B1 visas also available. In EB5 there is the catch of investing back into America - and with the amount being clearly specified," says lawyer A Sirajudeen.

While EB5 definitely gives the holder permanent resident status in the US, it also comes with the clause that one needs to invest \$1 million in a US enterprise or at least half a million if the project is to come up in a remote or targeted employment area.

"We've had many high net worth individuals in India looking at EB5 as a serious alternative. There has been an steady rise in applications. In 2011, there were only 37 visas under EB5 issued to Indians, the number rose from 99 in 2012 to 96 in 2014," says Mark Davies.

The Times of India

The Times of India is the largest selling English-language daily in the world. It is published from ten cities across India, and enjoys a readership of over 7.64 million people. The publication enjoys a circulation of 3,057,678 daily (as of December 2013), and prints over 37 editions across the country. The BBC ranked the The Times of India among the world's six best newspapers.

The Times of India did an industry story on the recent rise in the number of EB-5 applications from Indian businessmen. The article received nationwide coverage. Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC is quoted saying, "I can certainly say EB5 will be the next big thing on the Indian business start-up scene." Another quote by Mr. Davies in the article states, "We've had many high net worth individuals in India looking at EB5 as a serious alternative." Abhinav Lohia, Partner & Practice Chair, Business & Investor Visa Practice (India & South East Asia) at Davies & Associates, LLC is also quoted: "EB5 immigrant investor programme... hopes to create stimulus with jobs and new capital from high net worth foreign investors."

Publication : American Bazaar

Date: March 14, 2016


Link : <http://bit.ly/2clQ76u>

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THE AMERICAN BAZAAR

The American Bazaar is an online news portal that provides definitive information on all things Indian-American. The news portal presented a summarized article closely based on the industry feature in The Times of India where Davies & Associates, LLC is quoted and mentioned. The article in The American Bazaar also highlights Mr. Davies's quote on EB5 being "the next big thing on the Indian business start-up scene" and Mr. Lohia's quote stating, "EB5 immigrant investor program was created to pump in fresh funds into the American economy. It hopes to create stimulus with jobs and new capital from high-net worth foreign investors. The minimum requirement is that the applicant invest \$1 million in some commercial enterprise in the US and create at least 10 jobs for locals".





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Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC

Anil Mascarenhas, IIFL | Mumbai | April 11, 2016 15:29 IST

"While many law firms use Indian lawyers to lower internal costs our firm uses dual-qualified Indian lawyers not to reduce costs but to improve quality."

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Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC is a dual qualified lawyer within the United States and United Kingdom. He also chairs the firm's Global Business and Investor visa and India Practice Teams. He focuses his practice on EB5, L1, E2 and other business and investor visa solutions. Mark is a former General Counsel who is relied on as primary counsel to major corporations, investors, non-profits and businesses of all sizes. He holds a Juris Doctorate degree from the University of Pennsylvania Law School, a law degree from a major university in the United Kingdom (UK) and an MBA degree from the University of Pennsylvania's Wharton School of Business. He has also published legal articles and spoken on an international basis. Mark has been recognized by the White House of the United States for his service within the US legal profession.

Davies & Associates, LLC. Davies & Associates is a full service U.S. immigration law firm headquartered in New York City, USA with offices across the globe. The firm specializes in providing innovative and customized immigration solutions to a large number of clients from all across the globe. With an exceptionally talented team of lawyers drawn from the "top 10" American law firms and leading ivy-league schools, Davies & Associates, LLC primarily focuses on immigration law. With time they have established themselves as industry leaders for US immigration. They are well known for their industry leading client services and obtaining remarkable results. They are licensed to practice law in multiple international jurisdictions with offices based in strategic locations around the world. The firm represents a wide range of clients such as multi-national corporations, mid and small-sized businesses across all industrial sectors, investors, individual professionals, entrepreneurs as well as families. Davies & Associates has a dedicated India and South East Asia team which comprises of dual qualified attorneys licensed to practice law both in India and the United States.

In an interaction with **Anil Mascarenhas** of **India InfoLine**, Mark Davies says, "While many law firms use Indian lawyers to lower internal costs our firm uses dual-qualified Indian lawyers not to reduce costs but to improve quality."

INDIA INFOLINE

Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC was interviewed by Anil Mascarenhas, the Editor of the online financial news portal called India InfoLine (IIFL). India InfoLine is a leading financial services player in India. IIFL's well-entrenched network of close to 2,500 business locations spread across India gives them the ability to expand and reach out to different segments of the society.

The online article is presented in an interview format, based on the questions asked by the journalist, providing a wide variety of questions related to both the EB5 industry and the services provided by Davies & Associates, LLC to all its clients. The questions varied from those on the changing landscape in immigration to the strength of the Davies & Associates team with its dual-qualified attorneys licensed to practice law both in India and the US. The questions also touched base with the ongoing US Presidential elections, the rise in the number of EB5 investors from India and Mr. Davies' advice for lawyers looking to enter immigration practice. The article also highlights a statement by Mr. Davies: "While many law firms use Indian lawyers to lower internal costs our firm uses dual-qualified Indian lawyers not to reduce costs but to improve quality."



METRO REVIEW

The Metro Review interviewed Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC. The Metro Review is an online news portal that reports on various sectors such as the automobile industry, business, real estate, health, education, lifestyle and sports.

The article gives a detailed insight on the EB-5 industry at large, detailing the merits of the program and the requirements for investing in the United States through the EB-5 immigrant investor program.

The new route

Indians increasingly utilise the EB 5 programme to obtain permanent residency in the US now

There are several reasons for the Indian nationals' preference for the EB 5 route.

First and the foremost is the cause of post-graduate employment. Many Indian Nationals obtain degrees at universities in the US. Unfortunately, without a Green Card it can be challenging for a non-US Citizen to obtain post-graduate work experience in the US. Most graduate students are dependent on the H1B visa to get work authorisation in the US. The current quota limits the issuance of visas to 85,000 per year. This has led to two-thirds of the applicants making the H1B lottery. The parents of many Indian Nationals studying in the US, therefore, fund an EB 5-based Green Card for their children. Having obtained an EB 5-based Green Card, Indian graduates of US universities have a much easier time securing post-graduation employment.

Also, a non-immigrant visa grants the holder the right to engage in a limited range of business activities, whereas, an EB 5-based Green Card grants the holder and his/her family the right to engage in any lawful investment or business activity they may wish to. It provides an Indian investor significant business and investment opportunities.

Then, there is the lure of the market. The US has, by far, the largest consumer market in the world. Many EB 5 Green Card holders pursue multiple business activities from within the US, which enable them to access the US market and stimulate demand for their Indian businesses. Instead of accessing the US market through intermediaries and third parties as Indian businesses often do, which absorbs most of the margin on the goods and services sold, the EB 5 route can help an Indian businessperson directly access the US market and eliminate intermediaries. Indian businessmen may be able to recapture the lost margin and thereby improve their profitability.

The EB 5 Regional Centre programme is due to expire in September 2016 and may not be extended. Even if extended, it is likely that the investment required for an EB 5-based Green Card will be increased. That is why many Indian nationals are trying to make their EB 5 qualifying investment before September 2016. Compared to investment visa options in other countries



MARK DAVIES



ABHINAV LOHIA

including the UK, Canada and Australia, the US remains an extremely cost-effective option.

Funding for Indian start-ups

There are a number of ways in which Indian start-ups can acquire funding with the assistance of the EB 5 programme. Many Indian nationals have opened or expanded businesses in the US funded by other EB 5 investors. Examples include using EB 5 investment dollars to build Indian-owned factories and hotels in the US. In return for their investment, each investor potentially receives an EB 5-based Green Card. The advantage of funding a new business using EB 5 investment funding is that it can be a relatively inexpensive and flexible funding option. Thus, through the offer of a Green Card, the EB 5 programme creates an incentive for non-US nationals to invest in a new business in the US. The family and friends of Indian nationals opening US businesses have invariably invested in those businesses in exchange for a Green Card.

Access to non-EB 5 funding includes banks, as also independent investors. Many Indian start-ups come to the US seeking non-EB 5 investment funding for their businesses. Additional sources of funding may become available to US Green Card holders that are not available to persons who are neither US citizens or US Green Card holders. Further, lower interest rates may be available to US Green Card holders or US citizens. Most US banks do not offer loans to non-US persons and companies. Establishing a company in US gives people access to US bank loans at low rates of interest.

Further, many investors feel comfortable funding companies incorporated in the US. Investors prefer this because the companies are governed by US laws and legal remedies are available within the country. Some entrepreneurs feel they get better valuation of their products and services if they have a US presence.

As permanent residents in the US, the holders of EB 5-based Green Cards may become eligible for tax credits, small business loans and other US government funded business assistance. In addition, students holding an EB 5-based Green Card may be eligible for US government assistance with the costs of their higher education.

The advantage of funding a new business using EB 5 investment funding is that it can be a relatively inexpensive and flexible funding option

Davies is global managing partner and founder, Davies & Associates, LLC. Lohia is partner and practice chair, business & investor visa practice, Davis & Southwest Asia, Denver, Australia

■ B I ■
JUNE 8-19, 2016

BUSINESS INDIA

Business India is one of India's premier business publications. The readership profile includes top corporate decision-makers and senior management personnel. It enjoys a circulation of over 12,16,000.

A contributory article penned by Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC, and Abhinav Lohia, Partner & Practice Chair, Business & Investor Visa Practice (India & South East Asia) at Davies & Associates, LLC, was featured in the widely read magazine. The article received a full page coverage under the 'Guest Column' section of the issue. The article covers the topic of the latest development and rapidly increasing number of Indian HNIs choosing to take the EB-5 route by investing in the United States.

The Direct EB-5 route to a Green Card

More number of high networth individuals use Direct EB-5 to either establish or expand their own, family-owned, businesses in the US

Mark I Davies

The number of Indian high networth individuals (HNIs) applying for Permanent Residence (a Green Card) in the United States using the EB-5 programme is at an all time high. The principal reason behind this increasing number of Indian EB-5 petitions are the financial prospects and possibilities that exist for Green Card holders in the US.

These financial prospects and possibilities include:

Direct vs Regional Center: Building your own business. While most Indian investors use Regional Center route, a member of our clients use Direct EB-5 to either establish or expand their own, family-owned, businesses in the United States.

The Direct EB-5 programme, therefore, a route for HNI Indian investors to establish and operate their own businesses in the US.

obtaining investors for your business

Under the right circumstances, the US government will grant EB-5 Green Cards to Indian and other nationals who invest in an Indian HNI business or project in the US. For example, an Indian HNI might build a hotel, factory or a US subsidiary of his/her Indian business, with sufficient job stimulation both the Indian HNI and his investors can attract Green Cards through the EB-5 programme. As the investor does not have to be Indian, this is another way in which Indian businesses benefit from the EB-5 programme. They are able to attract capital investment and grow as a result of the EB-5 programme.

Additionally, Green Cards holders who find it easier to start more profitable forms of business from within the US.

Access to the US consumer market: The US domestic consumer market represents almost 27% of the entire world's consumer market and is more than double the size of the Chinese market. Unlike other forms of visa which restrict a client to limited business activities, a Green Card allows an Indian HNI to engage in any lawful activity and to operate any business they wish.

Saving money

The Regional Center EB-5 programme is due to expire in September 2016. It is uncertain if the programme will be extended. If it is extended, then the required investment is likely to be increased from \$500,000 to \$800,000. By investing in the EB-5 programme, now Indian investors can realise themselves from this potential increase.

It is important to note that the Direct EB-5 programme is not due to expire in September 2016 and is permanent.



Growth of Indian business and Indian employment

This promotes 'Make in India'. The US is the largest consumer market. Indian entrepreneurs can make India and add to the US. It is frequently the case that a direct presence in the United States attracts orders for a client's business in India. In this way, EB-5 stimulates economic growth in India and increases employment in the Indian market.

Flexibility

Regardless of whether the EB-5 Green Card is obtained through the Direct or Regional Center route, an HNI Indian investor is able to undertake any lawful business activity and engage in any lawful investment in the US. The holders of other types of visa have considerably less flexibility.

Access to the US government business assistance programmes

As a Green Card holder, an Indian national may be eligible for a variety of business funding and assistance from the US government.

Increased profitability

Traditionally, many Indian businesses engaged distributors or a middle man to sell their Indian-produced products or services in the US. Later, many of these middle men have been removed from the supply and profit on the sale of India produced goods and services. Part of this problem is that US consumers want to purchase goods and services from a US-based supplier, even if those goods and services are not actually produced in the US.

By obtaining an EB-5 based Green Card, an Indian businessman is able to establish

Regardless of whether the EB-5 Green Card is obtained through the Direct or Regional Center route, an HNI Indian investor is able to undertake any lawful business activity and engage in any lawful investment in the US.

and operate one or multiple businesses in the US and directly drive their production or services to the consumer.

Post college employment opportunities: Building experience in the Indian workforce

Many Indian HNIs have children attending college in the US as student visas. As US employers can be reluctant to sponsor students for a visa, it can be difficult for non-US children to find worthwhile college. Parents, therefore, gift their children sufficient funds to pursue an EB-5 based investment. Armed with an EB-5 based Green Card, the children of Indian HNIs studying in the US no longer require a work visa and have a significantly easier time obtaining work post graduation.

It is worth pointing out that many children of Indian HNIs work in the US for several years before returning to India. In this way, Indian households have an influx of highly educated workers with experience in some of the largest businesses in the United States. In our experience, this promotes international trade and the growth of the Indian economy.

US naturalisation and OCI status

HNIs Indian nationals who maintain US residence for a period of five years may be able to apply for naturalisation as a US citizen. As a US citizen, an Indian HNI will be able to reside in any country they wish to. In addition, as an Indian national who naturalises as a US citizen may be able to attract overseas citizens of Indian descent in India allowing this HNI to access India.

(The author is the Global Managing Partner and Founder of New York-based Immigrant Investor Association)

DECCAN HERALD

Authored by Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC, the Deccan Herald article received national coverage across all metropolitan cities in India. The article chronicled the financial prospects and possibilities available to high net-worth individuals who choose to opt for the Direct EB-5 route to establish and widen the horizon for their businesses in the world's largest consumer market in the US.

Deccan Herald is among the most widely read English language mainline dailies in Karnataka. It has a circulation of 253,108 copies daily (January-June 2014). Although focused on Karnataka and Bangalore, its coverage of national and world happenings is equally comprehensive and analytical. According to the Indian Readership Survey 2013, Deccan Herald is among the top ten most widely read English language newspapers in India.

Expiry of EB-5 visa scheme red flags Indians' green card chances in US

Proposed hike in investment amount may deter Indians from opting from the scheme

NAVYAMMA BASU

New Delhi, September 15

The popular US investor visa scheme EB-5 is scheduled to expire on September 30. And its expiry is expected to impact the chances of Indians to obtain green cards.

Although it is still unclear whether the US government will renew the programme, there is a good chance that the new EB-5 investor visa programme will have an increased investment amount of \$800,000. Such a hike is expected to deter many Indians from opting for the scheme.

The EB-5 visa programme was launched in 1990 for foreign nationals with the aim of creating both direct and indirect jobs across various sectors in the US. The programme has grown at a blistering pace since then as this turned out to be the shortest way to 'buy' green cards with an

investment of \$500,000 in a new commercial enterprise, which can be repatriated.

Keeping in mind the soaring growth of the scheme, US government is now planning to re-vamp the scheme. In a letter dated September 8, which was addressed to the Leaders of the US House of Representatives, Senators Charles E. Grassley and Patrick Leahy stated that they oppose a straight reauthorisation of the EB-5 Regional Center Program.

"Indian parents often obtain green cards for their children who are students in the US by gifting them the funds for an EB-5 application. By doing this an Indian student studying in the US is able to find a job after graduation without the need for a sponsoring employer. This gives those students an enormous advantage in a competitive jobs market," said Mark Davies,



Global Managing Partner and Founder, Davies & Associates, LLC.

"Compared to the EB-5 visa programme beneficiaries, H-1B visa holders from India have to generally wait for a period of 8-10 years to obtain a green card. Additionally, once issued, a US green card does not expire for any EB-5 investors and their children.

"The amount of \$500,000 is already a hard sell because the

rate of return in the regional center program is so low. The return on investments is low. Another factor that plays a deterrent is the currency fluctuation. Rupee has failed to recover against the dollar and every dip causes a big increase in the investment for Indians," said Abhinav Lohia, Partner & Practice Chair, Business & Investor Visa Practice (India & South East Asia).

Prior to 2008, foreign in-

vestors used only a small fraction of the 10,000 visas allocated annually to the EB-5 program. In recent years, however, EB-5 demand has increased dramatically, according to a report by US-based immigration law firm LCR, which has high net worth clients from Latin America, China, India and the Middle East.

New format

But the new format EB-5 investor programme, which might be introduced at a later stage, might not have many takers.

"We believe that the Department of Homeland Security should have more tools at their disposal to vet both projects and investors. We do not, however, support having the EB-5 Regional Center Program expire on September 30," said Rogelio Caceres, co-founder and CMO, LCR Partners.

Caceres also believes while any increase in the minimum EB-5 investment amount might not be immediately welcomed by HNIs, the benefits of the program far outweigh this increase.

The Hindu Business Line

The Hindu Business Line is one of the premier financial dailies in India and leading financial paper of South India. A highly acclaimed publication it boasts of extensive and rich quality editorials. The editorial content covers a broad range of issues affecting the industry and emphasizes on opinion articles to further help readers take advice from experts on industry issues.

The article here essentially talks about the proposed hike in EB-5 investment amount. The spokesperson Mr. Mark Davies has been quoted here talking about how Indian parents essentially invest in EB-5 visa for their children since US education is still one of the most aspiring things for Indians.

Rich Indians worry as 'dollar' visa set to end

If renewed, the 'Green Card for greenback' scheme in the U.S. will see more curbs such as higher investment threshold

ANAND

The United States of America's EB-5 Programme, launched in a higher vein as the 'Green Card for greenback' scheme, has been attracting critics of late — including from India — of late.

However, many high net worth individuals the world over, including in India, are worried at the controversial immigrant visa programme for the wealthy is set to expire this month-end.

Money, citizenship

Simply put, the programme grants rich entrepreneurs — as well as their spouses and unmarried children below the age of 21 — an opportunity to have the coveted U.S. Green Card (or status of permanent residence) and Citizenship. All they have to do is invest in just over half a million dollars in the U.S. and ensure that the funds help generate at least ten full-time jobs for qualified U.S. workers.

The visa, given to exchange for investments, grants the holder a conditional permanent residence status. After two years, the conditions may be removed, when it becomes permanent green card that can lead to citizenship, provided it has resulted in the creation of 10 jobs. The programme is considered as the fifth preference category under the Employment-based EB-5 immigration visas.

The EB-5 programme was created in 1990 with the approval of the US Congress — America's highest law-making body. It aims to boost the American economy by attracting investment from foreign nationals and generating employment for locals.

In 1992, the scope was widened through an Immigrant Investor Programme, or the Regional Centre Programme.

Regional Centres are certain designated organisations permitted to collect money from overseas investors seeking the EB-5 visa, and then pump such foreign investment (which is usually much cheaper than other forms of funds including bank credits) into officially approved projects. Though the EB-5 Programme has had similar 'investor portfolio centres' (mostly in the U.S.A.), or EB-5A, a not-for-profit association associated with the programme stated that it had been re-authorised ten times since 1992.

In order to be considered for permanent residency status in the U.S., the programme mandates a quota that foreign investor to invest at least \$1 million — or a minimum of \$500,000 if the investment is made in certain rural areas or regions with high unemployment — and show that ten or more full-time positions were generated or preserved directly or indirectly as a result of that investment.



USA LINK About 10,000 EB-5 visas are handed out every year to qualified investors, with a yearly limit of 700 visas per nation — as seen at

These EB-5 investments can be spread across or made through Regional Centres, with the former (also known as investment) carrying a greater risk than investments made through one of the approved Regional Centres that have more on-the-ground knowledge.

More Indians In 2015, the U.S. authorities issued 10,000 EB-5 visas to Indians — that is 13 more than the previous year, and 74 more than the number of EB-5 visas issued in 2012. The rapid rise in the number of EB-5 visas to Indians in the last few years had led to the filing of over a thousand applications under that category from India this year.

In the backdrop of allegations of fraud and corruption — including against Indian-origin individuals — related to the programme, the U.S. Congress will soon have to decide whether to renew it or pay heed to growing criticism and wind it up altogether.

If the EB-5 is given a new lease of life, it will most certainly be accompanied by restrictions (such as a higher level for minimum investment), more stringent screening and fraud prevention, as well as steps to protect America's national security through background checks to prevent terror and other illegal financial flows into the programme. There could also be new clauses to ensure greater transparency in the functioning of Regional

Centres. Under the programme, around 10,000 EB-5 visas are handed out every year to qualified investors. According to American authorities, there is a yearly limit of 700 visas per nation. However, if a country crosses that limit, there is a clause that allows U.S. authorities to make available the "unused visa numbers" to applicants from countries (such as China) that have crossed that limit.

'Meritless' country Interestingly, this is several aspects of global business, the Chinese have been very adept at others by taking advantage of the EB-5 opportunities in the US. According to US government data, applicants from mainland China managed to get 835 such visas for 82 per cent of the 9,264 EB-5 visas issued in the year 2015.

This was followed by Vietnam (283), China (Taiwan) (269), South Korea (260), India (231), Mexico (201), UK (144), Mexico (177) and Iran (52). In what is a concerning factor for others, China's share in the total EB-5 visa issued was lower in 2008 when compared to the previous year.

Nevertheless, India has lots to do if it has to catch up with China. Though direct investment (FDI) from India into the U.S. under the EB-5 programme rose from only \$61.5 million during 1992-2004, an analysis by the EB-5A showed

China, however, enhanced the net worth of 70,700 million USD from US\$1.5 billion in 1992-2004, as per the EB-5A.

Competition alert According to Mark J. Davies, Global Managing Partner, Davies & Associates LLC, a law firm specialising in immigration law, since the Chinese have "based" on the EB-5 programme, there is now an effort to get more investors from India — a fast-growing economy with an increasing number of high net-worth individuals.

However, he said it was important for Indian investors to obtain proper legal advice on choosing the right Regional Centre, especially since there have been cases of fraud and investment scams involving Regional Centres that have come to the notice of the U.S. Securities and Exchange Commission and U.S. Citizenship and Immigration Services (USCIS).

There is an effort to woo India, with its large pool of high net-worth investors. Mark J. Davies, Global Managing Partner, Davies & Associates

The Chinese have been ahead in taking advantage of the scheme, cornering 8,556 visas to the 111 that came to Indians.

Mr. Davies said Indians, who planned to take money out of India for EB-5 purposes, will also need legal and tax-related advice on American and Indian tax laws as well as on the Reserve Bank of India's Liberalised Remittance Scheme and India's Foreign Exchange Management Act. Besides, Indians applying for such visas should also note that the U.S. authorities were keen on finding out if the source of funds is all "white money" (legal) or proper documents, he said.

Starker that, Managing Director of NY Global, a law advisory firm, said that though his firm received several enquiries from Indians on EB-5, about ten per cent of them took up when they got to know about the implications of the high level of tax scrutiny in the U.S. as well as the stringent penalties there for violations.

Reluctant act

Meanwhile, the U.S. Congress will have to decide on its hand when it takes up the EB-5 Programme for the re-authorisation. The reason for the reluctance in the ongoing American Presidential election campaign, largely, is that there has been a lot of heated debate especially with Republican members. They are calling for measures including building a border wall and a more rigorous voting process to prevent illegal immigration. There is also a generalised hostility against globalisation.

On that other hand, the U.S. Congress has to take account of the fact that the EB-5 programme has attracted huge amounts of FDI into the U.S. using the same globalisation process.

The EB-5A, citing data from USCIS that demonstrates the programme, has shown that the EB-5 programme has so far attracted \$14 billion in investment into the U.S.

Of this, \$15.4 billion has been invested in the U.S. economy since 2008. The EB-5A has also highlighted that during FY2012-2013 the EB-5 programme had contributed \$6.62 billion to the U.S. GDP, supported 25,000 jobs annually and generated \$2.08 billion in tax revenue.

It remains to be seen how the U.S. Congress will decide on the programme. It is estimated that if the programme fails to get re-authorised, it could cost the country nearly \$20 billion worth of investment and jobs. There could also be lost cases in addition to a loss of an estimated over three lakh jobs.

THE HINDU

The article discusses the worries faced by an Indian investor with regards to the previously set expiry date (30th September 2016) for the EB-5 visa. The article encapsulates the response by Mr. Mark Davies, Global Chairman, Davies and Associates, LLC saying that since the Chinese have maxed out the EB-5 program, there is an effort to woo India with its large high net-worth investors.

The Hindu is one of the most widely read publications in India. According to the Indian Readership Survey in 2012, The Hindu was the third most widely read English newspaper in India with a readership of 2.2 million people. The Hindu has the largest base of circulation in southern India.

ADVISORY
GLOBAL EXPANSION



Mark L. Davies
Global Chairman, Davies
& Associates, LLC

6 THINGS

GLOBAL BRANDS

SHOULD KNOW

BEFORE ENTERING INDIA



The Indian market is rapidly becoming a leading force in the global economy, attracting an increasing number of international companies to operate there. With a growing appetite for foreign goods and brands, India represents clear business opportunities for businesses of all sizes. In this article we will highlight some of the significant points that every international company should know while planning their in India.

1 Know your market



Knowing your market is the first and the most critical step while entering a new market. Thus, the key to business success is to know the Indian market, as well as the niche your business is seeking to carve. In order to correctly assess the Indian market the first step is to take into account the available opportunities on the basis of which you can then accurately assess your market size and segment it in terms of growth opportunities, demand, competitor positioning etcetera. In India this segmentation is going to be heavily dependent on the purchasing power and the social environment the target audience belongs to. The Indian population is inclined towards morals and ethics that are guided by their diverse culture and thus a great way to tap into the Indian market is the clear understanding of cultural differences that exist in this multi-cultural nation.

2 Partnering is essential

One of the most sure shot ways of successfully entering the Indian market is partnering and developing good relationships with local dealers and distributors. Particularly for brands that are entering India via franchising, the India partners play a very important role. They are the ones who will navigate their business to success. Make sure your Indian partner know the Indian market like the back of his hand through all its diversities. Then only they will be able to facilitate growth for your brand across the country. Having a master franchisee ensures that you don't have to wreck your brain on developing network with local dealers and distributors.



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THE FRANCHISING WORLD

The Franchising World is one of most prominent and leading publications for retail, corporates and startups. The publication featured a two page contributory article by Mr. Mark Davies, Global Chairman, Davies and Associates, LLC talking about "6 things Global Brands should know before entering India".

ADVISORY

GLOBAL EXPANSION

3 Top into the talent

An effective workforce is your biggest asset when entering a new market. Human capital is what you need to invest in, and find a way to attract the best talent possible. The work force in India comprises of highly trained individuals that not only possess talent but have also put in efforts to acquire skills that are specialized in nature. The workforce in India is driven and often enthusiastic to work and acquire newer skills. Indians are driven by emotion and function with practicality. Thus, nurturing their talent and caring for employees will reward you with loyalty, helping to drive up your profits. Also, the Indian population is family-oriented and particularly value stability and work life balance over high wages. The above stated, Indian labour and employment laws can be radically different to those in other countries so expert advice is key before engaging any local employees.



4 Understanding the legal framework

The process of registering a business in India is far more complex than in many other countries. There are various laws that guide a new player entering this market. For starters any company can set up operations by incorporating a company through the Company's Act of 2013. One way to enter India is in the form of a Joint venture with an Indian company or through wholly owned subsidiaries. The other way is as Foreign Company, through a Liaison Office, Project Office or Branch Office. Foreign companies have to register themselves with the Registrar of Companies within 30 days of setting up an office in India. The best way to legally set up a work place is to consult with local professionals who have an in-depth knowledge of the legal framework.



6 Success may be slow

The Indian Legal process functions on a principal of delayed gratification, thus navigating your way through it could take some time. One thing to be kept in mind is that because of the cultural differences in the two nations such as India and the US, it can take longer to attain acceptance and accomplish goals in the Indian market. The key is to have patience and faith in yourself and build a strong foundation of trust amongst the target masses to achieve delayed yet sure shot success in the country if all is done correctly.

India being a high context culture focuses on building long-term business relationships in comparison to the low context culture of the US. All-in-all it is essential to understand the concept that "customer is king" and it is imperative to understand the needs of the market and differences in culture of the workforce before penetrating into the Indian market.



5 Enforcing Contracts and Access to the Indian Courts.

The access to the court system in India can be a tedious process as well expensive on the pocket. Recently, there have been drastic improvements in the Indian judiciary that has helped in easing out the access to the Indian Courts. What needs to be kept in mind is that a completely impartial judiciary cannot be guaranteed in all jurisdictions even after improvements in the court system. ♦♦



TRANSIT LOUNGE

'EB-5 is a good option for students'

MARK DAVIES, global chairman of Davies & Associates, talks to *BW Businessworld's* ASHISH SINHA about the significant rise in the number of Indian EB-5 filings. Excerpts:

Q: How can the EB-5 programme help the Indian economy?

A: The EB-5 programme enables Indians to gain access to the US consumer market, which can help in their business' growth and expansion. Through this, Indian businessmen will be able to displace "middle men" and sell directly to the US consumer and capture a higher proportion of the margin available.

It can also be an excellent option for Indian students, who are looking to obtain a work experience after graduating in the US and before returning to India.

Q: Why has there been an upsurge in the number of Indian investors applying for the EB-5 visa immigration programme?

A: There has recently been a significant rise in the number of Indian EB-5 filings. While 77 EB-5-based immigrant visas were issued to Indians in

2014, during the fourth quarter of 2015 just one of our EB-5 lawyers filed 25 Indian EB-5 petitions. Currently we have EB-5 clients across major Indian cities. The limitation on Chinese EB-5 visa issuances has led Regional Centres to look to India for future investors. Since the onset of 2015, Regional Centres have been spending thousands of dollars to promote EB-5 in India. This has raised an awareness on EB-5 in India.

MARK DAVIES says there has recently been a significant rise in the number of Indian EB-5 filings



Q: Has the startup boom led to an increase in the number of young Indian firms investing in the US?

A: We have noticed a significant increase in the number of smaller and startup Indian businesses accessing the US markets directly. Every month, our firm assists small businesses from across India through this process.

Like, our client — a Mumbai-based fashion designer — designs bespoke women's dresses. Her customers include people like Lady Gaga. Having been previously denied an L visa using another firm, our client was desperate to access the New York fashion market. Davies & Associates was able to obtain an L-visa for her, along with a subsequent renewal. Our client's success in New York has generated more

work for her business in Mumbai.

Q: Do you believe Permanent Residency Status will be as beneficial for US businesses as the EB-5 has proven to be for India?

A: The EB-5 programme currently requires Indian nationals to invest \$500,000 in a US business in return for which the investor is allowed to reside permanently in the US. For a minimum investment of about \$50,000, an Indian business owner can relocate to the US and establish and operate a branch, subsidiary or affiliate in the US, this can eventually lead to a "green card" through the EB-1C programme. Exceptionally talented Indians can obtain permanent residency in the US with zero investment through the EB-1A programme. The Indian Permanent Residency Status programme may prove to be of less interest to smaller and mid-sized businesses owing to the significantly higher investment cost.

While the US EB-5 programme requires the creation of 10 jobs over a 2-3-year period, the Indian PRS programme requires the creation of 20 jobs each calendar year. The US L and EB-1A visa programmes have no job creation requirements.

ashish@businessworld.in

Business World

The interview appeared in the November edition of Business World magazine. In this exclusive interview with Mr. Mark Davies, Global Chairman, Davies and Associates LLC he talks about how EB-5 visa can help the Indian economy and how it is one of the most promising and effective US visa programmes.

Businessworld is an Indian business magazine. BW Businessworld is one of the oldest as well as most respected business publications in the country. The magazine was born in 1981,[3] and over the past three decades, it is known for its rigor and analysis underpinning articles on the economy, banking, finance, industry, corporate businesses and entrepreneurs. It is widely read by leaders both in the government and in corporate houses.

Tougher work visa norms may boost investment-linked immigration to US

TIMES NEWS NETWORK

Mumbai: With Donald Trump in the Presidential seat, work visa programs (H visas) are expected to take a beating — with more stringent regulations. The spotlight, according to some immigration experts, will shift towards the EB-5 based US immigration visa, which is investment-linked.

At present, such visas issued to Indians remain in the three-digit figure, but with it probably being the easiest route to set foot on American soil, the number of applications could go up significantly.

Mark I Davies, global chairperson of Davies & Associates, a US immigrant investor visa firm, says, "Trump's win in the Presidential Elections will be beneficial for EB-5 visa applicants. While some of our clients have expressed concern with a Trump victory, we believed that their concerns will be short-lived, it will cause more Indians to apply for an EB-5 based US immigrant visa."

Trump has previously used the EB-5 visa program as a source of funding for some of his real estate projects. It was popular among Chinese investors. "Trump clearly appears to be open to high-net-worth investors coming to the US and receiving a green card in exchange for a qualifying investment through the EB-5 pro-

DEMAND SET TO GROW

Country	Number Of Visas		
	2015	2016	
Mainland China	7,616	8,308	17,300 pending applications at the end of fourth quarter of 2015
Vietnam	249	92	
Taiwan	124	99	
SKorea	89	162	
India	71	55	

EB-5 route for students?

Parents who can afford it and whose children are studying in the US are opting for the EB-5 route. They can include their spouse and unmarried children below 21 years for the green card application. This enables the children to stay back in the US on expiry of their student visa and find jobs in a highly competitive environment.

gram," adds Davies.

There are two routes available, one is via direct investments, where the immigrant investor is required to set up his own enterprise in the US, with a minimum investment of \$900,000 in a targeted employment area (TEA) or rural area, or \$1 million in a non TEA. At least 10 US jobs (not including family members) have to be created within two years, else the investor loses his residential status. On the other hand, investment is also possible indirectly via regional centres, where the immigrant investor funds job creation — It

is a more popular route.

Davies explains: "The EB-5 Regional Center program was extended until December 9, 2016. It has also been extended multiple times in the past and while no one knows how the US Congress will act in December, many view that it is likely to be extended further, till a more permanent EB-5 authorising legislation can be agreed. On the other hand, the Direct EB-5 Program does not expire and does not require extension, so absent a separate act being passed in the future, it will continue forever." The RBI currently permits overseas remittance of up to \$500,000 per

individual per year.

While China once dominated, India is being regarded as the hot spot for attracting investments. Davies & Associates predicts the number of such visas to Indians to be around 180 during this year and 175 next year. In the future years, the figure may spike, is a commonly held view.

"I don't think we will see much difference in EB-5 based system under Trump. If anything, we might see an increase in the threshold investment amounts required. The EB-5 program is also fraught with delays and inconsistencies," says Rajiv S Khanna, US-based immigration attorney at Immigration.com.

Khanna says for a business based immigration plan, the first option has been to explore the L-1A and EB-5 route that require no minimum investment and wraps up the entire green card process within a year.

"As to general immigration policy, if reasonable minds prevail, India should stand to gain, because over 40% of employment based immigration is of the Indian origin. The influx is legal and, if considered to be good for the US economy, we are likely to fare better than under the previous regime. Especially under Trump, whose constituency is pro-business," sums up Khanna.

THE TIMES OF INDIA

The Times of India is the largest selling English-language daily in the world. It is published from ten cities across India, and enjoys a readership of over 7.64 million people. The publication enjoys a circulation of 3,057,678 daily (as of December 2013), and prints over 37 editions across the country. The BBC ranked The Times of India among the world's six best newspapers.

The Times of India did an industry story on the recent immigration norms of the EB-5 visa route for students. The article received nationwide coverage. Mark I Davies, global chairperson of Davies & Associates, LLC was quoted, "Trump's win in the Presidential Elections will be beneficial for EB-5 visa applicants. While some of our clients have expressed concern with a Trump victory, we believed that their concerns will be short-lived, it will cause more Indians to apply for an EB-5-based US immigrant visa." Mr. Davies "Trump clearly appears to be open to high-net-worth investors coming to the US and receiving a green card in exchange for a qualifying investment through the EB-5 program". He continues by stating that "The EB-5 Regional Center program was extended until December 9, 2016. It has also been extended multiple times in the past and while no one knows how the US Congress will act in December, many view that it is likely to be extended further, till a more permanent EB-5 authorising legislation can be agreed. On the other hand, the Direct EB-5 Program does not expire and does not require extension, so absent a separate act being passed in the future, it will continue forever."

Post Trump victory, analysts allay fears of job migration

PRANAV MUKUL

NEW DELHI, NOVEMBER 9

NOTWITHSTANDING THE uncertainties faced by the Indian IT sector from the US Presidency under Donald Trump in terms of restrictions over visas and outsourcing of jobs, experts believe it might be difficult for Trump to deliver his poll promises of bringing jobs back, considering that US policies are primarily based on interests of businesses.

As per data by the US Department of Commerce, American firms spent nearly \$2.56 billion on research and development in India as of 2013. An analyst with a leading industry lobby group said that if Trump tightens the strings on immigrant human resources deployed in the US, it could make firms shift R&D bases to places like India in search of better talent or cheaper labour costs.

"India is a hot market when it comes to R&D, and companies are continuing to innovate means and ways for R&D, which presents a huge talent pool

which could be more affordable for the companies that want to invest in R&D," the analyst said.

In a statement issued post Trump's victory, India's IT sector industry body Nasscom said: "Many of his observations during the campaign concerning high-skilled immigration and outsourcing were based on fabrications put out by critics."

The reaction of Trump's victory by Indian IT companies' stocks on Wednesday flagged the concerns that these firms may be set to face going ahead. Gartner's Research Director Arup Roy said that Trump's administration could add to the sector's woes. "Trump administration's protectionist views would have further dampening impact on growth prospects, if the views were to crystalize into some serious policy implementations. However, what happens during campaigns and what actually transpires in office can vary greatly and we did get early signs of that in his victory speech, but at minimum it is headline risk and adds to the uncertainty times," he said.

Furthermore, industry analysts believe that Trump may further tighten or even cancel the already restrictive, the H-visa program. "A reduction in the quota for H1B visa will impact the Indian IT companies as they send their employees to work on-site in US. Trump has said that he wants to bring back jobs lost to outsourcing. This could negatively impact the Indian IT sector, which gets about 60 percent of its \$110 billion yearly revenue from the US," said Saravana Kumar, CIO, LLC MF.

Immigration law firm Davies & Associates LLC said that in the backdrop of a possibly restrictive H-visa program, students and high-net-worth Indians aspiring for a US Green Card could start opting for the EB-5 visa program. "Trump branded development projects have been funded by wealthy Chinese investors using the EB-5 program. Trump clearly appears to be open to high-net-worth investors coming to the US and receiving a 'Green Card' in return for making a qualifying investment through the EB-5 program," the firm said.

THE INDIAN EXPRESS

Part of the Express Group of newspapers, The Indian Express is one of the largest selling mainline dailies in India with over 11 national editions. The business section of the publication is small yet respected for its unbiased journalism. According to comScore reports, the website indianexpress.com was India's third largest English-language news website reaching over 6 million unique visitors a month in India on desktop and laptop computers. In 2015, The Indian Express App won gold for the Best Mobile News Service in South Asia at the World Association of Newspapers' Asian Digital Media Awards.

The Indian Express did an industry story on what the analysts have to say with regard to the fears on migration following Donald Trump's victory in the US presidential elections. The publication used a quote by Mark I.Davies, Global Chairman of Davies & Associates, LLC from a press release issued on behalf of the firm. In the article, Mr. Davies is quoted: "Trump branded development projects have been funded by wealthy Chinese investors using the EB-5 program. Trump clearly appears to be open to high-net-worth investors coming to the US and receiving a 'Green Card' in return for making a qualifying investment through the EB-5 program".

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Tougher work visa norms may boost investment-linked immigration to US

By THN | Updated Nov 10, 2016, 05:12 PM IST

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MUMBAI With Donald Trump in the Presidential seat, work visa programs (H visas) are expected to take a beating — with more stringent regulations. The spotlight, according to some immigration experts, will shift towards the EB-5-based US immigration visa, which is investment-linked.



Such visas, issued in millions remain in the three-digit figure but are a boon if they remain the easiest route to get foot on American soil.

At present, such visas issued to Indians remain in the three-digit figure, but with it probably being the easiest route to set foot on American soil, the number of applications could go up significantly.

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Davies explains: "The EB-5 Regional Center program was extended until December 9, 2016. It has also been extended multiple times in the past and while no one knows how the US Congress will act in December, many view that it is likely to be extended further, till a more permanent EB-5 authorising legislation can be agreed. On the other hand, the Direct EB-5 Program does not expire and does not require extension, so absent a separate act being passed in the future, it will continue forever." The RBI currently permits overseas remittance of up to \$250,000 per individual per year.

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EB-5 route for students?

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THE ECONOMIC TIMES

The Economic Times enjoys a near monopoly status, in terms of both circulation and advertising and is India's No.1 financial and business publication. According to the most recent survey among decision-makers by India's largest and most respected market research agency, 95 percent of company chairmen and chief executives, and 87 percent of all senior executives, read the Economic Times. It is the world's second-most widely read English-language business newspaper, after the Wall Street Journal, with a readership of over 800,000. The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

The Economics Times published the article published in The Times of India which stated how the tougher work visa norms will boost the EB-5 visa program.

Mark I. Davies, global chairperson of Davies & Associates, LLC was quoted a US immigrant investor visa firm, says, "Trump's win in the Presidential Elections will be beneficial for EB-5 visa applicants. While some of our clients have expressed concern with a Trump victory, we believed that their concerns will be short-lived, it will cause more Indians to apply for an EB-5-based US immigrant visa." Another quote by Mr. Davies in the article adds states, "Trump clearly appears to be open to high-net-worth investors coming to the US and receiving a green card in exchange for a qualifying investment through the EB-5 program". He continues by stating that "The EB-5 Regional Center program was extended until December 9, 2016. It has also been extended multiple times in the past and while no one knows how the US Congress will act in December, many view that it is likely to be extended further, till a more permanent EB-5 authorising legislation can be agreed."

Publication : For Press Release

Date: November, 2016

Link: <http://bit.ly/2hMu0xf>

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Davies & Associates, LLC announces combination with law firm of Al-Bedeawi & Partners, Egypt



India: Davies & Associates, LLC, a leading US business [immigration law](#) firm and the market leading US investor visa firm serving India has announced a combination with the law firm of Al-Bedeawi & Partners in Cairo, Egypt. The new firm will be called "Davies & Associates, Egypt, LLC". Mark Davies, Global Chairman of Davies & Associates, LLC commented "the formal launch of our Egyptian firm and Cairo presence led by Muhammad Al-Bedeawi will enable us to further [improve](#) our service to our Egyptian clients, resident across the Middle East region. Our new location in Cairo joins our presence in the United Arab Emirates and Qatar, and will form a [cornerstone](#) of our expanding MENA practice group. Muhammad Al-Bedeawi commented "There is growing demand from Egyptian businesses and investors wanting to access the US market. Our combination with Davies & Associates gives us the ability to service Egyptian clients in multiple US markets and uniquely positions our firm to service Egyptian clients." Davies & Associates, Egypt LLC will have a team of five lawyers and a [client services](#) specialist in Cairo.

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Added: (Thu Sep 08 2016)



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Publication : Exact Release

Date: September, 2016

Link: <http://bit.ly/2fnlluO>

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September 09, 2016 | India | Blog & Social

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Publication : Free Press Release

Date: 9th September, 2016

Link: <http://bit.ly/2iDdAaa>

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Publication : PR Log

Date: 8th September, 2016

Link: <http://bit.ly/2idl3xZ>

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Publication : India Infoline

Date: 9th September, 2016

Link: <http://bit.ly/2hMRAtI>

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India Infoline News Service | Mumbai | September 09, 2016 13:09 IST

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Also Read the interview of **Mark I. Davies, Global Managing Partner and Founder of Davies & Associates, LLC**

Publication : 1888 Press Release

Date: 10th September, 2016

Link: <http://bit.ly/2hMXo6e>

1888 Press Release | Archive News | Business News | Advertising Marketing News

Davies & Associates, LLC announces combination with law firm of Al-Bedeawi & Partners, Egypt

September 10, 2016

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(1888PressRelease) September 10, 2016 - India:

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Publication : Press Release Ping

Date: 8th September, 2016

Link: <http://bit.ly/2idT9BC>

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FOR IMMEDIATE RELEASE

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Trump has previously used the EB-5 visa program as a source of funding for some of his real estate projects. Trump branded development projects have been funded by wealthy Chinese investors using the EB-5 program. Trump is clearly appears to be open to high-net worth investors coming to the United States and receiving a "Green Card" in return for making a qualifying investment through the EB-5 program.

In the face of growing restrictions on the H visa program increasing numbers of Indian students studying in the United States have used the EBS program to obtain a "Green Card" and secure post graduation employment. Trump has promised to further restrict, or even cancel, the H visa program. This in turn will push students and high-net worth Indians aspiring for a Green Card to opt for the EB-5 visa program.

Trump has also indicated that he will support small and mid-sized business. We believe that this will support the success of Indian Nationals opening and expanding businesses in the United States using the Direct EB-5 program and L visas.

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[Davies & associates](#) - Wednesday, November 9, 2016.
Submitted by [Scroll Mantra](#)

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EB-5 or the Immigrant Investor Program is administered by the USCIS (United States Citizenship and Immigration Services) and was created in 1990 by the Congress to stimulate the growth of the U.S. economy and increase employment through foreign investment. A foreign applicant is required to invest \$500,000.00 or \$1,000,000.00 in an approved commercial business; creating ten (10) jobs to qualify for an EB-5 based "Green Card".

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Author Details

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Publication : For Press Release

Date: 9th November, 2016

Link: <http://bit.ly/2fgvcKI>

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Davies & Associates, LLC prepare for a boost in Indian EB-5 visa applicants post Trump's victory

New Delhi, November 9, 2016: Davies & Associates, LLC, the leading US immigrant investor visa firm in India for the EB-5 investor visa program anticipates growth in the number of EB-5 visa applicants from India following the announcement of Donald J. Trump as the new President of the United States of America. Speaking on President Donald Trump's victory Mark I. Davies, Global Chairman of Davies & Associates, LLC said, "Donald Trump's win in the Presidential Elections will be beneficial for EB-5 visa applicants. While some of our clients have expressed concern with a Trump victory we believed that concerns will be short-lived and that the Trump victory will cause more Indians to apply for an EB-5-based U.S. Immigrant visa.

Trump has previously used the EB-5 visa program as a source of funding for some of his real estate projects. Trump branded development projects have been funded by wealthy Chinese investors using the EB-5 program. Trump is clearly appears to be open to high-net-worth investors coming to the United States and receiving a "Green Card" in return for making a qualifying investment through the EB-5 program.

In the face of growing restrictions on the H visa program increasing numbers of Indian students studying in the United States have used the EB-5 program to obtain a "Green Card" and secure post-graduation employment. Trump has promised to further restrict, or even cancel, the H visa program. This in turn will push students and high-net-worth Indians aspiring for a Green Card to opt for the EB-5 visa program.

Trump has also indicated that he will support small and mid-sized business. We believe that this will support the success of Indian Nationals opening and expanding businesses in the United States using the Direct EB-5 program and L visas.

We are positive that Trump's election as President will escalate the number of applications for the EB-5 visa program in the near future."

About Davies & Associates, LLC

Davies & Associates, LLC is a full service U.S. immigration law firm headquartered in New York City, USA with offices across the globe. The firm specializes in helping Indian businesses and individuals relocate to, grow in and succeed in the United States.

With an exceptionally talented team of lawyers drawn from the "top 10" American law firms and leading ivy-league schools, Davies & Associates, LLC primarily focuses on immigration law. Over time they have established themselves as industry leaders for US immigration. They are well known for their industry leading client services and obtaining remarkable results.

They are licensed to practice law in multiple international jurisdictions with offices based in strategic locations around the world. The firm represents a wide range of clients such as multi-national corporations, mid and small-sized businesses across all industrial sectors, investors, individual professionals, entrepreneurs as well as families. Davies & Associates, LLC has a dedicated India and South East Asia team which comprises of dual qualified attorneys licensed to practice law both in India and the United States.

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Date: 10th November, 2016

Link: <http://bit.ly/2eVg1Uo>

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November 10, 2016 | India | Business

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Notes to Editor

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For more information, please contact:

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Silicon India

Featured a contributory article authored by Mr. Davies and Mr. Lohia on the future landscape for Indians in the US taking the H and L visa routes. The article talks about how the reduction of the H1B visa program will impact the Indian IT sector as Indians have been constantly awarded a large number of H1B visas in the IT Sector. The article also incorporates the anticipated effects of the Trump administration on the Indian economy and its counter effects on the US economy.

Silicon India is a Business of Technology magazine published from California and Bangalore. They serve as a platform for CIOs, CSOs, CXOs, IT Heads, Startups & Technology professionals and VCs of the industry to share their expertise and in turn help their contemporaries in building their IT strategy.

Concurrent statements around immigration reform have shown a key part of the unopposed accession of Donald Trump as president-elect of the U.S. While Trump has focused his energies on trying to stop the hemorrhaging of jobs in the U.S. with his divisive agenda, India and India companies prospects too have been clouded as key programmes such as the H-1B visa have come under attack. **Mark Davies**, global chairman, Davies & Associates, a leading immigration law specialist, and **Abhishek Lohia**, practice chair for India, Davies & Associates, tell us that they believe that India companies often prefer low cost law firms and pay a steep price in a volatile immigration market. Edwina Goehring

Immigration is a hot button issue at any time of the year in the US. Post elections, how has the debate on immigration shifted via a vote Indians moving to the US?

So we seldom hear every one you can think of doing things that have a positive impact on the world. In Latin America and here increasingly within Europe, in terms of the transportation program, *Intermodal* I think it gets a bad rap. And, the reason I think it gets a bad rap is because people like the idea that we are properly prepared. The demand for vision is a function of incomplete preparation, not necessarily a sign that the world is too intractable. We bring some new Indian companies a week to the US. I think you look for the cheapest, not the provider, and this firm is often not the one doing proper due diligence.

Has the political atmosphere made it harder to work in the area of immigration?

Immigration is getting increasingly complicated. Every day, there are court cases to clarify the law, new regulations and even new laws coming out. Every time you add to this, it becomes more complicated, with different moving parts. If you are an Indian looking to grow a business in the U.S., and you are a legitimate operating enterprise, U.S. authorities pay.

So, is the shyness around immigration due to Trump's personality or just someone this hesitant?

It's not like you think that America is a country of immigrants, and Trump himself said the EB-5 visa program is run like a hotel. (EB-5 program at low-cost entrepreneurship and their families apply for a green card if they make the necessary investment in a U.S. enterprise and plan to continue to generate 30 permanent jobs for U.S. workers.) And, I don't think Trump is complaining about a gap from Lithuania who arrives from India to sell whitebread for a living, opens a new house and hires five American workers. I don't think that is a concern to Trump. His strategy was to pick up some poor people who typically would be considered the underclass members of the society and to integrate them into the workforce and into society. I don't think we're worried about immigration. I think that's the politicians around this topic.

Lynne: There's lots of other topics, such as

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26



There has always been a resistance to immigrants in the US. In the last five or six years (in terms of the) number of applications... three times the applications were filed compared to the quota

Ashish Lohia,
practice chair for India
Owners & Associates



The denial rates on visas are a function of incompetent preparedness, not necessarily a negative attitude towards individuals

Mark Davies,
SIOGA chairman

ance is pronounced in the U.S. In the last five or six years in terms of the number of applications, three times the number of visas were filed compared to the quota. If it is the quota is 30,000 and in the past two or three years 90,000 applications have been filed. This is a principle based issue - 70% of citizens worry if they're moving to the U.S. and with that as a president they are not sure how happy. Other statements - like there is no deficit on China's side - are having a ripple effect on immigration.

There have been a bunch of cases against Indian outsourcing over visa abuse. Do you think companies should be more diligent?

you should be an actor and a musician. If you are living a law firm to work on it, I mean, you want ask the right questions — you want to know what experience this person is or has going along with this program. If I am working with... wait, I want to work with a law firm that has had a lawyer in it. A friend of mine is based in New York and looks like he's going to do it. He's got my class, you have someone who graduated law school, can find a job and trying to do something new, change, please, use this all the time. You are looking down looking for the cheapest someone and asking if our quality and what things are to be done and in the end not growing themselves properly. At the lowest level, you have someone who can probably speak English and fill up documentation — but the chance of this again after being done are high.

Are Indian companies now becoming more sensitive to handling foreign-

You can't group India as one market. The educated consumer understands some of these things. There are indeed some people who want to do things properly. Unfortunately, most of the time the way this builds up... we offer someone a price, they go to another cost provider and if they double it. Then it goes worse and gets there expensive because you can't find a firm. If you look at the view in a rice oil transaction, then there are problems about for you. You have to get to know a client's business and that you can do that by listening to him.

The G-SIS program is relatively under-reported in India

in 1980, I was a small entrepreneur in Houston, Texas. I could use the regional program to borrow \$500,000 for five years to open up a new job and create 10 new jobs. The Citicore had showed up these years and there was the regional center program. It was a business that was in reality and looking to grow my business, then it opened up a couple of opportunities. First, I can invest in a friend's factory or business or open up my own business. Or, I can do something else. I want to build a plant in Miami, I would like this together. We can see this, in theory, a capital for business.

Letter: I filed 31 applications last year and won over 100 votes from all over the state. The American Idol program costed \$1.5 million to produce that competing programs from other countries. Second, it will have been around for 26 years, but it doesn't seem to be getting used to it and now there's a targeted plan to target 10% with the program. It will be in and it will be to put in your money, so it's popular with 10% with children who are in school. Conventional teachers who are 14-15 years old are not going to be able to do it in an 18 to 20 years. ■

The Economic Times is an English-language, Indian daily newspaper published by Bennett, Coleman & Co. Ltd. It was first published in 1961 and is the world's second-most widely read English-language business newspaper, after the Wall Street Journal. The Newspaper has a readership of over 800,000. The Economic Times is published simultaneously from 12 cities—Mumbai, Bangalore, Delhi, Chennai, Kolkata, Lucknow, Hyderabad, Jaipur, Ahmedabad, Nagpur, Chandigarh, and Pune.

Stringent H1 visa norms in US to impact non-IT workers

Policy Makes Life Difficult For Teachers, Researchers, Analysts

Ranjani Ayyar &
Rachel Chitra | TNN

Chennai: Apart from IT workers, a whole set of other skilled workers—from market research analysts to financial advisors, web developers, teachers, artists, medics and paramedics—might see their dreams of moving to the US never bear fruition.

With most of them drawing salaries between the \$60,000 to \$100,000 cap, a new bill proposed by Congress is likely to affect these workers just as much as it hurts the IT industry.

Skilled employment in the US is back in the limelight, after US Congressmen reintroduced a bill last week that has upped the ante for H1B visas. The bill has raised the benchmark from \$60,000 to a minimum of \$100,000 to be able to work in America. It also seeks to remove a master's degree exemption that currently exists. Unlike popular perception that ties H1B visas with the IT industry, industry observers said that there are a lot of non-IT workers too, who are going to be impacted by this move.

"I've had several Montessori and high school teachers asking me how such a cap can be met. IT professionals can easily meet this threshold but teachers and lecturers are paid much less. The American education system relies heavily on sourcing teachers from other countries. They need to consider other sector impacts as well," said Anu Peshawari, immigration lawyer at Anu Attorney Law Firm.

TURBULENT TIMES

> US Congressmen reintroduced a bill last week to tighten H1B visa norms.

> The bill has raised the minimum salary from \$60,000 to a minimum of \$100,000 to work in America.

> It also seeks to remove a master's degree exemption that currently exists.

> Move has sent jitters down IT professionals who use the H1B

visas on sourcing teachers from other countries. They need to consider other sector impacts as well," said Anu Peshawari, immigration lawyer at Anu Attorney Law Firm.

When Shravya Jain, 29, got her H1B visa it felt like she had won a lottery. And the US system for handling out work visas for student immigrants works pretty much like a lottery system—something that could get tougher given the Congress' recent move and President-elect Trump's anti-immigrant rhetoric.

Students studying in the US get two rounds of interview. Jain had a tough one year soon after she passed out of Columbia University of Journalism, New York.

"I was on a F1 student visa and companies had internal rules against hiring candidates like me. Even if their internal policy did not forbid it,

route to migrate to America

> Immigration experts say impact will be beyond the IT sector.

> Market research analysts, financial analysts, web developers, teachers stand to be affected by stringent visa norms

> New measures will force people to opt for other routes such as L1, EB5 and O categories

they were not keen to be hiring an outsider given the current political climate," said Jain, who works as an associate with advocacy agency Climate Nexus, which sponsored her visa during a six-month fellowship programme.

Chances of a visa go-ahead also depends on the skill set being applied for. When a qualified nurse Anita Mary applied to the US, she did so to continue her spiritual work. She had received a sponsorship from a non-profit organisation in Los Angeles, despite which her visa application got rejected. "When my application for rejected I was told I would have had a higher chance of acceptance if I had tried to go the US as a nurse. The US apparently has a shortage of skilled nurses," said Mary.

Immigration lawyers said that the new measures would force more people to try visas under other routes such as L1.

if they were qualified and EB5 - if they had the money.

"People will also try under the O1 category, which is in recognition of people with extraordinary talent in the field of arts, music, education, science, sports, etc.," said Peshawaria.

Mark Davies, an immigrant lawyer who works both in the US and UK, said that there were a lot of his clients who have been applying for visas under L1 and EB5.

"We have clients in different sectors; in manufacturing, management consultancy, trucks, logistics, restaurants, hotels, the medical industry, medical testing, even insurance," said Davies.

Davies said that there are multiple factors that go into why certain people get selected in certain visa categories. "EB5 visa route is the easiest route to get processed, provided you have the money. An L1 visa means you'd have to show merit - For instance, I've helped talented Indian chefs through their visa applications," he said.

Lawyers said that the Trump regime might affect skilled workers, but not highly-skilled workers or potential investors with deep pockets. "Trump welcomes investments coming to the US. He has always been viewed as being friendly to the business community," said Peshawaria.

The Times of India

The article authored by Ranjani Ayyar and Rachel Chitra is titled 'Stringent H1 visa norms in US to impact non-IT workers'. The article talks about how the changes in the H1-B visa norms would also affect the working class in other sectors along with the much talked about IT sector.

In the article Mr. Mark Davies said, "We have clients in different sectors; in manufacturing, management consultancy, trucks, logistics, restaurants, hotels, the medical industry, medical testing, even insurance." He further added, "There multiple factors that go into why certain people get selected in certain visa categories and that the EB5 visa route is the easiest route to get processed, provided you have the money. An L1 visa means you'd have to show merit - For instance, I've helped talented Indian chefs through their visa applications,"

The article also incorporates inputs from Ms. Anu Peshawari, immigration lawyer at Anu Attorney Law Firm.

The Times of India (TOI) is an Indian English-language daily newspaper. It is the third-largest newspaper in India by circulation and largest selling English-language daily in the world according to Audit Bureau of Circulations (India). It is the oldest English-language newspaper in India still in circulation, with its first edition published in 1838. In 1991, the BBC ranked The Times of India among the world's six best newspapers.

avenues 14

'Be aware of all the guidelines'

MARK DAVIES, chairman of a US Immigration law firm, talks about various visa programmes and frauds Indians should be aware of

■ **Is EB-5 the only way forward for Indian students studying in the US?**

With increasing restrictions on the H-1B visa programme, many Indian students face very limited post-graduation employment prospects in the US. Without securing a green card through the EB-5 programme, post-graduation prospects are likely to be limited. While for a limited number of Indian students O, L, training and family-based visas may be options, the circumstances in which these visas are available to graduating Indian students in search of work or US residency would be rare.

■ **What makes EB-5 and L-1 visa programmes more superior?**

In many circumstances L-1 and EB-5-based visas are the only options available to Indian nationals seeking residency or employment in the US. An EB-5 visa gives an Indian National the ability to engage in any lawful employment that he may wish to pursue, whereas an L-1 visa permits employment for a specific individual.

■ **How will the investor visa programme contribute towards Make in India?**

Several of our firm's Indian clients have established businesses in the US using the EB-5 programme where such businesses directly source goods and services from India. On some occasions, these businesses are funded using EB-5 investment funds provided by non-Indian nationals. In this way, the EB-5 programme fuels demand for Indian goods and services and both support and contribute directly to the Make in India programme.

■ **What attracts high net-worth individuals to a US Green Card?**

Many high-net-worth individuals gift funds to their children so that their children can pursue post-graduation employment opportunities in the US. Some EB-5 investors are looking to establish and operate a business in the United States, which is still by far the world's largest consumer market. Entrepreneurs of all kinds benefit from what is viewed as the most favorable environment that exists globally for entrepreneurs. Other EB-5 investors are simply looking to embrace US culture, the relatively pollution free environment and US way of life.

■ **What are the financial prospects and possibilities for Indian HNIs from the EB-5 and L-1 visa programme?**

The US has the world's largest consumer market valued at \$11,484,340 million. China is second with a consumer market valued at roughly 25 per cent of the total US market size. India's consumer market is valued at approximately 10 per cent of the size of the US market. Many Indian HNIs seek to directly access this market without having



Mark Davies
Global Chairman, Davies & Associates, LLC

to give valuable margins to agents and middle men. Many Indian HNIs benefit from the favorable investment market in the US and launch successful businesses.

■ **What are some of the things that people should know about EB-5?**

It is the fastest and easiest way for an Indians to obtain the right to permanently reside in and work in the US. There are two types of EB-5 visa — the Direct EB-5 and the Regional Center EB-5. A common misconception is that the investment required for these two programmes is different, under the current law the investment required is identical. While a qualifying investment of \$1 million is required if a project is not located in a Target Economic Area or rural area, a qualifying investment of \$500,000 is required if the project is located in it.

■ **What kind of funds is one looking at?**

Unfortunately, some US lawyers and brokers in the Indian market fail to disclose to Indian investors that they also represent, or are otherwise involved with, specific projects or investments. This impairs impartiality and renders an adviser unable to properly represent and Indian investor and, where necessary, take appropriate legal action to enforce and investor's rights.

■ **What are the guidelines?**

The guidelines and procedures for the different EB categories are completely different and Indians should be aware that while some EB categories do not entail a wait others entail waiting times of many years. Because the guidelines and procedures for each EB category are so precise, different and detailed we strongly urge potential applicants to seek advice from an experienced US immigration lawyer.

The Pioneer

The article titled 'Be aware of all guidelines' was published post an email interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Senior Assistant Editor, Shalini Saxena of The Pioneer. Through the article Mr Mark Davies talks about the various visa programmes and frauds Indians should be aware of.

Mr. Davies emphasized how beneficial and lucrative the EB-5 visa is in comparison to other visa programmes such L-1 or H1-B visa. He stated that the EB-5 visa is the fastest and easiest way for Indians to obtain the right to permanently reside and work in the US. He also mentioned how the EB-5 visa programme can contribute to the Make in India movement and fuel the demand for Indian goods and services.

The Pioneer is an English language newspaper in India. It is published from multiple locations in India, including Delhi. It is the second oldest English language newspaper in India that is operational.

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New US bill proposal to be far harsher than earlier ones: Analysts

Rachel Chitra TNN Jan 25, 2017, 04:00 AM IST

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Chennai: A new bi-partisan bill to be introduced in the US will have far more serious ramifications than any other Bill introduced in the past, said analysts.

With the Republicans having a majority in the Congress, any new proposal will likely fall in line with President Donald Trump vowed intention of "Buy American & Hire American."

"Immigration issue to be of key investor focus going forward as any change could impact flexibility and increase the costs," said Citi research analysts.

Wedbush analysts also said that the H1B visa program issue is clouded with uncertainty. "Commentary suggesting potentially abolishing the program could materially impact the traditional offshore and onsite delivery model," the added.

So why would the current bill have more serious repercussions than ones introduced earlier? Analysts said, bill introduced by Senators Chuck Grassley and Dick Durbin had more curbs, than that introduced by Darrell Issa, whose main provision was setting a higher H1B wage threshold.

The new legislation aims to further prohibit visa issuances, increase costs of onsite personnel, and devise new criteria under which visas could be awarded.

"These are still only in the proposal stage, but, in the current political climate it is to be expected that newer bills will seek to be tougher. The new Trump government has made it clear they are not an advocate of the H1B visa. Their efforts going forward will be to tighten the programme," said Mark Davies, an immigration attorney in the US.

JP Morgan said that if the US sought to change the criteria for awarding H1B visas – the move from the current lottery system to an auction, wage or education-based system will result in higher visa fees. HCL, on Tuesday said that it would hiring more locals in the US. A decision that all IT companies might follow suit, if there is an invocation of the "50:50 localisation rules, which would result in IT companies, having to hire at least 50% of their workforce from the US."

"Minimum H1B wages thresholds specified in the bills will increase and there will more severe rationing/regulation of visas issuance. The new bill lays down that non-immigrant dependent employers would not be issued further H1B visas – which would definitely impact India IT's on-site-offshore business model," said JP Morgan, adding that among tier-1 firms, Wipro and HCL are relatively better protected than TCS, Infosys and Tech Mahindra.

But there are also other risks with the new bill. "You could be more preferential or conditional issuance of H1B visas. I think the Trump regime would be interested more in investments from India via a programme like EB-5 than in a skilled-workers programme like H1B," said Davies.

Analysts also suggest that H1B visas are likely to be issued on more preferable terms to those having advanced STEM (Science, Technology, Engineering, Math) degrees in the US, which only a small percentage of Indian IT workers in the US have.

Another proposal that might have an impact is the non-displacement clause. "The employer will not displace any US employee that is similarly situated as the H-1B worker for 180 days before and 180 days after the H1B petition is filed. This does not seem feasible to us to carry out as clients that award project to offshore vendors employing H1B workers may not be able to wait that long in case vendors have to use H1B visa workers, assuming local US nationals/permanent residents are not available so easily," said JP Morgan in its research note.

The Times of India

The article titled 'New US bill proposal to be far harsher than earlier ones: Analysts' is authored by Rachel Chitra. The article focuses on a new bi-partisan bill to be introduced in the US Parliament.

Mr. Mark Davies has been quoted in the article saying, "These are still only in the proposal stage. But in the current political climate it is to be expected the newer bills will seek to be tougher. The new Trump government has made it clear that they are not a fan of the H1-B visa. Their efforts going forward will be to tighten the programme".

Mr. Davies also said that there would also be other risks with the new bill. He continued to add that there could be preferential or conditional issuance of H1-B visas and that he believes that the Trump regime would be interested more in investments from India via a programme like EB-5 than a skilled workers programme like H1-B.

Mr. Davies has been quoted alongside JP Morgan.

The Times of India (TOI) is an Indian English-language daily newspaper. It is the third-largest newspaper in India by circulation and largest selling English-language daily in the world according to Audit Bureau of Circulations (India). It is the oldest English-language newspaper in India still in circulation, with its first edition published in 1838. In 1991, the BBC ranked The Times of India among the world's six best newspapers.

India's IT industry fears a hit from Trump's ban

BY TINI | UPDATED: JAN 29, 2017, 11:31 AM IST

[Post a Comment](#)

BENGALURU: US president Donald Trump's immigration order against people from seven Muslim-majority countries could have a minor beneficial impact on Indian tech talent and business. Global technology companies may think it prudent to substitute talent from the banned countries with resources from countries that are friendly with the US.

But Saju James, partner and managing director at immigration services firm Fragomen India, does not think the change, if any, will be significant. Global tech companies do not do largescale hiring in those countries.



Some believe Trump will introduce other measures that will directly hit Indian IT. One major target is expected to be the H-1B and L-1 visa programmes that Indian IT companies use to move employees to the US for long periods to work on customer projects.

What looked clear to several analysts that TOI spoke to though was that the move is one more in a series of developments that is leading inexorably towards a retreat from globalization, with potentially adverse consequences for globalised businesses like IT. "We are at the beginning of a phase of reversal of 30 years of globalisation," said a technology analyst, who did not want to be named. "It will affect our own MNCs like TCS and Infosys," he added.

Vikram Shroff, leader of HR law practice at law firm Nishit Desai Associates, said given that the US is the world's largest economy, "such immigration restrictions affect the movement of talent and may be viewed as counter-globalization."

Some believe Trump will introduce other measures that will directly hit Indian IT. One major target is expected to be the H-1B and L-1 visa programmes that Indian IT companies use to move employees to the US for long periods to work on customer projects. Mark Davies, chairman of US immigration law firm Davies & Associates, said Trump is no fan of the H-1B visa programme.

"He's making sure it's more the talented worker who comes to the US. He is not trying to exclude people who have unique skillsets. The problem comes with people with lower level skillsets on large scale contracts deployed on the H-1B programme," he said.

But Trump could proceed on this more carefully, given his desire to maintain relations with India. Union minister for chemicals and fertilizers H N Ananth Kumar noted in Bengaluru on Saturday that Prime Minister Narendra Modi had a telephonic conversation with the US president recently.

Kumar expressed confidence that Trump's policies would not adversely impact Indian IT. Nonetheless, within the industry, people are not so optimistic and are preparing for the worst. The focus, some say, should be on building the domestic economy so that it can take up the expected slack in the international markets. "We are a large country. We can grow on the back of developing our own market," an analyst said.

The Economic Times

The article India's IT industry fears a hit from Trump's ban appeared on 29th January 2017 and was authored by Shilpa Phadsnis. The article talks about Donald Trump's immigration order against people from seven Muslim-majority countries and how it would have a minor beneficial impact on Indian Tech Talent.

According to the article, during the interaction between Mr. Davies and the journalist, Mr. Davies said that few people believe that Trump will introduce other measures that will directly hit Indian IT. One major target is expected to be the H1B and L-1 visa programmes that Indian IT companies use to move employees to the US for long periods to work on customer projects. The article also mentions Mr. Davies saying that Trump is no fan of the H1-B visa programme.

Mr. Davies is quoted in the article saying, "He's making sure that it is more the talented worker that comes to US. He is not trying to exclude people who have a unique skillset. The problem comes with people with lower level skillsets with large scale contracts deployed on the H1-B programme. The piece includes inputs from Saju James, partner and Managing Director Fragomen India and Vikram Shroff leader of HR Law Practice at Nishit Desai Associates.

The Economic Times is an English-language, Indian daily newspaper published by Bennett, Coleman & Co. Ltd. It was first published in 1961 and is the world's second-most widely read English-language business newspaper, after the Wall Street Journal. The Newspaper has a readership of over 800,000. The Economic Times is published simultaneously from 12 cities—Mumbai, Bangalore, Delhi, Chennai, Kolkata, Lucknow, Hyderabad, Jaipur, Ahmedabad, Nagpur, Chandigarh, and Pune.

India's Leading EB-5 Law Firm Reports Record Spike in EB-5 Filings Ahead of New Law to End the EB-5 Program and H1-B Salary Hike

By SiliconIndia | Monday, 06 February 2017, 21:30 (IST)

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BENGALURU: Davies & Associates, LLC, a leading US law firm representing a significant number of Indian EB-5 investors has reported a record breaking spike in filing Indian EB-5 petitions in 2017. This hike is attributed to concerns about a Bill that would terminate the EB-5 program if passed. The EB5 program enables foreign investors to attain lawful permanent residency by investing a certain sum in the U.S. Economy.

Mark Davies, Global Chairman of Davies & Associates, LLC, said: "This is the first time we have seen a Bill to completely end the EB-5 program. While we feel it unlikely that S. 232 will pass, the Regional Center EB5 program is due to end at the end of April 2017 anyway unless extended by Congress. If the EB5 program is extended in April there is a much higher chance than ever before that the investment requirement will be substantially increased in the near future."

In addition to concerns with the future of the EB5 program, clients are also flocking to the EB5 program given the increase in the H1-E salary requirements in the H1-E Reform Bill. The potential increase in salary to USD 150,000.00 would place the H1-E program beyond the reach of most Indian students graduating in the US and force them to use the EB5 program in order to obtain long-term US employment.

"By filing an I-526 before April clients are trying to protect themselves from either the termination of the program or a substantial increase in the required capital. Given the likely H1-B salary hike, some clients are rushing to use this window to insure their children are well equipped to pursue post-graduation employment in the US" he further added. "By filing an I-526 before April clients are trying to protect themselves from either the termination of the program or a substantial increase in the required capital. Given the likely H1-B salary hike, some clients are rushing to use this window to insure their children are well equipped to pursue post-graduation employment in the US" he further added.

Senate Bill S. 232 has been introduced and if passed, it would end the EB-5 Investor Visa Program. The idea behind the bill is to distribute the percentage of EB-5 visas amongst the remaining visa program namely the EB-4 (priority workers), EB-2 (workers with advanced degrees/exceptional abilities), EB-3 (skilled/unskilled workers), and EB-4 (certain special immigrants who have served the U.S. Government).

The United States Government has sent out a discussion document that suggests that the required USD 500,000 investment will be increased to USD 1,300,000 in case the program is not terminated. The EB-5 visa has proven to be hugely advantageous for the U.S. economy as it allows foreign investments to create jobs in Target Employment Areas (TEAs). Eliminating the EB-5 program entirely would mean losing out on the revenue generated and employment opportunities in key areas for the US population.

Silicon India

India's Leading EB-5 Law Firm Reports Record Spike in EB-5 Filings Ahead of New Law to End the EB-5 Program and H1-B Salary Hike is a press release that was published in Silicon India following the news of bill that would terminate the EB-5 programme came through.

The said bill lead to a record breaking spike in Indian EB-5 filings. This hike is attributed to concerns about a Bill that would terminate the EB-5 program if passed. The EB5 program enables foreign investors to attain lawful permanent residency by investing a certain sum in the U.S. Economy.

Mr. Davies expressed himself and said, "By filing an I-526 before April clients are trying to protect themselves from either the termination of the program or a substantial increase in the required capital. Given the likely H1-B salary hike, some clients are rushing to use this window to insure their children are well equipped to pursue post-graduation employment in the US"

The press release was published in various other renowned online portals such as Deccan Herald and The American Bazaar amongst others.

Silicon India is a Business of Technology magazine published from California and Bangalore. They serve as a platform for CIOs, CISOs, CXOs, IT Heads, Startups & Technology professionals and VCs of the industry to share their expertise and in turn help their contemporaries in building their IT strategy.

Davies & Associates reports record spike in EB-5 filings

MUMBAI, Feb 7, 2017, DHNS 0.001ST



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Davies & Associates, a US-based law firm representing a significant number of Indian EB-5 investors, has reported a record breaking spike in filing Indian EB-5 petitions in 2017.

The hike has been mainly on account of concerns about a Bill that would terminate the EB-5 programme if passed. The EB-5 programme enables foreign investors to attain lawful permanent residency by investing a certain sum in the US Economy.

In addition to concerns with the future of the EB-5 programme, clients are also flocking to the EB-5 programme given the increase in the H-1B salary requirements in the H-1B Reform Bill. The potential increase in salary to \$1,30,000 would place the H-1B programme beyond the reach of most Indian students graduating in the US, and force them to use the EB-5 programme in order to obtain long-term US employment, the law firm said.

"This is the first time we have seen a Bill to completely end the EB-5 programme in the US history. While we feel it unlikely that S. 232 will pass, the Regional Center EB-5 programme is due to end in April 2017 anyway, unless extended by the Congress. If the EB-5 programme is extended in April, there is much higher chance than ever before that the investment requirement will be substantially increased in the near future," Davies & Associates, LLC global chairman Mark Davies said.

Deccan Herald

The article titled 'Davies & Associates reports record spike in EB-5 Filings' is posted as a press release stating how Davies & Associates, LLC has reported an increase in the filings of Indian EB-5 petitions this year. This is on account of concerns about a Bill that would terminate the EB-5 Program.

According to Mr Mark Davies, Global Chairman of Davies & Associates, LLC, "This is the first time we have seen a bill to completely end the EB-5 program, while we feel that the S 232 will pass, the Regional Center EB-5 Program is due to end in the end of April 2017 anyway unless extended by Congress. If the EB-5 program is extended in April there is a much higher chance than ever before that the investment requirement will be substantially increased in the near future."

The press release was carried by various other online portals across India.

Deccan Herald is among the most widely read mainline dailies in Karnataka. Its circulations if 1,61,000. It was founded 54 years ago when the first edition hit the streets on June 16, 1948.

Although focused on Karnataka and Bangalore, its coverage of national and world happenings is equally comprehensive and analytical. Deccan Herald is also the voice of the masses - on its agenda is a relentless campaign against corruption and advocacy of pro-environment economic development.

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Date: 7th February, 2017

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Senate bill that calls for ending EB-5 program triggers huge spike in investor visa applications from India: law firm

By A.B. Vora | February 11, 2017

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"Proposed increase in H1-B minimum another reason for the increase."

An immigration law firm that represents Indian investors has reported "a record breaking spike" in the number of Indians applying for the EB-5 Immigrant Investor Visa Program this year.

The sudden spurt in the green card application is because of a bipartisan bill, introduced in the US Senate by Sen. Dianne Feinstein (D-California) and Chuck Grassley (R-Iowa), that calls for an end to the EB-5 program.

The program allows anyone that invests anywhere from \$500,000 to \$1 million in the United States and creates at least full-time jobs for qualified American workers to apply for green cards. The major beneficiaries of the program, which awards roughly 10,000 EB-5 visas annually, are Chinese investors.

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The bill was introduced in the Senate on January 24. In a joint statement the two senators termed the EB-5 program as "inherently flawed." They said: "It says that U.S. citizenship is for sale. It is wrong to have a special pathway to citizenship for the wealthy while millions wait in line for visas."

"This is the first time we have seen a bill to completely end the EB-5 program," said Mark Davies, Global Chairman of Davies & Associates, LLC, which represents a number of Indian EB-5 investors, in a press release. "While we feel it unlikely that S. 224 will pass, the Regional Center EB-5 program is due to end at the end of April 2017 anyway unless extended by Congress. If the EB-5 program is extended in April there is a much higher chance than ever before that the investment requirement will be substantially increased in the near future."

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New H1-B reform bill proposing twofold hike in minimum wage introduced in House of Representatives January 24, 2017

Davies & Associates associate did not quantify the increase in the number of petitions.

The firm says, apart from concerns about the future of the program, "clients are also flocking to the EB-5 program given the increase in the H1-B salary requirements in the H1-B Reform Bill."

A bill that was introduced recently proposes to increase the minimum salary for H1-B workers to a whopping \$130,000.

The firm says that bill "would place the H1-B program beyond the reach of most Indian students graduating in the US and force them to use the EB-5 program in order to obtain long-term US employment."

A bill that was introduced recently proposes to increase the minimum salary for H1-B workers to a whopping \$130,000.

The firm says that bill "would place the H1-B program beyond the reach of most Indian students graduating in the US and force them to use the EB-5 program in order to obtain long-term US employment."

Davies says, by filing an I-526 Immigrant Petition by Alien Entrepreneur petition before April, many "before April clients are trying to protect themselves from either the termination of the program or a substantial increase in the required capital."

He added: "Given the likely H1-B salary hike, some clients are rushing to use this window to insure their children are well equipped to pursue post-graduation employment in the US."

A discussion document circulated by the US government suggested increasing the minimum investment requirement to \$1.3 million if the program is kept alive.

To receive breaking news alert on Immigration, H1-B and related visa issues, email us at newsletter@americanbazaaronline.com. Mention H1-B in the subject line.

American Bazaar

The article titled 'Senate bill that calls for ending EB-5 program triggers huge spike in investor visa applications from India law firm' disseminated as a press release was featured in The American Bazaar Wire. The press release states the record breaking spike of Indians applying for visa to the US through the EB-5 Program, in context to the Senate Bill to cut the EB-5 Program.

According to Mr Mark Davies, Global Chairman of Davies & Associates LLC, "This is the first time we have seen a bill to completely end the EB-5 program, while we feel that the S 232 will pass, the Regional Center EB-5 Program is due to end in the end of April 2017 anyway unless extended by Congress. If the EB-5 program is extended in April there is a much higher chance than ever before that the investment requirement will be substantially increased in the near future." Davies & Associates, LLC firm states "clients are also flocking to the EB-5 program given the increase in the H1-B salary requirements in the H1-B reform Bill."

The American Bazaar is an online publication that covers the Indian and South Asian American community, with a heavy focus on business. The areas it covers include technology, finance, politics and entertainment. Based in Washington, DC, it has reporters and contributors all over the United States.

TRACKING TRENDS

■ H-1B visa is not the best option to migrate to America

Parole to help Indians set up biz in US

AGE CORRESPONDENT
MUMBAI, FEB. 7

The US has announced a new programme whereby an Indian entrepreneur can set up an enterprise in the US with additional investment from a US investor.

Called Parole, this could come into effect by June or July. The advantage, said Mark Davies, chairman of Davies & Associates, LLC which focuses on immigration, is that it means

less investment for the Indian entrepreneur and there is no need to create a certain number of jobs as required in the case of the H-1B visa.

It is probably done to encourage investments in the US, he added.

However he says there are several better options than the H-1B that can be used to migrate to the US, like the EB-5 and L visa programmes that are more superior to the H-1B programme which is lottery

■ The EB-5 (employment-based) programme is for extraordinary skilled people and is investment based, though there are rumours that this programme may be discontinued or the investment could be raised to \$1.3 million from half a million US dollars.

This programme is being used by Indian billionaires and other high net individuals, partly because the H-1B visas will no longer be a ticket for post graduates to get jobs in the US.

The EB-5 (employment based) programme is for extraordinary skilled people and is investment based, though there are rumours that this programme may be discontinued or the investment could be raised to \$1.3 million from half a million US dollars.

This programme is being used by Indian billionaires and other high net individuals, partly because the H-1B visas will no longer be a ticket for post graduates to get jobs in the US.

So they are trying to protect themselves from either the termination of the programme or a substantial increase in the required capital by filing for the I-526 before April. Immigration reforms is a central theme of Mr Trump's push for companies to invest and hire more in the US.

Mr Davies said that their clients invest in regional centres in the United States in diverse fields ranging

from real estate, and development projects to factories and IT businesses.

Also, with the EB-5 programme expiring in April, a large number of Indian applicants are trying to protect themselves from either the termination of the programme or a substantial increase in the required capital by filing for the I-526 before April. There is a discussion on increasing the present \$70,000 per worker to \$1.3 million.

The Asian Age

The exclusive article titled 'Parol to help Indians set up biz in US' was published post a telecon interaction between journalist Olga Tellis and Mr. Mark Davies. The piece talks about how the H-1B visa is not the best option for Indians to migrate to the US and incorporates brief details about the EB-5 visa program. The article also, brings to the forefront a new program called Parole through which an Indian entrepreneur could set up an enterprise in the US with additional investment from a US investor.

The article incorporates various quotes by Mr. Mark Davies in which he talks about several options apart from the H-1B that an individual could use to relocate to the US. He said that the EB-5 program was being used by Indian billionaires and other high net worth individuals partly because H-1B visas will no longer be a ticket for post graduates for getting a job in the US.

The Asian Age was founded in 1994 and is published in several cities such as Ahmedabad, Bangalore, Calcutta, Delhi, Guwahati and Mumbai as well as in London. The Asian Age has a three point editorial policy to inform, educate and entertain its readers. Its readership consists of mainly young executives.

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Date: 14th March, 2017

Link: <http://bit.ly/2n4IzTD>

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Trump's merit-based immigration may be good for Indian IT

Recher Online 16th Mar 16, 2017, 04:03 AM IST

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Chennai: US president Donald Trump's push for a merit based immigration system could benefit high-tech professionals from countries like India.

Trump, in his first address to Congress, noted that "nations around the world, like Canada, Australia and many others have a merit based immigration system. Switching away from this current system of lower skilled immigration, and instead adopting a merit based system, will have many benefits: it will save countless dollars, raise workers' wages, and help struggling families, including immigrant families, enter the middle class."

Nasscom's head of corporate communications, Kavita Doshi, said Trump's stance on this issue has been consistent with what he has said earlier. "Trump has always rooted for high-skilled labour mobility. We should give more credit to that, than to the rhetoric," she said. But, what about aides like White House chief strategist Steve Bannon, who feel there are too many Asian tech CEOs in Silicon Valley? "One must remember everyone does not think like Steve Bannon," she added.

Bannon made those remarks when Trump was invited as a guest on the Breitbart News Daily radio show, to which the then presidential candidate said, "We have to be careful of that, Steve. You know, we have to keep our talented people in this country."

Immigration attorney Mark Davies earlier told TOI, "Donald Trump's statements that he intends to scrap the H-1B visa program is just a political position. The intent behind such a statement is on stopping abuse of the program and we don't believe it will impact L-1 visas of highly-qualified candidates."

He noted that Trump time and again has favoured the business and tech community hires of highly skilled Asian executives. "One can ignore the rhetoric," he said.

However, a possible worrisome area for IT companies would be hiring costs, if, as Trump said in his address, his measures raise workers' wages. Analysts feel that the per person salary cost for new hires might go up, given the string of new proposals from both Republicans and Democrats.

"It is possible that instead of a lottery, visas could go to those willing to pay the highest salary. In 2013, Apple, Amazon, Microsoft and Google paid a median wage of \$94k-118k, vs \$65k by services companies. Or, a rule could be that firms can only receive visas if <15% of their US employees hold H-1B or L-1 visas. Other proposed measures include visits by government officials to sites with visa workers, both at company and client locations [to check for violations]," said Louis Mischoska, analyst at brokerage & investment firm CLSA, in a research report.

The Times of India

In the article titled 'Trump's merit based immigration may be good for Indian IT', Rachel Chitra talks about how Donald Trump's push for merit based immigration system could benefit high-tech professionals from countries like India.

The article states that during an earlier interaction Mr. Davies had mentioned to TOI that Donald Trump's statements where he intends to scrap the H1-B program is just a political position. The intent behind the statement is on stopping the abuse of the programme and we don't believe it will impact the L-1 visas of highly qualified individuals. In the article the journalist also states that Mr Davies noted that Trump has time and again has favoured the business and tech community hires of highly skilled Asian executives. "one can ignore the rhetoric," he said.

The Times of India (TOI) is an Indian English-language daily newspaper. It is the third-largest newspaper in India by circulation and largest selling English-language daily in the world according to Audit Bureau of Circulations (India). It is the oldest English-language newspaper in India still in circulation, with its first edition published in 1838. In 1991, the BBC ranked The Times of India among the world's six best newspapers.

Why US

ABHINAV LOHIA tells you why the US continues to be the destination for high-net-worth individuals even though there are other options available

The US is the largest consumer market in the world making it the ultimate destination for wealthy individuals and corporates to invest in. Often high-net-worth individuals looking to secure a better education and future for their children choose to migrate to the US for its advanced infrastructural and entrepreneurial opportunities.

While many consider countries like Canada, Australia and New Zealand for migration, the US is a far more accepted and recognised choice. This is primarily because of the availability of access to a highly lucrative open market which is a powerful growth engine for companies of all sizes. The Make in India movement has led to an increase in manufacture in India. However, the movement has seen its major boost through sales in the US. We have also witnessed a few of our clients shift bases from Australia and Canada to the US as their businesses were not sustainable in those countries.

As per SelectUSA, a US Government-wide programme housed in the International Trade Administration at the United States Department of Commerce, the US offers the largest consumer market in the world with a GDP of \$18 trillion and 325 million people.

Household spending in US is the highest in the world, accounting for over a quarter of global household consumption. At the same time, free trade agreements with over 20 countries provide an enhanced access to hundreds of millions of additional consumers – and the United States continues to work with foreign partners to increase these opportunities.

Having operations in the US, gives an impression of legitimacy to a business. This results in an increased valuation of the company and, its products and services. Not only does the US provide the right climate for start-ups, but it also gives them access to plenty of investors.

Crowd funding, a popular trend in the US (unlike many other countries), enables small business owners to pull investments for their venture. Another factor that prevents Indians from moving to Canada is the weather. Unlike the US where you can live in Florida or California to escape the cold or, live in Chicago or New York, if you like snow, Canada being so up north, it is next to impossible to escape the cold.

Many Indian investors feel New Zealand and Australia are cut off from the rest of the world. This is viewed as discouraging from a personal and commercial point of view. While a lot of Indians have relatives in the US and the UK, such is not the case with Australia and New Zealand. Life in developed nations is considered lonely, with that the distance and lack of relatives makes it less attractive for Indian HNIs. Also, these distances also have an impact on the export of goods to these countries.

The EB-5 investor visa programme in the US is one of the cheapest residency programmes in the world, when compared to developed nations and global powers. Also, the programme does not restrict the residency to a particular region. After getting residency an investor is free to live and work in any part of the US. The education is recognised all over the world, therefore people looking for high quality education for them or their children often move to the US.

Getting a Green Card not only gives access to leading US universities, it also results in reducing the fees by thousands of dollars owing to the Green Card holder's resident status. Along with moving to the US for educational purposes most of the applicants also aspire to work on the same grounds. The EB-5 programme puts them on the same footing as any other American in the job market. This results in more job opportunities, non-dependence on employers for sponsorship to live and work in the US. The uncertainty around the H-1B programme has also triggered a rise in EB-5 for India.

The writer is partner and practice chair of India & South-East Asia, Davies & Associates LLP.

The Pioneer

The article titled 'Why US' is authored by Mr. Abhinav Lohia, Partner and Practice Chair India and South-East Asia for Davies & Associates, LLC appeared on The article focuses on why the US market is the most lucrative for Indians planning to move abroad in comparison to other countries like New Zealand and Canada. The article primarily highlights the infrastructural, educational and geographical benefits of moving to the US in contrast to other countries around the world. The article also talks about how the EB-5 investor visa programme is one of the cheapest residency programmes in the world when compared to global powers and developed nations.

The Pioneer is an English language newspaper in India. It is published from multiple locations in India, including Delhi. It is the second oldest English language newspaper in India that is operational.

Life beyond H-1B: Indians can easily try L1 and EB5 visas, suggest experts

BY IANS | APR 19, 2017, 04:23 PM IST

That's a Comment

By Aroonim Bhyuan

NEW DELHI: The cap for US H-1B visas for 2018 may have been reached but immigration experts say that Indian applicants, who form the majority of the recipients of such visas, have other options as well — such as the L1 and EB5 visas.

US missions across the world started accepting H-1B applications for fiscal 2018 from April 3. According to the US Citizenship and Immigration Services (USCIS), it received 199,000 H-1B petitions during the filing period.

On April 11, the USCIS used a computer-generated lottery to select enough petitions to meet the 65,000 general category cap and the 20,000 cap for those with advanced US degrees.

The new Donald Trump administration has also sought to make acquiring H-1B visas tougher. The USCIS on March 31 issued a clarification that computer programmers, to be eligible under the H-1B visa norms, must prove that theirs is a specialty occupation. Merely obtaining a computer degree may not be enough.

Meanwhile, a private member's bill was also introduced in the US Congress by Democrat Zoe Lofgren which seeks to increase the minimum salary of H-1B visa holder to a whopping \$130,000 from the current minimum of \$60,000.

The bill, if passed, will impact the margins of IT companies, the biggest beneficiaries of the H-1B visa programme, or their clients will face higher charges for the work performed, Mark Davies, Global Chairman of Davies & Associates, LLC, which specialises in US immigration law, told IANS in an email interview.

According to Abhinav Lohia, Partner and Practice Chair of India and Southeast Asia at Davies & Associates, Indian companies will now have to scout for American talent or opt for alternatives like L1B or L1A visas to send workers to the US.

L1 visas facilitate the temporary transfer of a foreign worker in the managerial, executive or specialised knowledge category to the US to continue employment with an office of the same employer.

The L1 visa can help as "a lot of US companies prefer to deal with a local company or someone on the ground in the United States representing a foreign company instead of dealing directly with the foreign company", Lohia explained.

"US presence gives the US companies/clients confidence since US courts will most probably have jurisdiction over disputes," he added. "Also, the companies that establish a presence in the United States also register their intellectual property there, which again is viewed favourably."

Of course, the H-1B and L1 visas are for employees. If you have enough money, you can opt for the EB5 visa, Lohia said.



For an EB5 visa, the applicant needs to invest \$500,000 in a targeted employment area (TEA) or \$1,000,000 in a non-TEA and the investment should result in 10 jobs.

Related

- Donald Trump signs executive order for overhaul of H-1B visa system
- Indian techies are losing out on all major markets
- Donald Trump effect? Australia abolishes visa programme used largely by Indians

The Economic Times

The article titled above 'Life Beyond H-1B : Indians can easily try L1 and EB5 visas, suggest experts' is an exclusive article published following an email interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Mr. Abinav Lohia, Partner and Practice Chair of India and SouthEast Asia with senior editor t Aroonim Bhyuan of IANS(Indo- Asian News Serice) which is India's largest independent news service. The article talks about the better alternatives to the H1-B visa which are the L1 and EB5 visas. In the article Mr. Lohia mentions that stringent actions will be taken by the Trump administration and Indian companies will now have to scout for American talent or opt for alternatives like L1B or L1A to send workers to US. In relation to this, Mr. Lohia continues to say, "a lot of US companies prefer to deal with a local company or someone on the ground in United States representing a foreign company instead of dealing directly with the foreign company."

The piece also incorporates various inputs and insights by Mr. Mark Davies.

The Economic Times is an English-language, Indian daily newspaper published by Bennett, Coleman & Co. Ltd. It was first published in 1961 and is the world's second-most widely read English-language business newspaper, after the Wall Street Journal. The Newspaper has a readership of over 800,000. The Economic Times is published simultaneously from 12 cities—Mumbai, Bangalore, Delhi, Chennai, Kolkata, Lucknow, Hyderabad, Jaipur, Ahmedabad, Nagpur, Chandigarh, and Pune.

Try L1 and EB-5 visas, suggest immigration experts

INDO-ASIAN NEWS SERVICE

New Delhi, April 19

The cap for H-1B visas for 2018 may have been reached, but immigration experts say Indian applicants, who form the majority of the recipients of such visas, have other options as well — such as the L1 and EB-5 visas.

US missions across the world started accepting H-1B applications for fiscal 2018 from April 1. According to the US Citizenship and Immigration Services (USCIS), it received 199,000 H-1B petitions during the filing period.

On April 11, the USCIS used a computer lottery to select enough petitions to meet the 85,000 general category cap and the 20,000 cap for those with advanced US degrees.

The USCIS on March 31 issued a clarification that company programmers, to be eligible under the H-1B norms, must prove that there is a speciality occupation. Merely obtaining a

computer degree may not be enough.

Meanwhile, a private member's bill was also introduced in the US Congress by Democrat Zoe Lofgren, which seeks to increase the minimum salary of H-1B visa holder to the current minimum of \$60,000.

The bill, if passed, will impact the margins of IT companies, the biggest beneficiaries of the H-1B visa regime, or their clients will face higher charges for the work performed, said Mark Davies, Global Chairman, Davies & Associates, which specialises in US immigration law.

Alternatives

According to Abhinav Lohia, Partner and Practice Chair of India and South-East Asia at Davies & Associates, Indian companies will now have to scout for American talent or opt for alternatives such as L1 or E-3A visas to send workers to the US.

L1 visas facilitate the temporary transfer of a foreign worker in the managerial, executive or specialised knowledge category to the US to continue employment with an office of the same employer.

The L1 visa can help as "a lot of US companies prefer to deal with a local company or someone on the ground in the US representing a foreign company, instead of dealing directly with the foreign company," Lohia explained.

"US presence gives the US companies/clients confidence since American courts will most probably have jurisdiction over disputes," he added. "Also, the companies that establish a presence in the US also register their intellectual property there, which again is viewed favourably."

Of course, the H-1B and L1 visas are for employees. If you have enough money, you can opt for the EB-5 visa, Lohia said.

For an EB-5 visa, the applicant

H-1B visa applications

Employers applied for about 16% fewer H-1B visas for highly skilled foreign workers this year than in 2016.



Note: When the number of applications exceeds the annual cap, a lottery determines how visas are awarded.
Source: US Citizenship and Immigration Services

needs to invest \$500,000 in a targeted Employment Area (TEA) or \$1 million in a non-TEA and the investment should result in 10 jobs.

In recent times, there has been a sharp hike in the number of Indian applicants for EB-5 visas and Lohia attributed multiple reasons for this, in-

cluding the fact that the US is a better country to retire in and there are more opportunities to expand business operations.

According to Davies, parental gifting of the funds necessary for an EB-5 application may now be the only option for Indian students seeking employment after graduation in the US.

Faster route to citizenship

Lohia said EB-5 and L1A visas may lead to permanent residence and eventually to US citizenship faster.

"It puts an end to the dependence on the employer for staying in the US," he said.

"Upon being fired from their job, an H-1B visa holder may have to leave the country along with their family. Whereas, once someone gets permanent residence, they are no longer dependent on others for their stay in the US as long as they are law-abiding and renew their Green Card on time."

The Hindu Business Line

The article titled 'Try L1 and EB-5 visas, suggest immigration experts' is an excerpt from an email interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Mr. Abinav Lohia, Partner and Practice Chair of India and South-East Asia with senior editor Aronim Bhyuan of IANS (Indo-Asian News Service) which is India's largest independent news service. The article states how L1 and EB5 visas are a better alternative to Indians.

The article highlights that L1 and EB-5 visas may lead to permanent residence and eventually to US citizenship. In the article Mr. Lohia states that the EB-5 visa puts an end to the dependence on the employer for staying in the US. Upon being fired from their job, an H-1B visa holder may have to leave the country along with their family. Whereas once someone gets permanent residence, they are no longer dependent on others for their stay in the US as long as they are law-abiding and renew their Green Card on time.

The Hindu Business Line is among the premier financial dailies in the country and is the most read financial daily in South India. The editorial content covers a broad range of issues affecting the economy and industry segments and it effectively uses editorials/opinion articles as a tool to help readers get a perspective on emerging industry issues and best practices. The publication is a part of the Hindu group of publications and it has 13 satellite editions across India including Delhi.

Try L1, EB5 visa route, suggest experts

INDO-ASIAN NEWS SERVICE
NEW DELHI, 19 APRIL

The cap for US H1B visas for 2018 may have been reached but immigration experts say that Indian applicants, who form the majority of the recipients of the visa, have other options as well—such as the L1 and EB5 visas.

The new Donald Trump administration has also sought to make acquiring H1B visas tougher. The USCIS on March 31 issued a clarification that computer programmers, to be eligible under the H-1B visa norms, must prove that theirs is a specialty occupation. Merely obtaining a computer degree may not be enough.

Meanwhile, a private member's bill was also introduced in the US Congress by Democrat Zoe Lofgren which seeks to increase the minimum salary of H1B visa holder to \$130,000 from the current minimum of \$60,000.

According to Abhinav

VISA OPTIONS

» EB5 & L1 visas can lead to permanent residency faster

» L1 visas facilitate temporary transfer of foreign worker in managerial, executive, specialised knowledge category to US

» For EB5 visa, applicant needs to invest \$500,000 in a TEA or \$1,000,000 in non-TEA and investment should result in 10 jobs

Lohia, Partner and Practice Chair of India and Southeast Asia at Davies & Associates, Indian companies will now have to scout for American talent or opt for alternatives like L1B or L1A visas to send workers to US.

L1 visas facilitate temporary transfer of a foreign

worker in managerial, executive or specialised knowledge category to US to continue employment with an office of the same employer.

L1 visa can help as "a lot of US companies prefer to deal with a local company or someone on the ground in the US representing a foreign company despite dealing directly with the it", he said.

One can also opt for the EB5 visa, Lohia said.

For an EB5 visa, the applicant needs to invest \$500,000 in a Targeted Employment Area (TEA) or \$1,000,000 in a non-TEA and the investment should result in 10 jobs.

According to Davies, parental gifting of the funds necessary for an EB5 application may now be the only option for Indian students seeking employment after graduation in the US.

Lohia said that EB5 & L1A visas may lead to permanent residence and eventually to US citizenship faster.

The Statesman

The article titled 'Try L1 and EB-5 visas, suggest immigration experts' is an excerpt from an email interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Mr. Abhinav Lohia, Partner and Practice Chair of India and SouthEast Asia with senior editor Aronim Bhyuan of IANS (Indo-Asian News Service) which is India's largest independent news service. The article states how L1 and EB5 visas are a better alternative to Indians.

In the article Mr Mark Davies commented, "parental gifting of the funds necessary for an EB-5 application may now be the only option for Indian students seeking employment after graduation in the US". The article also incorporates statements by Mr. Lohia. He says that EB-5 visas and L1A visas may lead to permanent residence and eventually to US citizenship faster.

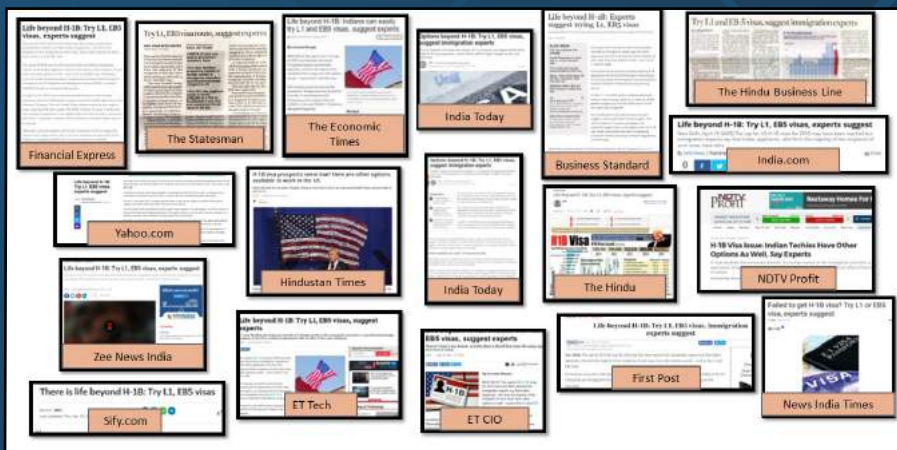
The Statesman is one of India's oldest English newspapers. The Delhi edition of The Statesman began publication in 1931. The Statesman Weekly is a compendium of news and views from the Kolkata and Delhi editions. The newspaper covers national and international news, and sports, with a special focus on regional news.

Indo-Asian News Service (IANS) is India's largest independent newswire and reports about India with news, views and analyses about the country across a wide range of subjects.

Publication : IANS

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IANs

The articles were published post an e-mail interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Mr. Abinav Lohia, Partner and Practice Chair of India and SouthEast Asia with senior editor Aroonim Bhuyan of IANS(Indo- Asian News Serice) .

IANs(Indo- Asian News Serice) is India's largest independent news service which was established in 1986, initially to serve as an information bridge between India and its thriving diaspora in North America. IANs's client list includes every major print publication in India, top television news channels, websites, mobile operators, ethnic publications abroad, central and state government ministries and departments, overseas Indian missions, corporates and public policy institutions.

The said article by Senior Editor Aroonim Bhuyan was picked by over 40 publications, two of which were print namely TheHindu Business Line and The Statesman. Various renowned online portals such as Financial Express, The Economic Times, The Hindu, Business Standard, India Today, Yahoo.com, NDTV Profit, Hindustan Times, First Post and others also carried the news.

Indo-Asian News Service (IANs) is India's largest independent newswire and reports about India with news, views and analyses about the country across a wide range of subjects.

Publication : The Quint

Date: 12th June 2017

Link: <http://bit.ly/2rrhcA3>, <http://bit.ly/2rgiEGn>

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The Quint

Mr. Lohia was featured in a Live Facebook Chat at The Quint. The Facebook Live generated constant engagement with live viewers throughout the interaction and has received over 11,000 views. The live shoot also received 291 likes, 184 comments and 14 shares on Facebook. A separate story was also posted on the official page of The Quint.

The Quint is one of India's leading online news portals. They believe in the concept of media with intelligence and thus provide media for mobile consumption. They have a modern and sharp take on the world. The website page has over 2,648,880 monthly views and 1,204,020 monthly visitors.

Publication : The Sunday Guardian

Date: 18th June, 2017

Link: <http://bit.ly/2teWCFm>

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GREEN CARD

Rich Indians applying for costly EB5 visas

Getting EB5 visas amounts to investing a minimum of \$500,000 (Rs 3.3 crore) in the US.

DIBYENDU MONDAL
NEW DELHI

The number of wealthy Indians applying for costly EB5 visas at US embassies is increasing every year. EB5 visas enable one to directly become a green card holder in the US, unlike the H1B visa, procuring which has become uncertain for Indians after the Donald Trump administration's anti-immigration policies. However, for obtaining an EB5 visa, one of the best alternatives to get a green card, the total investment required is \$500,000 (Rs 3.3 crore) for a family investor, spouse and children below 21 years) and the time taken to process the application is around 18 months. Unlike the EB5 visa, it takes at least 15-18 years for an H1B visa holder to become a green card holder.

With 239 EB5 visa applications filed by Indians at the US embassy in 2015, compared to 99 in 2014, India has been ranked as the third country after China and Vietnam to be the largest investor in the United States by way of EB5 visas, with an investment of over \$120 million, registering a growth rate of 140% since 2014. Procuring EB5 visas amounts to investing in the US, with a minimum amount of \$500,000

(Rs 3.3 crore) legally required by the investor.

Though the official data for 2016 is yet to be released by the United States Citizenship and Immigration Services (USCIS), immigration law firms and lawyers believe that the number of applications had been on the rise for 2016 as well.

In 2014, Indians had invested the way of EB5 visas just \$50 million in the United States and was ranked at number five, making China the highest investor with about \$4,600 million in the US, according to USCIS data.

Abhinav Lohia, a partner from Davies and Associates, a US immigration law firm, told *The Sunday Guardian*, "Our firm alone had filed around 40 cases for EB5 visas in 2016 and this year, we have already filed around 20 cases and the number is going to increase. As the EB5 visa is one of the best alternatives to get a green card in the US, more and more people are joining to avail this opportunity."

Rogelio Sacres, co-founder of LCR Capital Partners, another US based immigration law firm, told *The Sunday Guardian* that most applicants want to secure an EB5 visa for their children to study in the US and settle down there.

"We have seen most ap-

plicants being parents who wanted to send their children to good universities in the US and want them to settle there. The uncertainty over the H1B visa has also made many having the required funds to apply for the EB5 visa. After spending thousands of dollars in the education of their children, most parents would not want them to come back to India, as remuneration in India are not as much as they are in the US," Sacres said.

Abhinav also said that keeping in mind the current job market scenario in India, with thousands of employers being laid off from different multinational companies in India, "parents are sceptical of bringing their child back to India where job opportunities are shrinking."

He further added that many startups and entrepreneurs are also shifting to the US as the ease of doing business there is much higher than in India.

"Many investors and entrepreneurs are moving to the Silicon Valley because things are much simpler and opportunities are much greater. I think if one has the required amount of funds to secure an EB5 visa, one should go for it as there is no waiting period and one directly becomes a green card holder," he told *The Sunday Guardian*.

The Sunday Guardian

The article titled 'Rich Indians applying for costly EB-5 visas' appeared in *The Sunday Guardian* post an interaction between Davies & Associates, LLC and correspondent Dibyendu Mondal in New Delhi. The article highlights how Indians are increasingly moving towards alternate routes such as the EB-5 visa program to permanently relocate to the US. The article also features the basic information on the EB-5 visa program.

Mr. Lohia was quoted in the article, saying "Our firm alone has filed 40 EB-5 cases in 2016 and this year we have already filed around 20 and the number is going to increase. As the EB-5 visa is one of the best alternatives to get a Green Card in the US, more and more people are joining to avail this opportunity."

The Sunday Guardian is an independent Sunday newspaper, founded by journalist M.J. Akbar. The Sunday Guardian has been regularly investigating and breaking stories. It was launched on 31 January 2010 and is printed in New Delhi, Mumbai and Chandigarh. The 40-page newspaper is divided into two sections of 20 pages each: The Sunday Guardian and Guardian. Together, they offer a mix of news, investigation, opinion, entertainment, lifestyle and issues of human interest.



By virtue of its unrivalled capability in delivering policy maker and high net worth readers consistently and reaching out to over six lakh readers – from senior Government Officers to Politicians to PSU Technocrats, Entrepreneurs, national and multi- national Corporation Heads to CEOs, to Bank officials to FIIs, Stock Investors to Small businessmen and more, Bureaucracy Today is the one of the country's most useful business and consumer platform.

Publication : Silicon India – Abhinav (Print)

Date: July 2017

Link:

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Silicon India

The contributory article titled "Choosing the right EB-5 lawyer- A Roadmap to Green Card success" was authored by Mr. Abhinav Lohia, Partner and Practice Chair India and South East Asia for Davies & Associates, LLC. The article lists down all the crucial questions that a potential investor must keep in mind while choosing their immigration lawyers whilst investing in the EB-5 visa program.

He is quoted saying "The business plan is the most crucial aspect of a direct EB-5 application, as it is not possible for a lawyer to file a good EB-5 application without an in-depth knowledge of the business plan and the clients business". The article encapsulates the most efficient process to choose a lawyer with a simplified procedure.

Silicon India is a Business of Technology magazine published from Bangalore. It serves as a platform for CIOs, CISOs, CXOs, IT Heads, Startups, Technology professionals and VCs of the industry to share their expertise and in turn help their contemporaries in building their IT strategy.

India Today is
New Delhi, July 13, 2017 / ISTD/PRD 14 02 01

EB-5 visa programme: First choice of Indian parents for higher education of children

Between 1975 and 1990, there were 9000 Indian students in the US which formed 3.7 per cent of the international student population.



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EB-5 visa program

The United States has historically been the most attractive country to migrate to for Indian students. The past decade has seen a massive rise in the number of Indian students studying in the States. Between 1975 and 1990, there were 9000 Indian students in the US forming 3.7 per cent of the international student population. This number rose to 1,65,018 between 2008 and 2016, increasing the percentage to over 21.2 per cent of the total international student population.

More and more students are increasingly heading to the EB-5 investor visa program to remain in the United States after graduating.

How is this helpful?

The EB-5 investor visa program enables students/families to invest a minimum amount of USD 500,000 (approx. 3.3 crore) in target employment areas through a regional center (government approved bodies) and generating 10 American jobs.

At return, the investor and their immediate family (children under 21 years) receive a conditional green card for two years. This card translates to permanent residency and subsequent citizenship in the US.

Why should you opt for the EB-5 visa?

1. Students are increasingly opting for the EB-5 visa instead of the H-1B as it opens a variety of opportunities for those who are looking to permanently relocate to the US. One of the most pressing reasons for this is the dearth between the H-1B program and the Trump government.
2. Traditionally, Indian students have used the H-1B program to secure post-graduate employment in the United States. With the number of international students now rapidly increasing, the number of H-1B visas available each year and into the Trump government's intention to tighten the program's ration, the parents of many Indian students have turned to the EB-5 programme.
3. Secondly, the EB-5 programme offers students permanent residency in the United States with the right to engage in any lawful occupation they choose. While the H-1B, L-1 and other programs require an employer to be willing to sponsor an applicant as Indian student who has an EB-5 "Green Card" does not require sponsorship. Students who secure sponsorship to find work are generally at a significant disadvantage.
4. Lastly, as permanent residents of the United States, Indian students may be entitled to in-state tuition rates, which are very low in comparison to the high in-state tuition rates. Apart from this, as the EB-5 holder applies to naturalize as a US citizen, they are more likely to be accepted to his foreign colleges as they are not subject to any foreign quota.

At the completion of two years, Indian students in the United States are a growing part of the business. Two options available to Indian nationals to start their own business are extremely limited: the EB-5 enables a holder to engage in any lawful activity they choose to, including setting up their own business.

1. Authored by Mark Davies, Global Chairman of Davies & Associates, LLC and Abhinav Lohia, Partner and Practice Chair of India and South East Asia, Davies & Associates, LLC.

India Today

EB-5 Visa Program: The first choice of Indian Parents for Higher Education of Children is an article authored by Mr. Mark Davies, Global Chairman of Davies & Associates, LLC and Mr. Abhinav Lohia, Partner and Practice Chair of India and South East Asia for Davies & Associates, LLC. The feature highlights why Indian parents are now opting for the EB-5 visa program over the H1B while sending their children to the United States for higher education. The article also lists down the benefits of an EB-5 green card in comparison to the immigrant status of an H1-B visa holder.

India Today was launched in 1975. And in just a few years, it became the leading newsmagazine in the country. Now, with editions in five languages, it has become the most widely read publication in India—a position it has held for over a decade—with a readership of more than 15 million. Breaking news and shaping opinion, it is now a household name and the flagship brand of India's leading multi-dimensional media group.

success. The following key considerations are worth thought and consideration when attempting to screen the US market:

1. Selecting a US Business

Many immigrant entrepreneurs do not have a specific business in mind with which to enter the US market. Given the vast size of the United States, the choices can be enormous. One option is to enter the enterprise of a business banker specializing in visa-eligible locations.

Most business immigration lawyers will be able to provide a list of suitable areas.

2. Location of Business

Many immigrant inventors are uncertain of where to locate in the US. Sometimes inventors incorrectly equate the states with the lowest income tax rates as being those with the lowest overall tax rates and cost of doing business.

3. Liability and the US Courts

The ease with which an entrepreneur or business owner can access the US court system comes as a surprise to most US inventors. In order to avail themselves of rapid and effective relief in the US Court system, business owners and entrepreneurs need to ensure that they properly document all business transactions in US terms and legal standards. Standard Indian agreements may be problematic in the United States.

4. Business Culture

The United States has a different business culture to that of India, just as its Indian business culture varies widely across the country.

5. Tax Planning

Businesses are required to record and pay many different types of taxes and fees. While failure to file a return or to meet a deadline can result in the imposition of significant penalties and force these requirements can be easily met through the guidance of an

#7 Challenges Faced by Immigrant Entrepreneurs

Entrepreneur.com is a business resource to find exactly how friendly and welcoming the United States can be for small businesses.

Mark Davies is a partner in
Davies & Associates, LLC



With a GDP of \$18.1 trillion dollars the United States is by far the world's largest market. The United States can also be the world's most entrepreneur-friendly market. Indian entrepreneurs are sometimes surprised to find exactly how friendly and welcoming the United States can be for their businesses.

Unlike in other countries where compliance is often observed in the breach, however, in the United States compliance with regulations and observing law



6. Proper Set-Up and Compliance

In the United States the failure to properly form your business and to obtain the necessary registrations, licenses, permits and other compliances can result in significant fines and difficulties. Unlike in India, such compliance failure may not be rectifiable at a later time. Unfortunately, many Indian entrepreneurs simply use a corporation formation service. This results in the lawful formation of a corporate entity that may not be in compliance with the applicable regulations.

7. Employment Concerns

US law generally favors the employer and permits an employer to terminate an employee 'at will' for any lawful reason, generally any legitimate business reason. Employers who follow properly documented procedures which meet the narrow requirements of the law do not generally experience issues. Immigrant entrepreneurs who fail to establish such procedures often end up being sued by their employees and finding themselves the subject of regulatory enforcement action and fines.

Entrepreneur India

The authored article titled "Seven Challenges Faced by Immigrant Entrepreneurs" by Mark Davies, Global Chairman of Davies & Associates, LLC talks about the seven most common hitches faced by immigrants who are inclined towards establishing their business in the US. The listicle features some of the key issues like the dilemma of choosing the most appropriate business project, its location, liabilities, business culture, tax planning, compliance and employment concerns.

Entrepreneur.com is one the most widely used website by entrepreneurs and leaders in business worldwide. As the leading small business website, it serves its visitors' needs by creating the most satisfying experience with relevant content, logical information management and ease of access.

Publication : Yourstory (Online)

Date: 24th October 2017

Link: <http://bit.ly/2y3NZmU>

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Three Reasons Why You Should Choose the EB-5 visa over H-1B

 MARK DAVIES
OCTOBER 25, 2017

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Mr. Mark Davies, Global Chairman of Davies & Associates, LLC

Every year the US economy opens its doors to millions of immigrants from around the world. One route of this immigration is through the H-1B visa program that enables individuals to work in the United States of America through a visa that is sponsored by their employers. Indian immigrants account for the overwhelming majority of H1-B visas, most recently accounting for a whopping 126,000 visas. China is next with a mere 21,567.

Yourstory

'Three Reasons why you should choose the EB-5 visa over H1-B' was published on the YourStory website in October 2017. Authored by Mr. Mark Davies, Global Chairman of Davies & Associates, LLC the listicle incorporates detailed information of why Indians planning to permanently relocate to the United States should prefer taking the EB-5 investor visa program over the abused H1-B program.

The YourStory Team brings you stories of entrepreneurs and change-makers, funding analyses, resource pieces and the first glimpse of emerging trends from India's entrepreneurial ecosystem, as well as profiles of great businesses and entrepreneurs from all over the world.

Publication : The Pioneer (Print)

Date: 15th November, 2017

Link: <http://bit.ly/2y3NZmU>

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The Pioneer

The authored article "Risks of an EB-5 investment" appeared in the Mind 'Mind It' section of The Pioneer. The feature by Mr. Mark Davies, Global Chairman of Davies & Associates, LLC talks about the major reasons why the EB-5 investment can be risky. One crucial reason mentioned in the article is the lack of proper due diligence along with an unhealthy dependence on 'agents' which is a common factor in countries like chinta and the Punjab and Gujrat states in India.

Mr. Davies concludes the article with an advice to potential investors. He says, "It is advised that in order to minimise the risks of the EB-5 programme one must treat filing their application like filing any other petition in a court of law and invest in good legal representation.

The Pioneer is an English language newspaper in India. It is published from multiple locations in India, including Delhi. It is the second oldest English language newspaper in India still in circulation after the The Times of India.

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Outlook is India's leading weekly general interest magazine and is headed by the prolific journalist Vinod Mehta. Since its launch in 1995, the magazine has carved a niche for itself among discerning readers for its in-depth, investigative reporting as well as for its stylish visual format. The magazine covers a broad spectrum of issues and sectors ranging from national and regional politics, Asian geopolitics, environmental issues, cricket and education as a part of its mandate. The magazine also covers business news from the point of view of its impact on society at large. The magazine has over 1.5 million readers in India and sells more than 11.2 million copies over a year.

Publication : IANS (Online)

Date: 6th December, 2017

**Link: <http://bit.ly/2AY11Da> / <http://bit.ly/2AyTJ6e>
/ <http://bit.ly/2yk5LOa>**

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IANIS

The articles were published post an e-mail interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC with senior editor Aroonim Bhuyan of IANS(Indo- Asian News Serice) .

The said article by Senior Editor Aroonim Bhuyan was picked by over 38 publications that include renowned online portals such as The Economic Times, The Week, The Statesman, Financial Express, Business Standard, Yahoo, MSN, News X, Entrepreneur India and more.

The feature story also includes quotes from the spokesperson from LCR Capital Partners and CanAM.

Mr. Mark Davies was quoted in the article saying, "Indian applicants needed to be very mindful of two issues looming over the EB-5 scheme: A likely price increase and retrogression." He further added, "While most commentators believe the December 8 is a 'red herring,' combined with these two issues make it highly desirable for Indian investors to make their EB-5 move quickly,"

IANIS(Indo- Asian News Serice) is India's largest independent news service which was established in 1986, initially to serve as information bridge between India and its thriving diaspora in North America. IANS's client list includes every major print publication in India, top television news channels, websites, mobile operators, ethnic publications abroad, central and state government ministries and departments, overseas Indian missions, corporates and public policy institutions.

Techies nervous as H-1B cloud darkens horizon

TNN | Jan 9, 2018, 08:19 IST

✉ 📱 A- A+



Representative Image

Priya Kumar* and her husband Sriram* have been on tenterhooks since the proposal to curb extensions on H-1B visa has been under discussion. Both work with large IT majors in the US and have applied for [Green Cards](#) which are under process.

With a six-year-old daughter and a 78-year-old dependent parent, they are worried over future healthcare costs. With the

elderly dependent suffering from type B diabetes and needing a daily dose of insulin shots and full-time nursing care, they feel moving back to India at this juncture might prove too arduous.

Around 50,000 professionals from Tamil Nadu are supposed to be working in the US, either with a Green Card or other visas (L1, F1, O1, H-1B) of which around 22,000 are likely to be affected by the H-1B visa restriction, say industry observers.

IT industry body [Nasscom](#) has warned that if the [Trump](#) administration's proposal is accepted, it will have wide ramifications for IT professionals besides affecting US competitiveness. Some professionals have taken relief under the indefinite extension offered by the H-1B programme if their Green Card is pending.

Global Chairman of Davies & Associates, Mr. Mark Davies was featured in **The Times of India** in an article titled 'Techies nervous as H-1B cloud darkens horizon'. The feature revolves around the probable H1B restrictions and its impact on the IT sector.

In the article Mr. Davies says, "Indian IT professionals in the US are under real strain. People do not want to rely on the H-1B route anymore. They are exploring other options like the O visa (extraordinary ability in various areas) or EB 5 visa (investment liked).

He said that several clients who came on an H-1B visa have taken shelter under the EB 5 visa by investing half a million dollars in the US. "Most techies here earn well and can afford to invest this sum. That is the reality," he added.

The Times of India is India's premier English daily and is published from ten cities across India, and is read by over 4.42 million people.

No Snoozing In Silicon Valley

The US government's new proposals will cast a shadow on the American dream of H1B visa holders

ARINDAM MUKHERJEE



RED CARD

Many Indian IT workers may have to leave the US soon

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In a bid to enforce President Donald Trump's 'Buy American Hire American' policy, the US government might put in place further restrictions on H1B visas, of which India is a major beneficiary.

The current proposals to not extend H-1B visa of those waiting for permanent residency or a green card is likely to affect half-a-



The article 'No Snoozing in Silicon Valley' was published post a telecon interaction between journalist Arindam Mukherjee and **Mr. Mark Davies, Global Chairman of Davies & Associates, LLC**. The story talks about the proposed policy of adding further restrictions on the H1B visa in order to enforce President Trump's 'Buy American, Hire American'.

Mr. Davies commented on the proposed policy and said, "One fallout of the entire campaign has been that there is a heightened demand for other visas, such as the EB5 visas for permanent residency in the US. In 2017, there was a significant demand for the first time for EB5 visas through which one can get a green card directly. Many of them were from techies."

Mr. Davies has been featured alongside other industry peers in the story.

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Publication: The Economic Times (via IANS)

Date: 31st January 2018

Link: <https://bit.ly/2FyjbKB>

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Investment limits for US 'Golden Visa' likely to be hiked

WNS | Jan 31, 2018, 00:05 PM IST



By Aroonim Bhuyan



With Trump calling for stricter norms for issuance of H1-B visas, largely availed by Indian IT firms, the EB5 visa has been in demand for the shorter route to citizenship it offers.

NEW DELHI: Though the US Congress has extended the deadline for the EB5 visa, popularly known as the "Golden Visa", that allows foreign nationals to apply for a green card by investing in the US, experts are of the view that the investment limits under this scheme are likely to be increased in February.

The US Congress last week extended the deadline for the EB5 visa to February 8 after the latest deadline expired on January 19.

Introduced in 1990, the EB5 visa programme allows an individual to invest \$500,000 in either of two Targeted Employment Areas (TEAs) -- a high unemployment area in a US metropolis or a rural area outside of a metro -- or \$1 million in a non-TEA area that can create 10 or more jobs, and get US citizenship in a shorter time than H1-B visa holders.

With US President Donald Trump calling for stricter norms for issuance of H1-B visas, largely availed by Indian IT firms, the EB5 visa has been in demand for the shorter route to citizenship it offers.

A private member's bill was also introduced last year in the US Congress by Democrat Zoe Lofgren which seeks to increase the minimum salary of an H1-B visa holder to a whopping \$130,000 from the current minimum of \$60,000.

The article titled 'Investment limits for US 'Golden Visa' likely to be hiked' was published post an interaction between Mr. Mark Davies and the journalist during a meeting held in Delhi. The feature story talks about the extension of the EB-5 visa program and the possibility for a hike in the minimum investment amount. The article further talks about the visa program in detail and the benefits of the program and the difference between the direct and regional centre program.

Mr. Mark Davies is quoted in the article saying, "There are two ways in which an investor can apply for an EB5 visa -- either through regional centres, which hold licences and are authorised to implement projects under the EB5 visa scheme -- or outside of the regional centres. The advantage of working with regional centres is that the jobs created under the project concerned can be counted.

He further added, "there can be responsible or irresponsible regional centres, just as a person holding a driving licence can drive responsibly or irresponsibly.

Mr Davies also pointed out that the current deadline only applied for those seeking an EB5 visa through regional centres while the direct route is open forever.

The Economic Times is a part of the Bennett & Coleman Group and enjoys a near monopoly status, in terms of both circulation and advertising and is India's No.1 financial and business publication. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, market intelligence, banking, finance, stocks, current affairs and politics.

Publication : IANS (Online)

Date: 31st January

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/ <http://bit.ly/2Es3TYi>**

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By: IANS | New Delhi | Published: January 31, 2018 3:20 PM

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The US Congress last week extended the deadline for the EB5 visa to February 8 after the latest deadline expired on January 19. (Image: Reuters)

The articles were published post an e-mail interaction between Mr. Mark Davies, Global Chairman of Davies & Associates, LLC with senior editor Aroonim Bhyuan of **IANIS (Indo- Asian News Service)** .

The said article was picked by over 30 publications that include renowned online portals such as The Economic Times, The Quint, Financial Express, Business Standard, News X, and more.

IANIS is India's leading wire news agency. IANS reports about India with news, views and analyses about the country across a wide range of subjects

THE SMART INVESTOR 9

Choose right project to secure US E-5 visa

Opt for regional centres with a record of finished projects and hire a US-licensed advisor with India-specific skills

THESE DAYS

With the US visa laws becoming stricter, more Indians are eyeing for the EB-5 visa programme, which allows an individual to become a citizen by investing \$500,000 in an approved project. While the EB-5 programme is an easier route to migrate to the US, there have been several instances of fraud in the past that could cause investors to lose their money as well as the chance of getting a US citizenship.

Most individuals who are looking at EB-5 have been working in the US and are now affected by the changes in visa laws, as also Indian students who are finding it difficult to get a job after graduating from US colleges.

Immigration lawyers and consultants say that the EB-5 visa programme is all about investing in a project that is going to be completed and create jobs. But choosing the right project can be daunting. "An investor gives money to an entity called the regional centre, which in turn invests the money in projects. But the financing of projects by regional centres is done through complex financial structures.

Many times, an investor may not even secure all the documents unless he asks for them," says Mark Davies, global chairman, Davies & Associates, an immigration law firm.

When it comes to EB-5 projects, an investor has little choice but to rely on lawyers, consultants or advisors who understand the state-specific laws and can evaluate the financial structures to recommend whether the investor should opt for a project. "Do not rely on Indian partners of the companies abroad. Instead, opt for professionals licensed by



the US government who have a track record," says Vivek Tandon, founder and CEO, EB-5 INDIA.

The lawyer or advisor should also have experience in handling Indian cases. When sending money abroad, the advisor needs to ensure that it complies with the Foreign Exchange Management Act (FEMA). The regulations, for example, do not allow individuals to send funds abroad that are borrowed from banks. Ask for referrals of cases that the advisor or lawyer has handled in the past. Talk to those individuals who have already been through the process.

It is preferable to avoid advisors or lawyers that work with regional centres and receive a commission from them. Ask your advisor to write whether he receives compensation in any form from regional centres, developers or parties related to them. A US-licensed fund, lawyer or consultant will rarely reveal it.

Even regional centres have been coming under the scrutiny of state and federal authorities. Wealthy individuals who are interested in immigrating to the US, but even regional centres have defrauded investors.

Typically, in such frauds, money is collected from investors who close the first stage of securing the Green

MORE INDIANS OPTING FOR GOLDEN VISA



Note: These are EB-5 approved projects in terms of number of cases for individuals.

Source: ITC Capital Partners

Card. The money is then diverted to other accounts. The regional centre or developer also forges and falsify documents in most cases to lure investors. Many individuals who invested with these were deported back to their home countries.

The investors should also run a few checks independently. Choose a regional centre that has a track record of completed projects. Many regional centres and developers get their projects evaluated by third-party independent sources. Ask for such evaluation reports. "If the project developer is listed, there will be machine room transparency. There is a better likelihood of the project being completed," says Rajesh Chandra, co-founder and chief commercial officer of ITC Capital Partners.

Also, do not necessarily opt for an advisor or lawyer who offers lower fees. Hire one who has experience in immigration as well as evaluating projects.

The article featuring inputs from Mr Mark Davies, Global Chairman of Davies & Associates, LLC was published on 2nd March and talked about the need to carefully choose one's regional centre while applying for their EB-5 visa. The story titled 'Choose right project to secure US EB-5 visa' emphasises on selecting a regional centre with a record of finished projects and hiring advisors with India specific skills.

In the piece Mr. Davies explains how investing through a regional centre works. He also says that many times investors don't even secure all the documents unless they ask for it. Mr. Davies is quoted alongside EB-5 BRICS and LCR Capital Partners in the article.

Business Standard is among the country's most respected business dailies. It is published in colour from nine centres in India. The newspaper believes in free, fair and independent journalism and strives to inculcate these values in its editorial staff.. The Financial Times of London has taken an equity stake in the publication.



The full page article published in The Economic Times magazine addresses the question of where India's millionaires are going. Journalist Ishani Dattagupta carefully examined reports and spoke to various industry experts to create a descriptive infographic of the countries that India's dollar millionaires relocate to.

Mr. Mark Davies, has been quoted alongside spokespersons of EB-5 United and others in the feature. He says, "Some Indians who get fast-track permanent residency in countries such as Portugal or Grenada may be using these as a stepping stone to immigrate to the US, Canada or the UK. He further added that the US provides the best opportunities for Indians who are entrepreneurial.

The Economic Times is a part of the Bennett & Coleman Group and enjoys a near monopoly status, in terms of both circulation and advertising and is India's No.1 financial and business publication. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, market intelligence, banking, finance, stocks, current affairs and politics.

Tightening US citizenship regime hits 'American dream' of desis

Rachel Chitra and
Ranjini Ayyar / THE

Chennai: Indians will need more patience if they want to achieve the grand "American dream" — as data shows the US government is not granting citizenships at the pace it was doing a decade ago. In the last 30 years, the US was at its most liberal in 2008, when it granted as many as 65,971 citizenships; a reflection of the influx of Indian highly skilled immigrant workers arriving on US shores at the rate of 120,000 workers a year between 1995-2000.

While 2017 citizenship numbers (49,601) are an improvement from 2014 when it hit a decade-low (37,854) — the overall trend is still dampening as the number of immigrants have dropped to 1.51 million from 1.72 million during the same period. "The H-1B matter was a wake up call. Now companies are adopting a cautious approach given the changing policies.

DWINDLING NUMBERS

	China, People's Republic	India	Mexico
2008	40,017	65,971	2,31,815
2009	37,130	52,889	1,11,630
2010	33,969	61,142	67,062
2011	32,864	45,965	94,783
2012	31,868	42,928	1,02,181
2013	35,387	49,897	99,385
2014	30,284	37,854	94,889
2015	31,241	42,213	1,05,958
2016	35,794	46,188	1,03,550
2017	37,577	49,601	1,18,160
Total	10,46,539	7,79,929	6,53,416

US companies do not require Indian techies as much as they needed earlier," said Paul Dupuis, CEO, Randstad India, a HR and staffing firm.

Since the 1990s Indians have been the second or third largest immigrant population to be granted citizenship after Chinese and Mexicans.

Most Indians take the highly skilled work visa-green card-citizenship route. But with immigration numbers on a decline the need for a fresh influx of Indian engineers, MBAs and doctors is waning as more US corporates look into hiring locals.

"More Indians started coming to the use, when US immigration policy started favouring skill-based immigration to one based on family-connections. The average time it takes to process a green card has gone up from a couple of years to as much as 7-8. Indians have made more applications than any other country in the world — which means they have a longer waiting period," said Mark Davies, an immigration lawyer.

Given that the biggest gateway to entering the US has been IT companies, the Trump administration's recent policies are pushing US corporates to seek back recruitment of foreign workers.

Tightening US citizenship regime hits 'American dream' of desis is authored by journalists Rachel Chitra and Ranjini Ayyar. The feature showcases that the US government is no longer granting citizenships at the pace it was doing a decade ago.

Sharing his views Mr Davies is quoted in the article saying, "More Indians started coming to the use, when US immigration policy started favouring skill-based immigration to one based on family-connections. The average time it takes to process a green card has gone up from a couple of years to as much as 7-8. Indians have made more applications than any other country in the world — which means they have a longer waiting period,"

The article maps the changes in giving US citizenship to Indians over the last three decades.

The Times of India is India's premier English daily and is published from ten cities across India, and is read by over 4.42 million people.

Demand for EB-5 visa on rise in India

Jatin.Verma@timesgroup.com

New Delhi: At a time when H-1B visa rules are being tightened, there is growing interest in the EB-5 visa program. The number of EB-5 visas issued to Indians touched a record 174 between October 2016 and 2017, up from 149 in the corresponding year-ago period.

Under the EB-5 visa programme, also dubbed as 'cash for visa', individuals can apply for lawful permanent residence in the United States (this is not citizenship) for themselves, their spouse and children below 21 years, if they make the necessary investments and create at least 10 permanent full time jobs for US workers. The current minimum threshold investment limit is US\$ 1 million (which translates to Rs 6.5 crore). A reduced investment of \$500,000 is permitted for business operations in specified rural areas or those with higher unemployment limits – known as target employment areas (TEAs).

Mark Davies, chairman and managing attorney of Davies and Associates, New York City told TOI, "Two years back, most people were not aware of the existence of the EB-5 program. However, now the awareness has skyrocketed, and therefore, the number of applications has increased enormously."

Vivek Tandon, CEO of EB-5 BRICS, an advisory firm in California, said, "The EB-5



EB-5 visa is an alternative route to get permanent residency in the US

visa program has been in existence since last 30 years. Since 2015, there have been many proposals to increase the investment amount. This could have an adverse effect on the number of applications being filed out of India." According to some reports, the program is likely to be tweaked after September 2018.

Ishaan Khanna, director of Investor Relations, who was on an F1 visa studying at Loyola Marymount University in Los Angeles, CA, has now decided to invest in the EB-5 visa.

He told TOI, "During the end of my third year in college, I realised how much the United States had to offer for someone like me and the professional opportunities I would have access to rather than in India. I was majoring in Information Systems at the time and I had just finished an internship with a tech company. Keeping all this in mind, I began to research all my immigration options and found the EB-5 visa which was suitable for me. Knowing that my H-1B visa chances were limited, I decided to invest in this."

Analysing the growing awareness and demand for the EB-5 visa, journalist Jatin Verma wrote an article for The Times of India evaluating the trend. At a time when H1B visa rules are tightening, a visible shift in inclination towards the EB-5 visa can be seen in Indians.

Throwing light on the EB-5 visa program Mr. Mark Davies said, "A reduced investment of \$500,000 is permitted for business operations in specified rural areas or those with higher unemployment limits – known as target employment areas (TEAs)."

The number of EB-5 visas issued to Indians touched a record 174 between October 2016 and 2017, up from 149 in the corresponding year-ago period.

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Q²A

As an alternative to a transparent independent financial advisor before hiring, Question 10 asks what financial analysis training and experience they received, and if they receive any compensation or other payment of any type from regional adviser. These questions will help gauge the reliability of the advice.

The article titled **'EB-5 visa offers numerous benefits to Indian immigrants'** is an exclusive story that was published following an e-mail interaction with Mr. Davies. The five column feature is in a Q&A format and was published on 20th August 2018. In the article, **Mr. Mark Davies, Global Chairman of Davies & Associates, LLC** talks about how Indians can procure the EB-5 green card and how the program can benefit them. Additionally, the interaction also highlighted that the Congress introduced the program in 1990 to attract foreign investment and boost economic growth. The piece further quoted Mr. Davies saying that there has been a massive increase in the number of people who plan to permanently relocate to the US. The interview also throws light on the difference between regional center and direct investments along with tips on preventing fraud while investing in the EB-5 investor visa program. **The Statesman** is one of India's oldest and most widely read English broad-sheet newspapers with the highest circulation in the Western parts of the country. It is also the leading newspaper of West Bengal. The newspaper covers national and international news, sports and more. It is known for its terse reporting style and is widely regarded as the paper to read for serious news reportage, incisive analytical articles and usage of Standard English language.

'More curbs on H-1B visas will hit small IT companies harder'

VENKATESH GANESH

Bangalore, October 19

As the chorus for stricter curbs on H-1B visa gets louder, business of Indian IT companies, especially smaller sized ones will be impacted.

For Shankar Hegde, a 40-something owner of a small IT outsourcing company based out of Michigan, news of the Donald Trump administration's plans to "revise" the definition of employment and specialty occupations under the H-1B visa is giving him sleepless nights. Currently, an H-1B visa is given for three years. The Department of Homeland Security (DHS) will also "revise the definition" of employment and employer-employee relationship to "better protect" US workers and wages. In addition, the DHS will propose additional requirements designed to ensure employers pay appropriate wages to H-1B visa holders.

Skill shortage

"If the administration goes ahead with this, it will make no sense as there is a shortage of Science Technology Engineering and Maths (STEM) talent.

Companies like the one Hegde runs are struggling with two issues and once the new proposal is out, it will add

to their woes. Hegde gives a simple example. Say, Amazon gives us a project. We take around six months - from getting a nod to doing a pilot. For this we will use our existing 15 people but in some cases we may need to hire someone from with skillset, say a designer. That would take some time and then if the pilot is successful and the scope of the project becomes wider, there is a need to add more." All this takes time and multiply that with other projects, one can understand the headache.

Other small IT companies echoed similar views but all of them did not want to disclose their company names. The cost for an H-1B visa for an employer with less than 26 full time employees works out to be \$1700 and upwards for higher number of visa users.

However, smaller companies get a lesser share of H-1B visas when compared with large ones like TCS or Infosys.

While there is no supporting data, Indian companies get 70 per cent of the 85,000 H-1B visas given out every year through a lottery system. American origin tech employees have raised their voices against companies for abusing the H-1B visa programme by using business visas (B1)

and laying off US workers to replace them with Indian workers. Industry watchers opine that the Trump administration is cracking down on this abuse.

But hiring US nationals is expensive, especially for smaller companies. "It will in all likelihood affect smaller companies more because they generally have limited positions to fill," said Vivek Tandon-CEO & Founder EB5 BRICS. Mark Davies, Global Chairman of Davies & Associates added that smaller clients tend to have less flexibility than some of the larger clients and hence will be impacted more.

Reverse brain drain

Others have a different point of view.

According to advocate Panaj Srinha, founder of Right Direction, a law firm, reverse brain drain could be a benefit for India as it brings in more money with the new reforms and documentation. "The cost" will be a massive hit for the small IT firms.

Meanwhile, larger companies like TCS, Infosys, Wipro, Cognizant and HCL Tech are hiring STEM graduates in the US and even partnering with some of the universities to meet their talent requirements.

The article titled '**More curbs on the H1B visa will hit small IT companies harder**' was published in the The Hindu Business Line post an interaction with journalist Venkatesh Ganesh in Bangalore. The quarter page feature talks about the impact and challenges that small IT companies in India will face due to the stricter policies in H1B visa program. The industry story includes inputs by **Mr. Mark Davies, Global Chairman of Davies & Associates, LLC** along with industry peers.

In the feature Mr. Davies is quoted saying, "Smaller clients tend to have less flexibility than some of the larger clients and hence will be impacted more."

The Hindu Business Line is one of India's premier financial dailies and the most preferred financial publication in the southern region. A highly acclaimed publication, it boasts of extensive and rich quality editorials. The editorial content covers a broad range of issues affecting the industry and emphasizes on opinion articles to further help readers take advice from experts on industry issues.

The Pioneer is English daily published out of New Delhi and Lucknow. The publication is known for its in-depth reporting on variety of subjects including contemporary news, sports, events etc. It is the second oldest English language newspaper in India still in circulation after The Times of India.

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Date: 21st November 2018

Link: <https://bit.ly/2Bosb5D>, <https://bit.ly/2znBsJN>

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Davies & Associates appoints Stuti Murarka as associate - India Practice

Press Trust of India | New Delhi
Last Updated on November 21, 2018 14:55 IST



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Why this ad?

The US business immigration law and investor visa firm serving India Davies & Associates, LLC Wednesday announced the appointment of Stuti Murarka as associate India Practice.

"A licensed attorney in India and Illinois, Stuti will be instrumental in furthering and lending support to Davies & Associates efforts in India. With over 7 years of diversified experience, Stuti has worked with well-known legal firms such as Crawford Gayle & Co. and AZB & Partners prior to joining Davies & Associates, LLC at their Chicago office," the company said in a statement.

"Stuti has the perfect background we seek to expand our operations in India. Her experience in dealing with law in both India and the US makes her the perfect fit to enhance our on-ground capacity in the US, with regard to our team of experts dedicated to Indian EB-5 matters," Mark Davies, Global Chairman of the company said.

Davies & Associates, LLC is a full service US immigration law firm headquartered in New York City, USA with offices across the globe.

(This story has not been edited by Business Standard staff and is auto-generated from a syndicated feed.)

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Outlook

THE NEWS SCROLL

10 NOVEMBER 2018 Last Updated at 14:55 PM, NOVEMBER 21

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Davies & Associates, LLC is a full service US immigration law firm headquartered in New York City, USA with offices across the globe. (PTI, SPT, SPT)



The news titled **"Davies & Associates appoints Stuti Murarka as associate - India Practice"** was published post dissemination of the appointment release.

Apart from Press Trust of India PTI the release was picked up by renowned publications like - The Business Standard and The Outlook India and Daily Excelsior.

Press Trust of India (PTI) is India's leading news wire agency. PTI shares news with over 100 news agencies across the world beyond the Indian subcontinent. It features the news across all the platforms ranging from events taking place on national and international basis to the major legal developments and policies that affect the country.

SUNDAY HINDUSTAN TIMES, NEW DELHI
DECEMBER 09, 2018

Grenada is rich India's new 'gateway' to US

Pramit Pal Chaudhuri
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NEW DELHI: Grenada is the new bolt hole for wealthy Indians seeking to get US residency.

The queue of Indians seeking US green cards via the EB-5 investors' visa has lengthened in the last three years, but so have the delays. Indians have begun seeking passports from the Caribbean island of Grenada as a way to fast-track their entry into the US.

"Until recently, a total of 15 Indians had ever applied for Grenadian citizenship," says Mark Davies, CEO of the immigration law firm Davies & Associates. "This year alone, 32 have got Grenadian passports." Eighty per

cent of these Indians have opted for EB-5 visas from the US as well. "They use Grenada as stopover places."

Wealthy Indians applying for EB-5 visas has spiked. In 2014, only 99 filed for such visas, investing a total of \$49.5 million. According to The Invest in US programme, these numbers jumped to 238 and \$119 million in 2015. Davies & Associates estimates that in 2017 the number of Indian EB-5 visas filings was about 400, reflecting investments totalling \$200 million (₹13 billion). The state department figures show a similar jump in the total EB-5 visas issued to Indians, going from 96 in 2014 to 491 in 2017. Getting a green card via the

WEALTHY INDIANS APPLYING FOR EB-5 VISAS HAS SPIKED. IN 2014, ONLY 99 FILED FOR SUCH VISAS, INVESTING A TOTAL OF \$49.5 MN, WHILE IT JUMPED TO 238 IN 2015, 491 IN 2017

EB-5 process takes an investment of \$500,000 plus about \$80,000 in legal fees. The length of time to get a green card is nearly two years and getting longer. To get a Grenadian passport, one has to invest between \$100,000 to \$400,000 in the island's real estate or National

Transformation Fund. One can then invest as little as \$100,000 in the US and get an E-2 US visa.

"Getting a Grenadian passport takes about four months—largely because of a US state department check. The move to US takes about two months," said a lawyer. The primary reason for the increase in wealthy Indians seeking such visas is simply that other paths to US residency are being closed down or threatened by the Trump administration.

"Many wealthy Indians now ask how do I ensure my student son or daughter can continue to pursue their career in the US?" said an immigration lawyer. "Indians are simply wealthier as well and can afford the invest-

ment amounts."

Among the trends evident among Indians are a lot more EB-5 visa applications involving entire families. For example, said one source, nine members of one of the 30 richest families in India have applied together. Rupee depreciation and the stock market tumble have pushed more to make the jump this year. Financial professionals from Mumbai and Gurgaon, and techies in Bangalore, top the seekers.

"One of the advantages of a Grenadian passport is that while it is not the only country that can help you get into the US, it is the only passport that gets you visa-free travel to Russia and China as well," said Davies.

The article titled 'Grenada is rich India's new 'gateway' to US' is an exclusive industry story that was published post a face to face interaction between Mr. Mark Davies, Global Chairman, Davies & Associates, LLC with the senior editor Pramit Pal Chaudhuri from Hindustan Times. The feature highlights an alternative route for immigrating to the US via a Grenadian passport and application through an E-2 US visa. Pointing out at the increasing number of Indians taking this route, Mr. Mark Davies said, "A total of 15 Indians have applied for Grenadian citizenship, and 32 more have expressed interest in getting Grenadian passports." The story was published in Delhi and Mumbai editions.

Hindustan Times is a leading English mainline newspaper from HT Media. It is the second most widely read newspaper published in New Delhi, Gurugram, Mumbai, Chandigarh, Jaipur, Lucknow, Patna, Noida, Pune, and Ranchi. As per the latest ABC report, Hindustan Times has a readership of over 9,85,000. It covers news regarding the Indian economy, financial news and issues, Indian and international businesses, and their impact on the Indian economic scenario.

ET Q&A MARK DAVIES
GLOBAL CHAIRMAN, DAVIES & ASSOCIATES

Look Beyond H-1B, EB-5 Visa Routes to Work, Settle in US

INDIA has a long and proud history of forging an independent trade and commerce policy, but links with the US continue to grow from strength to strength

EB-5 investment has been an important source of funds for the US real estate sector

There is an E-2 visa route to the US, an earned passport. But there is another option for Indian nationals who want to work and settle there. That's E-1. The only thing that stands in its way is the passport law with the US to facilitate such visas. Mark Davies, global chairman, Davies and Associates, LLC, tells Samanwaya Rautray in an interview. [Click here to read](#)

Are there any options to H-1B or EB-5 visas for Indian nationals?

There are many options available for Indian nationals looking to live and work in the US. At Davies & Associates, we have considerable experience of helping Indian expatriates of various backgrounds in the United States. This includes helping those who are already in the US, as well as those who are looking to move to the US. One of the most widely accepted options is the E-2 visa, which is a non-immigrant visa that allows an individual to enter the US for a period of up to 10 years. This visa is available to citizens of countries that have a trade agreement with the US. India is one of these countries. The E-2 visa is a great option for Indian nationals who want to work and settle in the US. It is a non-immigrant visa, which means that the holder is not allowed to stay in the US permanently. However, it can be renewed for up to 10 years. The E-2 visa is also a great option for Indian nationals who want to start a business in the US. It is a non-immigrant visa, which means that the holder is not allowed to stay in the US permanently. However, it can be renewed for up to 10 years. The E-2 visa is also a great option for Indian nationals who want to work and settle in the US. It is a non-immigrant visa, which means that the holder is not allowed to stay in the US permanently. However, it can be renewed for up to 10 years.

What are the other routes available for those wishing to go to the US?

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The feature titled 'Look Beyond H-1B, EB-5 Visa Routes to Work, Settle in US' is a quarter page exclusive coverage that was published post a face to face interaction between Mr. Mark Davies, Global Chairman, Davies & Associates, LLC with the assistant editor Samanwaya Rautray from The Economic Times. The story highlights another immigration route, the E-2 Visa programme via a Grenadian passport, to work and settle in the US, other than H-1B and EB-5 visa programmes. Shedding light on the E-2 visa programme, Mr. Mark Davies mentioned that, "India is not currently an E-2 treaty country with the USA and so Indians are not currently eligible for this visa. However, Indians who are able to claim another nationality may find themselves eligible." He added, "While Grenada offers considerable business opportunities on its own, it also offers passport holders the opportunity of securing an E-2 visa."

The Economic Times is qaalndia's most widely circulated financial and business daily and is the second largest financial daily in the world. It enjoys a near monopoly status, in terms of both circulation and advertising. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. The Economic Times is published from Delhi, Mumbai, Calcutta, Bangalore, Madras, Hyderabad, and Ahmedabad. It is an essential reference document on Indian business, policy, economy, and finance. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India

Want to live in the US? Forget H-1B, EB-5 Visas! Go to America this way



By ZeeBiz WebTeam

Updated Sat, Dec 22, 2018
04:34 pm
ZeeBiz WebTeam

Yes, you read that right! Forget H-1B, EB-5 visas! No need to run after these hard to get visas to go to the US. Now, you can eye another route and if all goes well, then you will reach your destination and fulfill your dreams! Yes, there are multiple options still available for people planning to migrate to the United States, and not just via the H-1B, EB-5 visas. How? Read on.

The trick is that Indian citizens will have to take a roundabout route. In fact, they can go to the US by applying for citizenship in Grenada, West Indies, revealed Mark Davies, Global Chairman, Davies and Associates - he was speaking to the Economic Times. Having said that, this does not help in attaining a direct US citizenship, it is a critical first step!

There are a number of professional/ occupational options to be explored in this island nation and they throw up multiple business opportunities. Importantly, it offers one of the most widely accepted passports in the world.

RELATED NEWS



H1B Visa Rules: Want to work in the US? Here's what you need to know - 30 points

Further to the exclusive feature in The Economic Times, Zee Business Online published the article titled 'Want to live in the US? Forget H-1B, EB-5 Visas! Go to America this way'. The article includes the inputs shared by Mr. Mark Davies with The Economic Times. The story talks about the alternate E-2 visa route for US immigration and mentions that how attaining a Grenadian passport can be a critical first step for an Indian to shift their base to the US.

Zee Business is an online news portal which was created to reach the common viewers. It aims to present the business news in a simpler form for a common man to understand. Zee Business focuses on business news that covers a wide range of B2B business categories like finance, IT, real estate, and aviation among others. Zee Business has the highest viewership among other business news channels according to the BARC viewership data.

An American Dream beyond the H1-B conundrum

by Mark Davies



An immigration expert runs through some of the hurdles in the path of skilled Indians planning to work in the US and looks beyond the H1-B visa to some lesser-known schemes.

Most highly skilled Indians looking to move to the United States are familiar with the H1-B visa for specialty workers. Yet fewer know about another more reliable and less time-consuming pathway: the EB-5 Investor Visa programme.

Nearly three quarters of all the H1-B visas set aside for highly skilled migrants are awarded to people from India. But this most sought-after route to working in the United States has never faced more uncertainty.

The H1-B visa is a lottery-based, non-immigrant visa that requires sponsorship from an applicant's employer. Approval rates are subject to the inconsistent and ever-changing immigration landscape in the United States where immigration is a contentious political issue.

Only about one in three applicants are successful in their quest for an H1-B visa. And even when work-visa petitions are approved by the US Citizenship and Immigration Services (USCIS), there is still a considerable amount of uncertainty that can discourage the sponsoring employer.

The EB-5 visa offers a way to sidestep all this uncertainty. This programme allows foreign immigrants to invest a minimum amount of \$500,000 in the US economy and acquire a Green Card for their immediate family and themselves within a span of 18-20 months.

India Global Business has published a contributory article authored by Mr. Mark Davies, Global Chairman, Davies & Associates LLC. The article titled **"An American Dream beyond the H1-B conundrum"** features Mark's thoughts on difficulties faced by skilled Indians who plan to work in the US along with key suggestions for those who are considering to settle in the States. India Global Business is a digital magazine published fortnightly by India Inc. India Inc is a UK based media group. It publishes articles that provide in-depth analysis, news and expert opinions on business, trade, policy initiatives and foreign direct investment in and out of India.

Trump may junk H-1B programme if re-elected

MINI TEASER
BENGALURU FEB 20

With strong arguments both against and in favour of H-1B programme, things could go in either direction depending upon the political climate. The prevailing direction at the moment is to watch tightening both the regulations and their enforcement. Proposals include halving the maximum threshold salary from the current \$60,000 and reducing the number of visas available. If elected in a second term, it is even conceivable that US president Trump could scrap the program altogether, says Mark Davies, global president, US visa advisory firm in a video chat with Financial Chronicle, Bangalore.

■ **What are the new challenges in hand for Indian IT companies, H-1B visa holders and their families under a changed immigration scenario in the US?**
Changes to the H-1B visa for highly-skilled foreign workers have already impacted India IT companies and hence changes may have adverse detrimental effects, reducing the number of visas available, increasing the threshold salary and changing work permissions for visas could affect hundreds of thousands of Indians.

The H-1B visa program for specialty workers is the largest category of temporary work visas available in the US. Almost three quarters of visas have been issued to Indian nationals, many of them to people working in information technology, a sector that employs over four million people, of whom more than half of its employees from the US.

■ **Why did this programme suddenly came under additional scrutiny by the Trump Administration?**

The program has come under greater scrutiny because of a belief among some that the H-1B programme is sheltering American workers. Critics of the H-1B programme, including President Trump, believe that there is no shortage of Americans qualified to do these highly-skilled jobs, especially in the IT sector. They have also been questions raised about whether some of the visas have been granted for jobs that are not actually highly-skilled "specialty occupations". This is especially true in the IT sector, where the United States Citizenship and Immigration Services (USCIS) has become increasingly strict in rejecting some applications, such as those for positions that systems analysts and programmers.



Mark Davies
Global President
US Visa Advisory Firm

■ **But aren't some American companies and businesses campaigning in favour of H-1B programme?**

Yes. Supporters of the H-1B programme argue that there are not enough qualified US workers, especially in science, technology, engineering and math fields. However, for H-1B workers has almost been almost eliminated due to the number of visas available, which is currently capped at 85,000. Supporters claim that the visa attracts the best and brightest to the country, which keeps US companies competitive in high-tech industries.

■ **How will this situation impact the US dreams of Indian students and spouses of H-1B holders?**
Increasing the threshold salary could adversely impact Indian students who are heavy users of the H-1B programme. Doubling the threshold salary to over \$120,000 will place many entry-level IT positions held by graduating students beyond the reach of H-1B employers.

Currently spouses of H-1B visa holders who are making an adjustment of status to obtain lawful permanent residency are granted an H-4 visa allowing them to work in the US. If this work authorization is scrapped, more than 50,000 people are at risk of losing their jobs. 50 per cent of H-4 employment authorisation approvals were granted to Indians, especially in Silicon Valley and other technology centres across America.

■ **Has USCIS actually rise the number of random spot checks on employers?**
There is a lot of focus on enforcement. USCIS is conducting more random spot checks on employers, who have a high volume of staff on the H-1B program, as well as smaller companies. This is part of a wider movement to clean out fraud in the immigration system, driven by a series of high-profile cases, including the recent case of 28 Indian students who were arrested by the US department of Homeland Security for smuggling in the fake Purcellville University in Michigan.

The article titled **"Trump may junk H-1B programme if re-elected"** is an exclusive interview with Mr. Mark Davies, Global Chairman, Davies & Associates LLC. Mr Mark shares his views on the challenges that may occur for Indian IT companies, H-1B holding techies and their families during a tough visa regime in the US. The article has been published in both print and online versions of the publication.

The Asian Age is an English daily newspaper published in several cities on a franchise basis — Ahmedabad, Bangalore, Calcutta, Delhi, Guwahati, and Mumbai — as well as in London. The publication has a three-point editorial policy to inform, educate and entertain its readers. It features articles on national and international news pertaining to business, trade, politics, financial news and policies that affect the Indian economy.

MINI TEJASWI
BANGALURU FEB. 2011

With strong support in both Congress and the Senate, the 1991 program, changes could go in either direction depending upon the political climate. The prevailing direction at the moment is towards tightening both the regulations and their enforcement. Proposals include doubling the maximum fine for a first offense from the current \$6,000 and doubling the number of fines an athlete is eligible to incur in a season. In fact, it is very conceivable that US president Trump could suspend the program altogether, says Mark Davies, golf president, USGA and Association for Intercollegiate Sports, who is a member of the USGA's executive committee. Davies also is a member of the USGA's executive committee.

■ **What are the new challenges in hand for Indian IT companies, M-11 visa holders and their families under a changed immigration scenario in the US?**
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The program has come under growing scrutiny because of a belief among some that the H-1B programme is displacing American workers. Critics of the H-1B programme, including President Trump, believe that there is no shortage of Americans qualified to do the same highly skilled jobs, especially in the IT sector. They also cite some statistics raised about the location of the visas have been granted for jobs that are not actually highly skilled "specialty occupations." This is especially true in the IT sector, where the United States Citizenship and Immigration Services (USCIS) has become increasingly strict in rejecting new applications, such as those for positions that rely on systems analysis and programming.



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vis. Supporters of the H-1B programme argue that there are not enough qualified US workers, especially in sciences, technology, engineering and maths fields. Demand for H-1B workers has at most times always greater than the number of visas available, which is currently capped at 48,000. Supporters claim that the visa attracts the best and brightest to the country, which keeps US companies competitive in the global marketplace.

■ How will this situation impact the US dreams of Indian students and spouses of H-1B holders? Increasing the threshold salary could adversely impact Indian students who are key users of the H-1B programme. Doubling the threshold salary to over \$300,000 will place most entry-level IT positions held by graduate students beyond the reach of H-1B employers.

Currently spouses of 311 trainees who are making an adjustment to status receive helpful permanent residency now granted an H-4 visa allowing them to work in the US. If this work authorization is scrapped, more than 50,000 people are at risk of losing their jobs. 50 per cent of H-4 employment authorizations reportedly were granted to Indians, especially to academics located in Silicon Valley and other technology centers across America.

■ Has USCSN actually *cut* the number of random spot checks on employees? There is a lot of focus on enforcement. Yet USCSN is conducting more random spot checks on employees, who have a high volume of mail on the H-1B program, as well as in smaller companies. This is part of a wider movement to stamp out fraud in the immigration system, driven by a series of high-profile cases, including the recent case of 12 Indian students who were accused by the US Dept. of Homeland Security for operating in the fake Birmingham University in Milan.

Deccan Chronicle is India's fourth largest English language newspaper in terms of readership. English language newspaper published in the states of Andhra Pradesh and Tamil Nadu in India. It publishes news on the business, economy, trade along with national and international and politics.

Davies & Associates, LLC tours India with EB5 Capital to discuss investment while complying with the law

On a recent visit to India, **EB5 Capital**, a leading US EB-5 Regional Center, based in Washington DC, working in partnership with **Davies & Associates, LLC**, a leading US business immigration law firm, shared insights on how EB-5 investors are able to comply with India's currency controls.

As per the Liberalized Remittance Scheme (LRS), made available by the Reserve Bank of India, resident individuals are allowed to remit up to \$250,000 per financial year (April 1 – March 31) for any permitted capital account transactions. The normal investment for EB-5 visa program is \$500,000 – double the amount that can be taken out of India in any given year.

According to the current regulations, the controls allow investors to take out only half of the money they need to invest in EB-5 in any given year. This is a major hurdle for Indian investors wishing to get a green card to the United States. However, clients can take advantage of the end of the financial year to make payments in close instalments that span two separate financial years. EB5 Capital's clients have, in the past, taken advantage of the year-end closing in March by making a partial payment before April 1st, and then immediately file their I-526 Petitions with USCIS to lock in their priority dates.

"We are glad to have another extension through September after coming out of the recent government shutdown," says Brian Ostar, Senior VP of Global Operations at EB5 Capital. "The markets are strong right now and 9 months is longer than some of the short-term extensions we've experienced since 2015. With new EB-5-related bills being introduced into Congress recently, as well as the OMB's advancement of new EB-5 regulations which would increase the investment amount substantially, we are predicting a strong rest of the year for EB-5 filings, especially from India."

India is now EB5 Capital's largest market, and its team travels throughout the country every other month. "Although the EB-5 program was well-known in India since 2013, it has particularly gained in popularity over the last 2-3 years. The number of EB-5 visa applications from India nearly tripled for our company since 2017," says Anubhuti Dhand, Manager of Investor Relations at EB5 Capital.

Mark Davies, Global Chairman of Davies & Associates, LLC added, "India's currency control is often one of the first issues our EB-5 clients ask us about. While there are different options for addressing this, splitting payments between financial years is the most straightforward. We work with our clients and their chosen Regional Center to facilitate this process."

Mihu Express published a press release titled **"India's Currency Controls & the EB-5 Visa"**. The release features the insights on India's currency controls in relation to the EB-5 visa program. The release quotes Mark Davies, "India's currency control is often one of the first issues our EB-5 clients ask us about. While there are different options for addressing this, splitting payments between financial years is the most straightforward. We work with our clients and their chosen Regional Center to facilitate this process." While Brian Ostar, Senior Vice President - Global Operations, EB5 Capital commented, "The markets are strong right now and 9 months is longer than some of the short-term extensions we've experienced since 2015. With new EB-5-related bills being introduced into Congress recently, as well as the OMB's advancement of new EB-5 regulations which would increase the investment amount substantially, we are predicting a strong rest of the year for EB-5 filings, especially from India."

Mihu Express is an online media platform which shares corporate news, blogs, articles, opinions, views, and feature write-ups across all the sectors.

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India's Currency Controls & The EB-5 Visa

March 14, 2019 | India | Legal & Law

Davies & Associates, LLC tours India with EB5 Capital to discuss investment while complying with the law

New Delhi, India, March 14, 2019 /Free-Press-Release.com/ -- On a recent visit to India, EB5 Capital, a leading US EB-5 Regional Center, based in Washington DC, working in partnership with Davies & Associates, LLC, a leading US business immigration law firm, shared insights on how EB-5 investors are able to comply with India's currency controls.

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A la Nirav Modi: Where tycoons can go shopping for a new passport

Countries carry out a thorough background check on applicants, which makes Modi's case a bit puzzling.

5.1 Online | 10th Feb 2019, 04:04 PM IST



Agency



The easy access to Modi puts investment-linked residency and citizenship programmes offered by various countries under the scanner.

Nirav Modi, India's most-wanted man, found a safe house in UK using a 'golden visa', a tier-1 (investor) visa issued by the British government to investors outside the European Union on a commitment to invest £2 million in bonds or shares of a company.

The easy access to Modi puts investment-linked residency and citizenship programmes offered by various countries under the scanner.

Ruchir Sharma, head of emerging markets and chief global strategist at Morgan Stanley

Investment Management, had in a report pointed out that the highest number of millionaires leaving their country of origin was from India. His comment was based on a survey carried out by the NW Wealth that claimed since 2014, 23,000 millionaires have left India. In 2017, it was 7,000.

High net worth Indians often look for opportunities across the globe for which they avail themselves of investment linked immigration schemes. "However, there is significant rise in the number of clients with "clean" records using these programmes," Mark I Davies, global chairman of Davies & Associates, a global law firm, told ET in a 2018 report.

While licenced law firms do not accept clients with criminal records, unlicensed agents help with tweaks. Davies claims agents in India are allowed to operate passports by investment programmes. In other countries, only properly licenced professionals are allowed to do so.

Countries that run investor immigration programmes carry out a thorough background check on applicants including a search of global criminal databases, which makes Modi's case a bit puzzling. While sleuths figure out how Modi may have managed to get entry to UK, here are some of the programmes that HNIs from India use to leave the country.

The Economic Times- online published the article titled **"A la Nirav Modi: Where tycoons can go shopping for a new passport"**. The industry story features Mr Mark's inputs from a previous interaction with the publication in 2018. While speaking about HNI's availing investment linked immigration schemes to find opportunities across the global, he stated "However, there is a significant rise in the number of clients with "clean" records using these programmes". The Economic Times is India's most widely circulated financial and business days and is the second largest financial daily in the world. It enjoys a near monopoly status, in terms of both circulation and advertising. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. The Economic Times is published from Delhi, Mumbai, Calcutta, Bangalore, Madras, Hyderabad, and Ahmedabad. It is an essential reference document on Indian business, policy, economy, and finance. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

Publication : The Times of India

Date: 16th April 2019

Link: <https://bit.ly/2ZhJMGy>

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Select Entry: US emphasis on premium visas like EB-5 underlines a new take on migration

April 16, 2019, 3:41 PM IST | Author: Mark Davies | India, News | 103



As the world goes through an anti-migration wave driven by slow overall global economic growth since 2008, the term 'foreigner' has become extremely politically charged. This in turn is seeing countries revise their immigration policies to cater to the sentiments of domestic constituencies. At one end we have Brexit which is essentially driven by a populist desire to divorce Great Britain from the European Union's liberal approach to movement of people and labour. On the other end we have the US Donald Trump administration's efforts to build a wall along its southern border with Mexico to keep out migrants.

In fact, the US has been revising and tightening its long-term visa programmes to plug loopholes and ensure that only essential, qualified individuals benefit from them. In this regard, one noticeable trend has been the tweaking of the H-1B work visa. This in turn has seen a drop of nearly 15% in H-1B applications this year compared to the peak in 2016-17 when applicants had hit 2.36 lakhs. To illustrate the tightening of H-1Bs, consider that in recent years the United States Citizenship and Immigration Services has been increasing the number of inquiries during processing of visas. Called 'Requests For Evidence' (RFE), the additional information sought under enhanced vetting increases the chances of rejection of applications. Latest data available shows that almost 60% of applications were issued RFEs.

Additionally, work authorization previously available to spouses of H-1B visa holders is also being withdrawn. All of this is dampening the attractiveness of the H-1B visa which hitherto was highly sought after by Indian workers in the technology sector. In fact, that was the Indian tech dream - complete one's computer engineering programming education, get placed in a reputed IT firm, get selected for a project in the US, get married and get the spouse over to live in America. But given the stricter norms under the current US administration, America is no longer the green pasture it used to be.

Or is there another part to the story? While there might be pushback on the H-1B, another category of visa is fast gaining in popularity, the EB-5. These are investment-linked visas that put applicants on the fast track to obtaining a Green Card. According to Mark Davies, global chairman, Davies & Associates LLC, this programme allows Indians to invest a minimum of \$500,000 in the US economy and acquire a Green Card for their immediate family and themselves within a span of 18 to 20 months. From 2014 to 2017, only around 100-150 EB-5 visas were granted each year to people born in India. This jumped to almost 600 last year. In fact, the US administration is also looking upon the EB-5 favourably for its potential to boost the American economy. In this respect, the EB-5 route is being described as 'front-door migration' to the US where the benefits to the American economy is clear, the number of visas being issued is low - approximately 800 visas for each country - and there is little scope for luck or fudging.

The Times of India published an online article titled '**Select Entry: US emphasis on premium visas like EB-5 underlines a new take on migration**'. It is an exclusive story highlighting Mr Mark Davies, Global Chairman, Davies & Associates LLC's inputs on the sudden popularity of the investor visa program amidst the challenges faced by H1-B visa holders. The story also features details on EB-5 visa program and the increase in the number of EB-5 visa applications from 2014 to 2017.

The Times of India is the flagship brand of the Times Group. It is India's premier English daily and is published from ten cities across India. It has an overall readership of over 4.42 million people.

EB-5 visas: Here's everything you need to know about immigrant investor visa program

By AS Wire | April 18, 2019 12:58 pm



One of the main reasons for the popularity of EB-5 visas is speed – it allows applicants to acquire a Green Card within two years and, in some cases, less than a year.

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By Mark I. Davies

H-1B has long been the visa of choice for Indians seeking to relocate to the United States. But as the program faces increasing uncertainty, Indians are flocking to the EB-5 visa, the fastest and most direct route to a Green Card.

Accounting for almost 75% of the total annual H-1B visa quota, Indian nationals have long been by far the largest recipient group for the H-1B visa for highly skilled workers. China, in second place, accounts for only around 10% each year.

The H-1B program has come under greater scrutiny amid claims that it displaces American workers. This had led to calls for the program to be tightened, for example by reducing the number of visas available, increasing the minimum salary requirements, and restricting the ability of spouses to work in the United States.

An online news portal, **The American Bazaar** published an article authored by **Mr. Mark Davies**, on the topic 'EB-5 visas: Here's everything you need to know about immigrant investor visa program'. The article features his thoughts on the EB-5 Visa program and the reasons pertaining to the increasing demand of the investor's visa amongst Indians. The American Bazaar is an online publication based in Washington DC. The publication primarily focuses on business news about the Indian and South Asian American community. It publishes articles on immigration, technology, finance, and politics.

India to remain on top in EB-5 visas

Y V PHANI RAJ
Hyderabad

India which is among the top nations globally from where maximum applications come for US's EB-5 visa programme will continue to remain so in the coming years. Not just metros, there is increasing interest from investors from the Tier-II cities of India, say experts.

Mark Davies, chairman of Davies & Associates told 'Telangana Today', "Initially, most of the investors used to be from Mumbai, Delhi and Bangalore. The recent trends had been different with investor interest emerging from Hyderabad, Pune, Surat, Rajkot and other cities. Another major change we see is that as the visa processing time could become longer, parents who



used to plan visa for their children when they reach college are now thinking about it when their children are in school."

India had been taking the top spot in terms of applications and approvals received followed by China,

Vietnam, Korea, Brazil and Taiwan. In 2013, the applications that went from India were just 100, while this number jumped to 1,000 in 2018 because of domestic and political factors. EB-5 visas are issued every year with the limit capped at 700

per nation. With 700 visas expected to be issued to Indians in 2019, Davies said at least 500 visas were going to be given to Indians in the following years, even though there was investment hike in the later part of this year.

He added, "It is speculated that the regulation to increase the minimum investment for EB-5 visa programme has reached the enactment stage for the first time from \$500,000 to \$1.30 million. This change may happen around September this year. There are estimates that it will touch over \$8,00,000 mark. Also owing to the investment aspect of the programme, there are many frauds and scams that are perpetuated due to the lack of the proper due diligence. Thus due diligence is gaining attention."

Post a face to face interaction between **Mr. Mark Davies** and Y V Phani Raj, Business Editor Telangana Today, D&A was featured in an exclusive story titled '**India to remain on top in EB-5 visas**'. The feature highlights Mark's opinion on the EB-5 visa program and increase in the number of EB-5 visa applications from tier 2 cities like Hyderabad, Pune, Surat, Rajkot among others. Pointing out at the possible hike in the minimum investment amount, Mr. Mark Davies said, "It is speculated that the regulation to increase the minimum investment for EB-5 visa program has reached the enactment stage for the first time from \$500,000 to \$1.30 million. This change may happen around September this year. Though there is pressure building up not to increase the investment so significantly, there are estimates that it will surely touch over \$800,000 mark."

Telangana Today is an English language daily newspaper which is widely read in Telangana and Andhra Pradesh. It mainly features articles on the international news, politics and developments in the state of Telangana. Its readership is over 4, 47,735.

Indian students completing master's in U.S. stand better chance to get H-1B visas

New rules aimed at ranking U.S. degree above skills gained in foreign countries

MINI TEASAWI
BENGALURU

Under the new visa regime in the U.S., which kicked off in April, foreign students who complete their master's or any higher degree from American universities will have a better chance of obtaining H-1B visas, say immigration experts based in the U.S.

The master's cap of 20,000 visas is available only to applicants with a master's or a higher degree from nationally-accredited public or not-for-profit educational institution in the U.S.

As per the changed policy, a lottery for 65,000 visas will be held first with both bachelor's and advanced degree holders eligible for selection. Once the regular cap is filled, the master's cap, restricted only to those with advanced degrees, will be held.

Earlier, 20,000 applicants with advanced degrees would have moved out of the queue by the time the regular lottery was conducted, leaving other applicants a better shot at selection. Now, there would be more such applicants in the regular draw, which obviously results in a disadvantage for those applying with just a bachelor's degree.

Mark Davies, global chairman of New York-based Davies & Associates, LLC, said,



Win some: Priority to students in U.S. would help Indians, who account for 20% of international students. —NATTA MANSUR/REUTERS

"Given the challenges facing the H-1B programme at present, any proposal to prioritise students who study in the United States would represent a very positive development for Indians, who account for around 20% of all international students in the country."

Echoing a similar sentiment, Vivek Tandon, founder & CEO of EBS BRICS, a California-based immigration advisory firm, said, "Under the changed scenario, it would be interesting to see how Indian students in the U.S. may stand a better chance to get H-1B visas."

Eligibility unchanged

The eligibility requirements for students remain unchanged. Yet, with a bigger pool of master's and advanced degree holders participating in the draw, those

planning to apply for an H-1B after a bachelor's degree will be at a disadvantage, he added. Facing significantly higher rejections and requests for Evidence of Foreign Education (OFE), Indian IT companies have already begun ramping up hiring in the U.S., but are hampered by the small size of the talent pool in that country.

"This change shrinks the pool of visas available to Bachelor's degree holders and will make it tougher for Indian IT workers to work in the U.S.," added Mr. Tandon.

Explaining why inexperienced Indian students may be granted H-1B visas and not skilled Indian tech workers, he said the policy change, which aims at prioritising master's degree holders for the H-1B visa, seems to be a step towards this objective. "Since Indian IT workers rarely opt for ad-

vanced U.S. degrees, this move aims to rank a U.S. degree above skills or valuable work experience gained in a foreign country like India or Vietnam."

Increasing restrictions on the H-1B, for example, on a spouse's right to work and on the threshold salary, could still impact Indians who meet the U.S. study requirements.

"As a result of this uncertainty, we are seeing an increasing number of people seeking alternative immigration solutions. This includes L1 visas, an E-2 visa coupled with citizenship of Grenada, and the EB-5 investor visa, which is the fastest route to a Green Card," added Mr. Davies.

The H-1B puzzle

The USCIS had recently reversed the order in which it conducted the H-1B lottery, which is held if the number of H-1B petitions exceeds the annual cap of 85,000 visas.

This cap consists of two categories - 20,000 visas open only to applicants with a Master's or higher degree and 65,000 visas open to all eligible applicants including those with advanced degrees. Until now, the lottery for the master's cap was held first. Going ahead, lottery for the regular cap will be done first followed by the master's lottery.

Mr Mark Davies, Global Chairman, Davies & Associates LLC, was quoted in The Hindu, in an industry story titled '**Indian students completing masters in U.S. stand better chance to get H-1B visas**'. Mr Mark Davies commented, "Given the challenges facing the H-1B program at present, any proposal to prioritize students who study in the United States would represent a very positive development for Indians who account for around 20% of all international students in the country." The story also highlights the advantages of the new rule in H-1B visa program. **The Hindu** is one of the most widely read publications in South India. Its current circulation is over 17, 50,000 copies and a readership of over 3 million.



IANS published an industry story titled **"Trump proposes 'merit-based' immigration system"** on the formal announcement of the immigration reforms in H-1B visa program which were proposed by the US President, Donald Trump. The story features the inputs shared by Mr Lawrence Chang, President, Maryland Center for Foreign Investment and David Finkelstein, CEO, American Immigration Group. The story received hits in 15 publications such as Business Standard, Outlook India, The Hans India, The Asian Independent, News Minute, Daily Hunt, Insight Online News, Assam Tribune, Can India, Telugu 360, Daiji World, Mangalorean, India 71, Coastal Digest and New Kerala.

Indo-Asian News Service (IANS) is India's largest independent news service which was established in 1986, initially to serve as the information bridge between India and its thriving diaspora in North America. News issued through IANS's published in all major publication in India, top television news channels, websites, mobile operators, ethnic publications abroad, central and state government ministries and departments, overseas Indian missions, corporates and public policy institutions.

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Trump's new visa proposal garners mixed reviews from immigration experts

Skilled labour shortage in the US is real and according to immigration experts this is likely to benefit Indian IT professionals, who are the biggest beneficiaries of skilled immigrant visa, H-1B. However the cap of 1.1 million for green cards per year will not be increased.

Immigration experts aren't too excited about the proposal of the Trump administration to offer green cards based on merit and skills. They pointed out that the move will benefit the Indian population in the US, but there is a long way to go before the proposal becomes law.

US President Donald Trump on May 17, proposed skill and merit-based 'Build America Visa', to replace the existing green card that prioritises family ties.

The idea behind the new immigration policy is to increase the number of skilled workers quota from 12 percent to 57 percent, Trump said. However, the cap of 1.1 million green cards per year will not be increased.

The skilled labour shortage in the US is real and according to immigration experts, this is likely to benefit Indian IT professionals, who are the biggest beneficiaries of the skilled immigrant visa, H-1B. "That is if this proposal ever sees the light of day," quipped Virek Tandon, Founder, EB-5 BRICS, an immigration advisory firm.

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TRENDING NEWS

The article titled **"Trump's new visa proposal garners mixed reviews from immigration experts"** is an industry story by Moneycontrol that talks about the new H1-B visa program proposed by the US President Donald Trump. The story features inputs shared by Mr Mark Davies, Global Chairman, Davies & Associates LLC, on the increasing demand for proposed visa instead of EB-5 visa. He said "This is just an extension of what we are already seeing with regards to H-1B. There have been heavy crackdown of H-1B program under Trump administration and has affected the IT industry." According to him, this might impact the proposed green card that could be availed by Indian techies given that Trump clearly favors investment.

Moneycontrol.com is an English Language online portal owned by E-Eighteen.com Ltd. Moneycontrol.com is an end-to-end business and finance portal which was started in 1999. It provides news, analysis, data and tools on investing, personal finance, the business sector and the economy to its visitors.

Publication : Quartz

Date: 21st May 2019

Link: <https://bit.ly/2LXo1c9>

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What does Trump's "merit-based" immigration plan mean for Indians?

By Arunesh Bhattacharya · 1 hour ago



The article titled **“What does Trump’s “merit-based” immigration plan mean for Indians?”** is an industry story on merit based immigration system which is proposed by the US President Donald Trump. The story highlights how Indians are affected by the immigration policies pertaining to merit and skills of an immigrant who would like to live and work in the US. It features the inputs shared by Mr Mark Davies, Global Chairman, Davies & Associates LLC, on Indians applying for alternate visa routes to enter the US such as L-1, EB-5 investor visa program among others amidst the challenges they face during applying for H-1B visa.

Quartz is English - Language digital news outlet, which was started in 2012. It targets business people in the new global economy. Quartz publishes articles on growth and developments regarding the politics, government, economy, immigration, business and finance on a global basis. Quartz’s website has around 22 million visitors and an over 7, 00,000 subscribers

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IMMIGRATION DEBATE

Should Indians be worried about Donald Trump's 'merit-based' immigration plan? Yes and no

The US president has proposed bumping up the share of highly-skilled immigration.



Further to the feature in Quartz India, **Scroll** published the article titled '**Should Indians be worried about Donald Trump's 'merit-based' immigration plan? Yes and no**'. The industry story features insights from the industry leaders about the new merit based immigration system proposed by the US President Donald Trump. Mr. Mark Davies has been featured in the article saying "This includes the L-1 visa for transferring employees within a company and the EB-5 investor visa, which has skyrocketed in popularity in India in the past two years," To this he also added, "We have even supported a number of Indians wanting to relocate to the US on an E2 (treaty investor) visa. Indians are not eligible for E2 visas, but we have helped them first become citizens of E2 eligible countries like Grenada in the West Indies."

Scroll is an English language online news portal. It is an independent news, information, and entertainment venture. It focuses on publishing articles on the most important political and cultural stories that are shaping contemporary India.

Wealthy Indians May Find it Difficult to Get US Visa

India is set to hit its quota of EB-5 for the first time this month

Prachi Varma
@prachivarma

New Delhi: US immigrant visas will soon be out of reach even for Indians with deep pockets as the recovery to absorb to fill its allocated quota for the EB-5 visa, which guarantees green cards to foreign investors in exchange for their investments.

The EB-5 network comes close on the heels of Donald Trump administration's move to shut the process to halt work permits for spouses of H-1B visa holders. An I-140 application to request a green card was submitted in error to a commercial enterprise that ended at least in US pain. To repair the slip, the company agreed to pay the cost of a half to employees.

The US has about 10,000 EB-5 visas every fiscal year starting October 1, with a cap of 7,000 for the US, India is set to hit its US quota of EB-5 for the first time this month.

India is exceeding its annual EB-5 cap for the first time and is about to face retrogression—backlog for FY18-20,” said Vikas Thandani, founder and CEO of advisory firm EB5 BRCS. EB-5 service providers claim that 30-40% Indians are in backlog from H-1B and L-1 visas who’s “number of successful EB-5 applications has jumped 20% between 2017 and 2018,” said Thandani.

The US Congress created the EB-5 programme in 1990 to stimulate the US economy through capital investments by foreign investors and job creation. There is a backlog pending cases before the US Consulate for raising the minimum threshold. Investors invest in \$500,000.

EB-5 serves as a good alternative for people with deep pockets looking to start their immigration case. Indian start-ups have invested in EB-5 and EB-5 path,” said Ashish Lohia, founder of South Asia & Middle East U.S. Career Investor Services LLC.

Over the last few years, rejection rates on I-140 and I-1 visas have been rising. “H-1B and L-1 visas are right near the out-of-balance in gap, which EB-5 is one of the major ones to acquire. But even the gap for I-140 is likely to reach by June,” said Thandani.

“We definitely see some retrogression impacting investors planning the Indian IT service providers and creating an uncertainty for their employees,” said Ajit Arora, partner at PwC Group, with a lot of immigration firms.

According to Thandani, one Indian EB-5 investor applying for a US visa is a US IT professional. The National Association of Software and Services Companies (NASSCOM) member companies employ over 15 lakh people across America and hire one of thousands each year. “Despite the sector’s local hiring and training US, the companies are increasingly anxious about EB-5 cases needs with visa holders,” Bhavendra Singh, vice president and head global trade development at NASSCOM, told ET.

A total of 2.8 million Indians have immigrated to the US, which equals about 1% of the total Indian population in 2017. Gensource Sachdev, managing director at American Immigration Group LLC, said that small response.

“The number of Indians migrating to the US has not dropped. But it is becoming increasingly difficult for foreign workers to obtain the EB-5 and visas based on work authorization,” said Lohia. An estimated 100,000 high net worth Indians hold EB-5 visas and EB-5 visa applications last year to move to the US.

Mark Davies, global chairman at Davies & Associates LLC, said about one of their EB-5 clients are parents seeking ways for their children to remain in the US after their graduation.

Shutting the Gates

EB-5 cases are at 10,000. The cap is 7,000. The gap is 3,000. The gap is 3,000. The gap is 3,000.

30-40% Indians migrating from H-1B and L-1 visas to EB-5.

EB-5 cases are at 10,000. The cap is 7,000. The gap is 3,000. The gap is 3,000. The gap is 3,000.

EB-5 cases are at 10,000. The cap is 7,000. The gap is 3,000. The gap is 3,000. The gap is 3,000.

The article titled “**Wealthy Indians May Find it Difficult to Get US Visa**” is an industry story on the concern that soon US immigrant visas will be out of reach for wealthy Indians. The article explains reasons behind the initiation of the process to ban work permits for spouses of H-1B visa holders. It features Mr. Davies quote stating that 60% of EB – 5 clients are parents seeking for their children to continue staying in the US after their graduation.

The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. It is an essential reference document on Indian business, policy, economy, and finance. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

Disclosing social media for US visa raises privacy concerns: Experts

On May 31, 2019, the US Department of State announced that applicants should disclose their social media handles from last five years effective immediately.

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New requirements for US visa applicants to disclose social media handles could violate civil liberties and raises privacy concerns, immigration experts felt.

On May 31, the US Department of State announced that immigrant and non-immigrant applicants would need to disclose their social media handles from last five years, effective immediately.

The move is likely to impact 15 million visa applicants and would further vet the number of foreigners that enter the US, reports stated.

It drew criticism from several quarters. "Requiring disclosure of social media usernames and handles raises major practical considerations for attorneys, as well as serious civil liberties concerns," Julia Decker, an immigration lawyer, stated in a blog.

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This will impact freedom of speech for both immigrants and US citizens as the new norm not only gathers information on applicants but also on friends, family and others in the network, Decker pointed out.

"It raises concerns about privacy and it is unclear how the government will access data from social media accounts since that can be deleted, made private and dormant," she added.

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The article titled **"Disclosing social media for US visa raises privacy concerns: Experts"** is an industry story focusing on the expert views regarding the announcement made by the US department of State to disclose the social media handles from last five years for both immigrant and non-immigrant applicants. It features Mr. Mark Davies's view point focusing that this is not really a big change and the US department of State has been looking at profiles for a long time.

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U.S. EB-5 applications to become dearer

For Targeted Employment Area projects, fee to rise to \$1.35 mn from \$500,000

MINI TEJASWI
BENGALURU

The United States has decided to effect a steep increase in the application fee for its Immigrant Investor Visa Programme, EB-5.

Although a hike was under consideration since January 2017, the U.S. administration kept pushing the decision, at least half a dozen times, until the U.S. Office of Management and Budget (OMB) took a final call on June 29, 2019 after it completed its review of the EB-5 modernisation regulations.

Under the revised scheme, the application fee for projects under Targeted Employment Areas, will go up to \$1.35 million from the current \$500,000. The standard minimum investment will also rise to \$1.8 million from the existing \$1 million.

The date of the new fee implementation and details



EB-5 is probably the quickest legal route for immigrants to get permanent residency in the U.S. — GETTY IMAGES/ISTOCK

of the final regulation will be known in the next 60 days through a publication in the Federal Register.

As of now, EB-5 could probably be the quickest legal route available for immigrants to get Green Card and permanent residency in the U.S.

Mark Davies, global chair-

man, Davies & Associates, said: "Large number of Indians are motivated to apply for EB-5 in order to improve their children's education and employment prospects. Since a whole family could receive green cards from just a single application, the arithmetic of an EB-5 investment might still make sense

in the event of a fee hike."

The normal waiting period used to be less than two years, but with India recently reaching retrogression (investors from the country fully utilised the existing cap of 700 EB-5 visas for the October-September fiscal), the waiting period is likely to get longer up to five years or more.

EB-5 investments that go into various sectors in the U.S., including hospitality and realty, are monitored and regulated by the U.S. Immigration Services and Securities Exchange Commission. India has a large number of families and entrepreneurs who are keen to take this route, especially when H-1B visa is under stringent scrutiny. However, the fee hike might cool off the investor interest for EB adoption, opined immigration professionals.

The article titled **"U.S. EB-5 applications to become dearer"** is an industry story that focuses on the fee hike for targeted employment area projects and is expected to increase on 21st November 2019. The article authored by the journalist Mini Tejaswi highlights the view point of industry experts regarding the announcement made by the US government, that is the application fee for projects under Targeted Employment area will go up to \$ 1.35 million and the standard minimum investment level will rise to \$ 1.8 million. The story also features a quote from Mr. Mark Davies regarding the announcement, stating that now more Indians will be motivated to apply for EB-5 visas for their children before the change is actually implemented.

The Hindu is one of the most widely read publications in South India. Its current circulation is over 17, 50,000 copies and a readership of over 3 million. The Hindu's independent editorial stand and its reliable and balanced presentation of news has won for it the serious attention and regard of the people in India and abroad alike.

Publication : The American Bazaar

Date: 1st August 2019

Link: <https://bit.ly/2WSKak4>

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RELATED: Indian applicants to be now on waitlist for EB-5 visa (July 8, 2019)

The new rules switch jurisdiction over who can determine the geography of a TEA to the Department of Homeland Security from individual states, which had, in some instances, been gerrymandering to allow EB-5 investments to flow into wealthy areas with robust employment.

Davies said that it is always important to conduct due diligence on a Regional Center and its projects, especially to ensure that the projects would qualify under stricter TEA rules. A good Regional Center would be able to explain the potential implications of the new rules on their project with a client.

The combination of retrogression and a fee hike is likely to cause a rush to file in India over the next few months. This means the queue is only likely to get longer. There is a possibility that the annual country quota might be doubled to 1,500 visas, which would serve to halve the waiting times.

But would that mean that everyone who was planning to go the investment route must hurry up their applications?

"For those who can afford to wait a little longer and can afford the higher price tag, it might be less stressful to wait until after November when demand normalizes again," said Sanjay Mistry, Chief Marketing Officer, Davies & Associates. "For example, families considering EB-5 as a route to a US education for younger children may have more time depending upon the children's ages. While waiting would allow for a less rushed application, it would also mean that more money would be tied up in the program for longer. This would make it more vital than ever to choose a reliable Regional Center with a proven track record to mitigate any risk to your investment and getting your funds returned along with your Green Card."

Attorneys also advise that for Indian investors who need to be in the United States sooner, there are other options for living and working in the United States on a non-immigrant visa while on the EB-5 investor visa waiting list for permanent residency. This includes opening a new branch of an existing Indian business in the United States or moving there to own and operate a franchise business.

The article titled '**As EB-5 investor visa fee increases, a spurt in I-526 filings from India likely in next four months**' is an industry story. It focuses on the fact that the industry will witness an increased number of I-526 filings for EB-5 investor visa as a result of the announcement made by the US government for high price hike for attaining EB-5 visas. Expressing his thoughts on the same Mr. Mark Davies said that a combination of retrogression and fee hike will lead to an increased number of filings from India, over the next few months. The article highlights Mr. Sanjay Mistry, Chief Marketing Officer, Davies and Associates thoughts on the scenario. He is of the view that if people can wait a little longer and can afford the higher price, the process will be a bit less stressful after November 2019.

The American Bazaar is an online publication based in Washington DC. It covers the Indian and South Asian American community, with a heavy focus on business. It publishes articles on immigration, technology, finance, and politics. It has reporters and contributors all over the United States.

The excerpts from the story were also carried by For Press Release, PR Free and PR Log.

As EB-5 investor visa fee increases, a spurt in I-526 filings from India likely in next four months

By Chitra Raghavan | August 1, 2019



The US EB-5 investor visa, one of the fastest routes to a Green Card, is set to decrease on November 22.

According to immigration lawyers, there will be a wave of increased I-526 filings for EB-5 investor visas from across the world in the next few months as the result of new rules. Due to pricing's increase on November 22, 2019.

India is one country from where there will be a huge spike in applications, especially because the visa was free for Indians in the retrogression. In addition to the increase.

While the wave of the high price hike for submitting an I-526 form may be a barrier for many, lawyers still expect that, in spite of the changes, the EB-5 visa remains one of the fastest and most viable employment routes to get a US Green Card.

EB-5 visas are a type of non-immigrant visa issued to foreign investors who invest in a US business. The EB-5 visa is a type of non-immigrant visa issued to foreign investors who invest in a US business.

Earlier this month, after a lengthy period of negotiation and consultation, the US government announced that the new EB-5 investor visa fee will be \$360,000.

It is the first time since the inception of the EB-5 program that there is a fee increase.

Immigration lawyers say there may still be some areas where the fee increase can be delayed or delayed. However, for now, those who had been planning to file an I-526 visa must hurry up their applications to avoid the new fee increase.

According to lawyers, the new fee will be a huge barrier for many, especially for those who are not wealthy. However, for those who are wealthy, the new fee will be a huge barrier for many, especially for those who are not wealthy.

"There is a particular surge of interest in India where retrogression has been announced last month," said Chitra Raghavan, the Senior Counselor at Davies & Associates LLC, an immigration law firm headquartered in New York City. "After a period of high price hike for submitting an I-526 form, many investors are likely to see a surge in the number of filings in the next few months, as well as the first possible spike in the queue. The new length of the retrogression, delay in India remains unclear, but we expect that it will be a significant barrier, although pending legislation, could bring some relief."

RELATED: Indian EB-5 investors have a 100% success rate in getting employment visas (July 23, 2019)

For the uninitiated, it is not just the \$360,000 fee that makes the visa so difficult to get. The demand for EB-5 visas has increased in India, and a large number of people are now applying for the visa. The demand for EB-5 visas in India, and a large number of people are now applying for the visa.

The EB-5 program is a type of non-immigrant visa issued to foreign investors who invest in a US business. The EB-5 program is a type of non-immigrant visa issued to foreign investors who invest in a US business.

In the end, however, the Green Card process is still a long one, and it is not clear if the fee increase will be a significant barrier for many, especially for those who are not wealthy.

Another significant challenge that investors must consider is that the maximum investment made outside of a TEA is now \$5 million (from \$1 million in November), and the definition of what constitutes a TEA is also in question.

Why Indians in the US are making a rush for costly EB-5 visas
Indians in the US are making a beeline for the EB-5 investor programme, seen as a faster route to getting a green card.

Swathi Moorthy
@swathi

With the Donald Trump administration looking to tighten visa norms, Indians in the US are making a beeline for the EB-5 investor programme, seen as a faster route to getting a green card.

The increased demand comes amid speculation that the US government could revise H4 EAD, which enables dependent spouses of H1-B visa holders to work, and as the EB-5 visa option is slated to become costlier: the minimum investment criteria under the route is set to be raised from \$800,000 to \$900,000 from November.

After rules for H1-B visa were tightened, the EB-5 route has become an attractive option for Indians to put themselves in the fast lane to a green card – for those who can afford it.

Why are H4 visa holders interested in EB-5?

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An H4 visa holder applying for EB-5 was literally unheard of until now, says Harri Davies, an immigration expert and founder, Davies and Associates LLC.

But now, Davies, who is working with H4 visa holders, who are looking to invest in EB-5 so that they can stay in the US.

"It is fear of losing the pay check," says Ashwini Lohia, Director, South Asia and Middle East, Canam Investors, which is driving the increased demand for EB-5 visas.

The H4 visa became a lucrative option for spouses of H1-B holders after the Obama administration brought in a law in 2013. Some reports said as many as 65,000, mostly women, benefited from it.

But the Trump administration is likely to put a stop to this.

It is reported, "Individual income benefits will come down to single income," says Parvati Joshi, Managing Director, Nyaya Global.

Currently, the wait time for obtaining a green card through the H1-B route stands at well over a decade.

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Wait time for EB-5 visa

The rush for EB-5 visas is expected to increase as the minimum investment cost is slated to rise but Joshi added that there would definitely be a rush closer to November.

"Hearing said that, we are seeing many investors lining up as they want to get ahead in the backlog line," he said.

The rush is expected to add to the wait period for green cards through the EB-5 route as well.

In July 2018, India crossed the country cap of 100 EB-5 visas issued per year and the visa backlog now dates back to 2015.




While the wait period was previously two to three years, experts reckon it could go up to eight or nine years now.

That is unlikely to deter Indians though.

"Earlier, if Indian parents applied for EB-5 when their kids were in the undergrad programme, now they have started applying when they are in middle school itself," pointed out Lohia of Canam Investors.

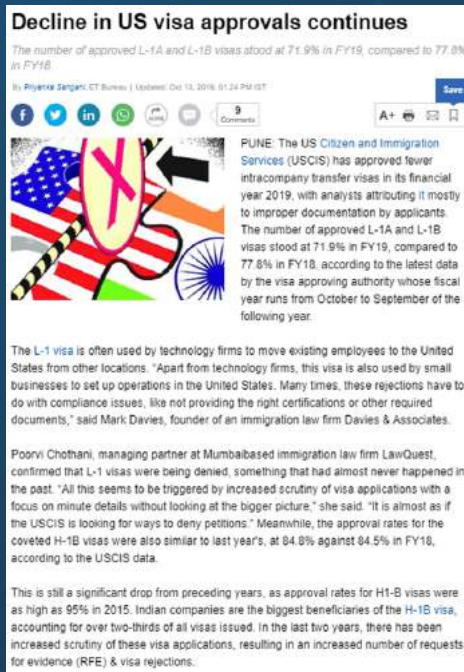
Will such individuals considering shifting to other countries such as Canada, UK or Australia?

"From what I see, the US will always be the first option," Davies, an immigration expert, says.



The article titled 'Why Indians in the US are making a rush for costly EB-5 visas' is an industry story highlights the fact that the Indians in the US are eager for EB-5 investor visa programme as it seems to a faster route to get green card. The journalist Swathi Moorthy from Moneycontrol.com also mentions that the demand further elevated when the US government put a ban on H4 EAD. Mr. Mark Davies states that it is the first time that an H4 visa holder is applying for an EB-5 visa.

Moneycontrol.com is an English Language online portal owned by E-Eighteen.com Ltd. Moneycontrol.com is an end-to-end business and finance portal which was started in 1999. It provides news, analysis, data and tools on investing, personal finance, the business sector and the economy to its visitors.



The article titled '**Decline in US visa approvals continues**' is an industry story focusing on the fact that the number of approved L-1 A and L-1 B visas reduced to 71.9% in the financial year 2019 from 77.8% in the financial year 2018. The journalist Priyanka Sangani mentions that L-1 visa is frequently used by technology firms, but Mr. Mark Davies further adds that the visa is also used by small businesses to extend their operations in the United States. He adds that the main reason for rejection is because of compliance issues. Also, the number of visas that have been approved with RFE previously have reduced considerably from 83.2% in financial year 2015 to 65.4% in financial year 2019.

The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. It is an essential reference document on Indian business, policy, economy, and finance. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

'Price of EB-5 visa is set to increase'

Those interested in an EB-5 visa should prepare an application at the earliest to maximise the chances of locking at the current rate, says MARK DAVIES

For the first time since its inception, the EB-5 Program is expected to increase in price on November 21, 2019. After a lengthy period of rumour and uncertainty, the US Government has confirmed that the new minimum investment level for EB-5 will be \$9,000,000. While there are many avenues the industry may look at to delay or alter these changes, there will certainly be a wave of increased in 1-526 filings over the next four months throughout the world. This is especially true for India, as not only is there an impending price increase, but the visa wait time for Indians is also growing. In spite of the changes, the EB-5 visa remains one of the fastest and most straightforward routes to a Green Card.

Investors seeking to lock in the current \$5,000,000 price should consider acting soon if they are sensitive to the new potential price increase. It takes a US immigration attorney an average of two months to document the source of funds for Indian EB-5 applicants, which narrows the window of time available.

It's also important to remember that selecting the right Regional Center with a history of protecting their investors is of utmost importance. Although many investors will be eager to file their applications as soon as possible, it is still essential to conduct thorough due diligence.

There is a particular sense of urgency in India where retrogression delays were announced last month. Anyone interested in an EB-5 visa should prepare an application as soon as possible to maximise the chances of locking in the current rate.

The exact length of the retrogression delay remains unclear, but we suspect this to be beyond four years, although pending legislation could bring some respite. Demand for EB-5 has skyrocketed in India in a very short space of time, and the country reached its annual quota of 700 EB-5 visas in June, more than three months before the visa year ends.

The 80% increase in the price is less significant than the industry had been expecting. The original plan was to increase the price to \$1.35 million to take full account of inflation since the programme started in the 1990s. In the end, however, the lower \$9,000,000 figure was chosen in order to maintain the differential between the price of an investment placed in an area of high unemployment and an investment outside of these so-called Targeted Employment Areas (TEAs).

The minimum investment made outside of a TEA is set to increase to \$1.8 million from \$1 million in November, and the definition of



Mark Davies
Global Chairman, Davies & Associates LLC

what constitutes a TEA is likely to get stricter.

The new rules switch jurisdiction over who can determine the geography of a TEA to the Department of Homeland Security from individual states, which had, in some instances, been gerrymandering to allow EB-5 investments to flow to wealthy areas with robust employment. As a result, it is important to work with a Regional Center with a project that would qualify under stricter TEA rules so as to avoid facing the possibility of paying \$1.8 million.

The combination of retrogression and a fee hike is likely to cause a rush to file in India over the next few months. This means the queue is only likely to get longer. There is a possibility that the annual country quota might be doubled to 1,500 visas, which would serve to halve the waiting times.

For Indian investors who need to be in the United States sooner, there are other options for living and working in the United States on a non-immigrant visa while on the EB-5 waiting list for permanent residency. This includes opening a new branch of your existing Indian business in the United States or moving there to own and operate a franchise business. Consult with an immigration attorney to understand all the pathways open to you.

For those who can afford to wait a little longer and afford the higher price tag, it might be less stressful to wait until after November when demand normalises again. For example, families considering EB-5 as a route to a US education for younger children may have more time depending upon the children's ages.

The Pioneer published an authored article by Mr. Mark Davies, Global Chairman, Davies & Associates, LLC titled **'Price of EB-5 visa is set to increase'** on 6th November 2019. The article features his views on the EB-5 fee hike wherein he suggests Indians to prepare an application at the earliest. He is also of the opinion that the combination of retrogression and fee hike will create a rush for filing in India.

The Pioneer is English daily known for its in-depth reporting on variety of subjects including contemporary news, sports, events etc.

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96

98% of H-1B visa rejections unchallenged

In 98.4% of the cases where the H-1B visa was denied, the employer chose not to file an appeal, said David North, a fellow at the Center for Immigration Studies (CIS), which is based in Washington, DC.

By **Prerona Sengupta**, ET Bureau | Updated: Nov 19, 2019, 12:39 PM IST



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Indian nationals get about two-thirds of the H-1B visas issued annually.

Pune: Most instances of H-1B visa denial do not attract appeals by employers, according to new research by a US-based anti-immigration think tank. This comes even as denial rates for the prized visa category have spiked to 24% in financial year 2019 from about 6% in 2015. In 98.4% of the cases where the H-1B visa was denied, the employer chose not to file an appeal, said David North, a fellow at the Center for Immigration Studies (CIS), which is based in Washington, DC.

In fiscal year 2019, 69,543 initial H-1B denials were recorded, but only 1,395 cases attracted appeals, according to data from the Department of Homeland Security. "My sense is that the system is loose enough, and the applications are (often) faulty, so that there is little effort to appeal. If the employers felt strongly enough, they would rally around and appeal many of the denials, as a form of protest, but they have not done so," North told ET on email.

For L-1 visas, which are often used by tech firms for intra-company transfer, visa denials were not appealed in 96.7% of the cases. Immigration lawyers, who agree with the reasoning, also pointed out that there were other factors at play. "There are so many fine H-1B candidates emerging from Ivy League programmes that American companies can simply find and replace eligible candidates with recent grads - I've observed this with prominent American banks and financial institutions," said Neil Weinrib, managing attorney of Neil A Weinrib & Associates.

Appeals can take up to two years to be resolved and since most companies need to fill an immediate vacancy, they cannot afford to wait that long. Weinrib instead prefers to file a motion to reconsider. "Our law firm has utilised the motion to reconsider in lieu of an appeal, since it is generally much faster to process - typically taking only 1-3 months. And, we have enjoyed great success with our motions," he said. That could also be one reason why the rate of appeals is low, even if firms are challenging the visa denial.

Indian nationals get about two-thirds of the H-1B visas issued annually. In the recent years, American technology firms have emerged as the top recipients of H-1B visas, with Indian IT services firms seeing far higher denial rates. In FY 2019, approvals for L-1A and L-1B visas stood at 71.9%, compared to 77.8% in the previous year. Approval rates for H-1B visas were at 84.5% last financial year.

Mark Davies, Chairman, Davies & Associates, said the cost of filing an appeal was another factor why the appeals are low.

"Filing an appeal is an expensive and cumbersome process, another reason why many prefer to file a motion instead," he said.

Be that as it may, badly filed applications were still a big reason for visas getting denied. "Denial rates will go higher as the criteria gets tougher and people continue to file applications," Davies said.

The article titled '**98% of H-1B visa rejections unchallenged**' is an industry story that emphasises on the increasing number of H-1B visa denials. It also mentions that employers opt not to file an appeal. Mr. Mark Davies is of the view that the cost of filing an appeal is really expensive and is one of the factors contributing to why appeals are very low. He also mentions that the denial rate will further intensify as the criteria gets tougher.

The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers.

'EB-5 visa fee hike to slowdown filings'

Programme is seen as one of the fastest routes to Green Card

Y V PHANI RAJ
Hyderabad

The EB-5 Visa has been extremely popular in India over the recent years. Five years ago, only 55 EB-5 Visas were issued to Indians. This increased to 394 in 2018. Demand grew significantly this year and India exceeded its annual cap of 700 visas to such an extent that there is now a waiting list. The EB-5 visa is seen as one of the fastest routes to a Green Card. From Thursday (November 21), the minimum investment required to get a Green Card under EB-5 is increasing for the first time in the programme's almost-10-year history.

If the investment is placed in Targeted Employment Area (TEA)-areas of high unemployment-the price will increase from \$500,000 (over Rs 3.5 crore) to \$900,000 (over Rs 6.3 crore). Outside of these areas, the price will increase from \$1 million (over Rs 7 crore) to \$1.8 million (over Rs 12.6 crore). However, EB-5 programme is still a more affordable option than many of the comparable programmes in Europe, the

As per the new remittance scheme, RBI allows transfer of only \$250,000 per person per financial year

— VIVEK TANDON
CEO OF EB5 BRICS

United Kingdom, Australia, Canada and elsewhere.

Mark Davies, Global Chairman, Davies & Associates, told Telangana Today, "With the EB-5 Visa Category facing longer waiting times and increased costs, Indians are now looking to the E-2 Visa. Although Indians are not directly eligible for the E-2 Visa, we have successfully managed to help clients obtain an E-2 Visa by first taking Citizenship by Investment of an E2-eligible country like Grenada in the West Indies."

The E-2 visa is complementary to the EB-5 application, it allows a person to live and work in the United States while facing retro-

gression delays, and if the underlying E-2 business becomes large enough, it is possible to transition it to a Green Card under the EB-5 route.

Vivek Tandon, founder & CEO of EB5 BRICS, said, "There could be a slowdown in EB-5 filings from India after November 21. The value proposition diminishes with the EB-5 programme with the fee going up. Families with kids which wanted higher education for their children in the US, families which children who are already studying in the US and H1 B visa workers who want to get permanent residency are three major categories of people who had been going for EB-5."

Documentation for showing source of funds for \$900,000 will be a herculean task for people having business income. Those who would liquidate their company stocks may find it easy.

"Another challenge will be transferring the money outside India. As per the liberalised remittance scheme, RBI allows transfer of only \$250,000 per person per financial year," added Tandon.

The story titled 'EB-5 visa fee hike to slowdown filings' is an industry story regarding the long anticipated EB-5 fee hike. The journalist Y V Phani Raj mentions that EB-5 is one of the fastest routes to acquire a green card. With the increase in investment on Targeted Employment Area (TEA) to \$ 900,000 and outside of these areas the price will increase to \$ 1.8 million, which was previously \$ 1 million, Mr. Mark Davies, Global Chairman, Davies & Associates, LLC discloses that their Indian clients are now looking at E2 visa as an alternative route. Furthermore, he highlights the fact that E2 visa is complementary to EB-5 visa and allows a person to live and work in the US. **Telangana Today** is an English language daily newspaper which is widely read in Telangana and Andhra Pradesh. It mainly features articles on the international news, politics and developments in the state.

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Indians look for new route to US immigration as EB-5 visa investment jumps to \$900,000

By Zofeen Maqsood November 21, 2019 2:28 pm



EB-5 treaty investor visa seen as alternative even though Indians not directly eligible

INDIA, an increasingly hostile environment even towards lawful immigration in America, makes Indians, who could afford it, begin looking at the EB-5 Investor Visa to immigrate to the U.S.

But with an increased wait time and retrogression experienced in the EB-5 category in recent times, some Indians are now looking at the E-2 visa route to immigrate to America.

The EB-5 or the Immigrant Visa Investor Program introduced by the Immigrant Act of 1990, has been immensely popular in India in recent years as it is one of the fastest routes to a Green Card.

The program offered green cards to immigrants investing at least \$500,000 as a new commercial venture to create and sustain new full-time American jobs. But new regulations introduced earlier this year have raised the price of an EB-5 visa to \$900,000 effective November 23.

This is the figure for investments inside a Targeted Employment Area (TEA). The minimum investment requirement rises to \$1 million from \$500,000 outside of these areas. The new regulations also tighten restrictions on who can qualify for a TEA by moving responsibility for determining this from individual states to the DHS.

Five years ago, in 2014 only 25 EB-5 Visas were issued to Indians. This increased to 704 in 2018. Demand grew significantly this year and India exceeded its annual cap of 700 visas to reach an extent that there is some waiting list.

Despite these factors, some Indians are looking at an EB-5 visa as an alternate route even though they are not directly eligible for it. However, they are going for it by first taking up citizenship of an E-2 eligible country.

An E-2 visa is often looked upon as a great way for entrepreneurs looking to start businesses in the U.S. as it does not require a massive investment and is often obtained in less than 90 days.

It sounds like an awesome idea for anyone with money to migrate to the U.S. However, there is a catch, it's only for E-2 visa treaty countries. Nonetheless, some Indians are finding ways to be a part of the program by dual-citizenship.

Frank Davies, Global Chairman, Baynes & Associates LLC, says, "With the EB-5 Visa Category facing longer waiting times and increased costs, our Indian clients are now looking to first E-2 Visa."

"Although Indians are not directly eligible for the E-2 Visa, we have successfully managed to help clients obtain an E-2 Visa by first taking Citizenship by Investment of an E-2 eligible country like Dominica in the West Indies."

On why E-2 visa may work for an Indian seeking a green card through an investor EB-5 visa, Davies says, "The E-2 visa is highly complementary to the EB-5 application."

"To allow a person to live and work in the United States while facing retrogression delays, and if the underlying E-2 business becomes large enough, it is possible to transition to a Green Card under the EB-5 route."

The article titled '**Indians look for new route to US immigration as EB-5 visa investment jumps to \$900,000**' is an exclusive story featuring Mr. Mark Davies's views on the recent developments in the EB-5 visa pertaining to India. The journalist Zofeen Maqsood also hits upon the fact that India hit retrogression the year 2019. Influenced by these factors Indians are now looking for an alternative route of E2 visas. Mr. Mark Davies suggests to opt for an E2 visa as it allows a person to live and work in the United States while facing retrogression delays.

The American Bazaar is an online publication that covers the Indian and South Asian American community, with a heavy focus on business. It publishes articles on immigration, technology, finance, and politics.

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Date: 22nd November 2019

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New EB-5 visa rules come into effect

Nandana James | Mumbai | Updated on November 22, 2019 | Published on November 22, 2019



Photo: iStockphoto - Getty Images/istockphoto



RELATED New challenges for Indian techies



The changes announced to the EB-5 Immigrant Investor Program - under which entrepreneurs may apply for a green card or permanent residence - has come into effect now. The changes in EB-5, under a new rule published by the United States (US) Department of Homeland Security, include a rise in the standard minimum investment amount from \$1 million to \$1.8 million as well as an increase in the minimum investment in a targeted employment area (TEA) to \$900,000 from \$500,000. This marks the first time, since 1993, that the rules have been altered significantly. *BusinessLine* had reported in August that the announcement of these changes had led to a surge in Indian applicants for the EB-5 Visa, ahead of the fee hike. This fee hike came into effect yesterday.



Citizenship by investment

Read: Rise in Indian applicants for EB-5 visa ahead of November fee hike

The US Citizenship and Immigration Services (USCIS) in its site explains the other changes that the EB-5 program will now incorporate:

- Prioritising priority and waiving to certain EB-5 investors
- Increasing the new high minimum investment amount to ensure inflation
- Requiring greater targeted employment area (TEA) designations
- Clarifying USCIS procedures for the removal of conditions on permanent residence
- Increasing the TEA and controlling regulations

The EB-5 Immigrant Investor Program, administered by the USCIS, is a program under which entrepreneurs - and their spouses and unmarried children under 21 - are eligible to apply for a green card (permanent residence) if they make the necessary investment in a commercial enterprise in the US and if they plan to create or preserve 10 permanent full-time jobs for qualified US workers. This program is known as EB-5 for the name of the employment-based fifth preference visa that participants receive, the USCIS website states.

Better education and career prospects for children is an important reason why Indians have traditionally opted for the EB-5 visa. An EB-5 visa holder, who gets a green card, can choose any kind of work in the US.

India had reached retrogression for EB-5 in June 2019, with the country having utilised the existing cap of 700 visas offered by the US government to every country for the US fiscal year 2018 (October-September). This had happened amidst tight scrutiny over H-1B and H-4 (dependent visa) and the ongoing trade war between the two countries then. Visa retrogression occurs when the demand for a particular immigrant visa for a nation exceeds its availability.

EB-5 players in the market shared their opinion on the implications of these changes.

Varied opinions

The article titled '**New EB-5 rules come into effect**' is an industry story focusing on the long-anticipated fee hike was applicable with effect from 21st November 2019. Mr. Mark Davies, Global Chairman, Davies & Associates, LLC mentions that E2 visa is highly complementary to EB-5 visa program as it allows a person to live and work in the United States while facing the delays because of retrogression. However, the Indian citizens are not directly eligible for E2 visa and have to obtain an E-2 Visa by first taking Citizenship by Investment of an E2-eligible country like Grenada in the West Indies.

The Hindu Business Line is one of India's premier financial dailies and the most preferred financial publication in the southern region. A highly acclaimed publication, it boasts of extensive and rich quality editorials. The editorial content covers a broad range of issues affecting the industry and emphasizes on opinion articles to further help readers take advice from experts on industry issues.

The American Bazaar is an online publication that covers the Indian and South Asian American community, with a heavy focus on business. It publishes articles on immigration, technology, finance, and politics.

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101

H-1B visa rejections are challenged only in 2% cases

By Mint Staff, Last Updated: 24 Nov 2019, 17:03:44 IST

Mint Agency

Most companies do not challenge the USCIS decision to reject H-1B visas. The chances of an H-1B visa getting rejected are higher than those of an Indian IT company.

1 2 3 4 5



For companies, the H-1B visa is a lifeline. For the government, it is a source of revenue. The US Citizenship and Immigration Services (USCIS) is rejecting more and more such visas.

NEW DELHI: Shattering the Great American Dream of several Indian techies, the US government is acting tougher than before under Donald Trump's rule as every fourth H-1B visa application gets rejected. A new report from Mint shows that companies are now even challenging the decision of the US Citizenship and Immigration Services (USCIS) to reject visas in such large numbers.

According to the report by the Center for Immigration Studies (CIS), a pro-immigrant think tank, companies of H-1B visa applicants failed to appeal against rejections 95% of the time in FY 2019. On the US, a financial year runs from October to September.

CIS sourced data from the different Department of Homeland Security data systems and found that in FY 2019, there were 61,843 initial H-1B visas recorded, but only 1,598 cases were appealed against.



The report said the world suggests two things — most companies think that they lack a good enough argument to fight against H-1B visa denial and the current population of H-1B workers, assumed to be close to one million, could be more than adequate for industry's perceived needs.

For India-based companies, the report said that the US Citizenship and Immigration Services (USCIS) has been successful in a campaign to prepare H-1B petition requests from both Indian and US lawyers.

H-1B applicants face denial because of the substandard quality of their resumes and the offer of a clear green card that denies a poor service by cutting staffing costs and building a weak case. Because that the lawyer who is assisting you to file an H-1B visa has not covered high H-1B denial rates, as the US has then probably diminishes chances of success on appeal. To minimize the chance of denial, attempt an appeal with the lawyer who is experienced with the process, said Davies, Global Chairman, Davies & Associates, LLC, and Chennai.



Another report by the National Foundation for American Policy (NFAP) had recently shown that India's IT companies like Infosys, TCS and Wipro have lost the war to H-1B visas.

The article titled '**H1B visa rejections are challenged only in 2% cases**' is an exclusive story that focuses on H1B visa rejections. The journalist Nikhil Agarwal mentions that the US government is acting tougher than before under Donald Trump's rule as every fourth H-1B visa application gets rejected. The reason as to why H1B visa applicants face denial is because of the substandard quality of work from lawyers, as quoted by Mr. Marks Davies, Global Chairman, Davies & Associates, LLC.

Mint is a business newspaper from HT Media Ltd, the publisher of the Hindustan Times produced in exclusive partnership with The Wall Street Journal (WSJ). It is constructed around Indian business and economy and the way it is impacting the world. It aims to capture the trends of the world that can be of significance to India. The newspaper intends to carefully choose stories and provide a briefing that includes not only the most vital news, but also analysis, commentary and opinion.

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Rich Indians increasingly migrating to Caribbean countries

Gilgonda Mendel
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NEW DELHI: An increasing number of rich Indians are moving out of India to settle abroad. In 2018 alone, more than 5,000 high net worth individuals (HNWIs) traveled to around 2% of the total number of rich Indians have migrated to other countries, according to the Global Wealth Migration Survey of 2018.

These super-rich Indians have taken the exit route from India for better business opportunities, better lifestyle, to avoid pollution and health hazards and financial concerns, among other reasons.

The HNWIs chose to get citizenship of the countries they have migrated to by making huge investments there. These schemes are known as Citizenship by Investment Programme and Residence by Investment Programme.

For years, the United States has been the favorite destination for super-rich Indians to migrate to and as of September 2018, more than 4.1 million Indians live in the United States. This is followed by U.K., Malaysia, United Kingdom, Canada and Singapore.

However, since the last few years, due to the stricter visa policy of the United States, millionaires Indians are going to Caribbean countries such as Antigua and Barbuda, Grenada, Dominica and Saint Lucia, among others, for faster migration.

Mark Davis, Global Chairman of Davis and Associates LLC, an immigration firm, told *The Sunday Guardian*, "With the E-2 visa category facing longer waiting time and decreasing costs, our Indian clients are now looking at the E-2 visa. Although Indians are not directly eligible for the E-2 visa, we have successfully managed to help clients obtain an E-2 visa by first obtaining citizenship by investment of an E-2 eligible country like Grenada in the West Indies."

Indian millionaires who were earlier keen on directly getting citizenship, or green card, of the United States are looking at the Caribbean islands because of the Caribbean nation's easy immigration policy. Since 2014, the E-2 visa route to the United States which allowed direct citizenship to individuals by investing just \$500,000 has been restricted.

"The E-2 visa has been extremely popular in India in recent years. Five years ago, in 2014, only 50 E-2 visas were issued to Indians. This increased to 296 in 2018. Demand grew significantly this year and India exceeded its annual cap of 700 visas to such an extent that there is now a waiting list, which is why Indian clients are taking the route of E-2 visa. The E-2 visa is highly complementary to the E-5 application, it allows a person to live and work in the United States while being exempt from delays, and if the waiting E-2 business becomes large enough, it is possible to transition to a green card under the E-5 route," Davis said.

It is not just rich Indians who are choosing to move abroad—so many as 22 lakh Indians have moved to other nations in 2018 alone.

According to the Indian Foreign Secretary's move oral decision to the Parliamentary Committee on External Affairs in January this year, 3.3 lakh to 4 lakh Indians traveled on ECR (Emigration Check Required) passports (those passports are for Indian workers migrating to 16 notified ECR countries under the Aliens Act system, through which emigration insurance is granted to the workers, while about 1.8 lakh Indians traveled to non-ECR countries.

The Foreign Secretary told the Committee, "The number of non-ECR passport holders going overseas has actually shot up."

While Indians traveling to non-ECR countries go for white collar jobs, people traveling to ECR countries—which include countries like the U.S., Qatar, Thailand, Oman, Malaysia, Sudan, Syria, Afghanistan, among others—mostly go there seeking employment as carpenters, masons, building painters, mechanics, plumbers, electricians, etc.

The article titled '**Rich Indians increasingly migrating to Caribbean countries**' is an exclusive article that focuses majorly on Indians moving to settle abroad and the United States being the most favored destination. It features quotes from Mr. Mark Davies, Global Chairman, Davies & Associates, LLC suggesting E-2 visa as an alternative route to EB-5 visa. Since, EB-5 is facing increasing challenges Mr. Davies recommends that E-2 visa is highly complementary to EB-5 visa as it allows people to live and work in the United States.

The Sunday Guardian is a Sunday newspaper founded in 2010. The newspaper is divided into two sections: news and features, with 20 pages dedicated to each section. Both provide interesting perspectives which is a mix of news, investigation, opinion, entertainment, lifestyle and issues of human interest

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Davies & Associates, LLC facilitates the first successful Indian E-2 visa application through the Grenada CBI Programme's Donation Route

The Grenada CBI program coupled with an USA E-2 visa is emerging as the latest immigration trend in India with November 2019 Davies & Associates, LLC (DA) assisting US business immigration law firm takes pride in being the first to assist India in securing United States E-2 visa through the Grenada CBI Programme donation route. The Grenada E-2 option serves as a bridge for India being longer waiting times for the coveted EB-5 green card visa as concerned with uncertainty surrounding the H-1B visa.

DA has helped hundreds of clients migrate to the United States on an E-2 Visa, but this category has not traditionally been open to the firm's main Indian clients. Yet DA has helped its first Indian client secure an E-2 visa via Grenada in mid-2019 and demand from India has been skyrocketing ever since.

The E-2 Visa is designed to provide working to move to the United States to own and operate a business. Processing times are quick and accurate. It is possible to renew the visa indefinitely, and spouses are eligible to apply for work in the United States. It is possible to expand an existing Indian business, receive a divorce, or buy an off-shore fund.

Services is a cost-effective option with no residency requirement or tax on unutilized income. Processing times have just got even faster thanks to simplification and automation. It is possible for the whole process of Grenada and E-2 to take just a matter of months. Grenada is not the only option available to India. DA works with a range of E-2 eligible countries for investment programs around the world, including Turkey, Montenegro, and various E-2 countries.

Mark Davies, Global Chairman of Davies & Associates, LLC commented, "Indians seeking to move to the United States have faced a series of setbacks in recent years with uncertainty surrounding H-1B and delays to EB-5. Yet demand from India for US visas never abates and it is exciting to pioneer the route of Grenadian citizenship coupled with an E-2 visa."

He further added, "The E-2 visa is highly complementary to the EB-5 application. It allows a person to live and work in the United States while facing immigration delays, and the successful E-2 business becomes large enough, it is possible to transition to a Green Card under the EB-5 route."

Amongst the Davies & Associates, LLC's clients, a 41-year-old Indian entrepreneur along with his wife who used the E-2 visa said, "Of all the places I have seen in the Caribbean, Grenada stood out for me on multiple counts. Most importantly, the people are really warm and very welcoming, especially in India. It is easy to blend in, not at all crowded, and only four-and-a-half hours' flight from New York. The Citizenship by Investment Programme in Grenada and the E-2 visa blend perfectly as a package. I would be a big advocate for the rest of my life for anyone wishing to explore Grenada Citizenship coupled with the E-2 Visa."

The growing popularity of the E-2 visa program coupled with a Grenadian citizenship has also encouraged DA's expansion to Turkey. The firm now offers access to Turkish citizenship through investment in the country. Acquiring Turkish citizenship and citizenship is a 4 to 6 month process. In terms of investments, an immigrant needs to put in USD 500,000 in real estate or equivalent, a business of USD 500,000 in a Turkish bank for a minimum of 3 years. DA provides 360-degree solution to its clientele that includes law planning, selection of the CBI program and obtaining citizenship to further process the E-2 visa.

About Davies & Associates, LLC:

Davies & Associates, LLC is a full service U.S. immigration law firm headquartered in New York City, USA with offices across the globe. The firm specializes in providing innovative and customized immigration solutions to a large number of clients from all across the globe.

With its exceptionally talented team of lawyers drawn from the top "10" American law firms and leading law degree attorneys, Davies & Associates, LLC primarily focuses on immigration law. Over time they have established themselves as industry leaders for US immigration. They are well known for their industry leading client services and obtaining predictable results.

They are licensed to practice law in multiple international jurisdictions with offices based in strategic locations around the world. The firm represents a wide range of clients such as multi-national corporations, mid and small-sized businesses across all industries sectors, investors, individual professionals, entrepreneurs and so on. Davies & Associates, LLC has a dedicated India and South East Asia team which comprises of dual qualified attorneys licensed to practice law both in India and the United States.

The story titled '**Davies & Associates, LLC facilitates the first successful Indian E-2 visa application through the Grenada CBI Programme's Donation Route**'. The press release highlights the success of D&A in assisting the first Indian who secured an E-2 visa via Grenada in mid- 2019. Mr. Mark Davies is quoted in article saying, 'Indians seeking to move to the United States have faced a series of setbacks in recent years with uncertainty surrounding H-1B and delays to EB-5. Yet demand from India for US visas never abates and it is exciting to pioneer the route of Grenadian citizenship coupled with an E-2 Visa'. Various online portals like **Outlook India, The Week, Yahoo News** also carried the news.

Press Trust of India (PTI) is India's head news organization, having a range as tremendous as the Indian Railways. It utilizes in excess of 400 writers and 500 stringers to cover pretty much every locale and community in India. At present, PTI directions 90 percent of new office piece of the overall industry in India. PTI was registered in 1947 and started functioning in 1949. Today, after 65 years of its service, PTI can well and truly take pride in the legacy of its work, and in its contribution towards the building of a free and fair Press in India.

Outlook India is India's leading weekly general interest portal. Since its launch, it has carved a niche for itself among discerning readers for its in-depth, investigative reporting as well as for its stylish visual format. The publication covers a broad spectrum of issues and sectors ranging from national and regional politics, Asian geopolitics, environmental issues, cricket and education as a part of its mandate.

Yahoo! News is a news website that originated as an internet-based news aggregator by Yahoo!. The site was created by a Yahoo! software engineer named Brad Clawsie in August of 1996.

'Turkey a preferred route for E2 Visa'



FAVOURABLE FACTOR: There are no limits to the number of applications for the Turkish investment programme, unlike EB-5.

Y V PHANI RAJ
Hyderabad

The E-2 treaty visa is an ideal choice for immigrants who want to own and operate a business in the US, while availing benefits that are the next best thing to the ones offered by a US Green Card, which include travel flexibility and the ability for a spouse to apply for work authorisation in the US.

Owing to the results received by Indian investors through the Grenadian programme, investment in Turkey has also increasingly garnered aspirants. E1 and E2 visas are not currently available to Indian nationals. Davies & Associates (D&A), a US-based immigration law firm, has worked with Indian clients who have obtained a third country nationality and

then qualified for an E1 or E2 visa on that basis. While E visas are non-immigrant visas they can entail less investment than an EB-5-based Green Card application.

D&A has witnessed an increase in demand for E2 visas from India by a factor of 10 over the last few months. To sustain this demand for Turkish Citizenship, the company has partnered with an Istanbul-based firm.

The Turkish Citizenship by investment programme offers two cost effective pathways to citizenship; which include making a \$250,000 investment in real estate or maintaining a balance of \$50,000 with a Turkish bank for over a period of three years. According to D&A, "Over 43,000 E-2 Visas were issued worldwide in 2019.

The story titled **'Turkey a preferred route for E2 Visa'** is an exclusive coverage focusing on multiple benefits of E-2 visa treaty. The article presents how Davies & Associates, LLC supports the interest for Turkish Citizenship and provides administration support to the applicants. D&A banded with an Istanbul-based firm who helps them with their on-ground tasks. The article features a quote from Mr. Hill stating how more than 43,000 E-2 Visas were issued worldwide in 2019, which was 5 per cent increase as compared to 2018.

Telangana Today is published from Hyderabad in Telangana, which aims on bringing breaking news, timely updates and extensive coverage, apart from daily rich spread of news and views on Hyderabad and Telangana, the politics, the burgeoning business centers, IT hubs and much more.



The article titled '**Ahead of new tax on foreign spends, Indians begin moving money to fund E-2 visas**' appeared in Moneycontrol.com, post Mr. Davies interaction with M Sarawathy. The article informs about the 5% tax that will be applicable on funds sent abroad with effect from 1st April 2020. The article quotes Mr. Davies emphasizing on the current situation of how the waiting period for the EB-5 visa to the United States of America stretching to nearly seven years, Indians are now eyeing the E-2 visa route.

Moneycontrol.com is an English Language online portal owned by E-Eighteen.com Ltd. Moneycontrol.com is an end-to-end business and finance portal which was started in 1999. It provides news, analysis, data and tools on investing, personal finance, the business sector and the economy to its visitors.

Indians will have to pay \$50,000 more for investor visa from April

By AB Wire | February 03, 2020 | 1:02 pm



News & Comments

Immigration attorneys suggest moving EB-5 investor visa fee to US before new remittance tax kicks in.

As visa woes continue for most visa categories especially for Indians wishing to immigrate to America, many stuck in the long line for work based or family green card backlog would feel that the investors had it easier.

And while it does still stand true to a great extent, an increased fee and other conditions introduced lately is making it tougher for Indians to look at the US as a welcoming destination offering smooth immigration.

The latest visa fee hike for EB-5 or the US investor visa has already created ripples in the investor community, but from April they will have to shell out even more charges to immigrate to US via investment.

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Beginning April 1, there will be a 5% tax on the remittances out of India. Although, this additional tax would impact all visa categories, it will predominantly create a barrier for people investing in the EB-5 visa program.

In 2019, the EB-5 investor visa program, for the first time since the 1990s – increased the minimum investment amount to \$900,000.

With this increase in minimum investments, a 5% additional tax would mean that applicants would have to pay an extra \$80,000 when they move money to an escrow account in the US to fund their application overseas.

Owing to this it is recommended that people considering the program should start proactively moving the money into an escrow account in the US before April 1, even if they don't get their applications to by then.

Talking about this new charge, Mark Davies, Global Chairman, Davies & Associates LLC, says, "The changes to the tax on remittances is a reminder to Indians to carefully plan their tax position before making the move to the United States."

"People seeking to emigrate who do not wish to pay this tax in advance and rather account for it later may wish to move their money ahead of the new rules coming into effect," he says.

"It is possible to proactively move money into an escrow account in the United States until such a time as they are ready to proceed with emigration process."

The article titled '**Indians will have to pay \$50,000 more for investor visa from April**' is an exclusive coverage published by AB wire. It describes the prevailing scenario which is proving to be a challenge for Indians to consider US as an option to relocate. It features a quote from Mr. Davies, expressing his views about changes to the tax on remittances. The excerpts from the story are published by multiple online portals like Daily Hunt, Business Standard, Socialnews.xyz, NRI Plus, Mana Telegu among others.

The American Bazaar is an online publication based in Washington DC. It covers the Indian and South Asian American community, with a heavy focus on business. It publishes articles on immigration, technology, finance, and politics. It has reporters and contributors all over the United States.

Business Standard is among the country's most respected business dailies. The newspaper believes in free, fair and independent journalism and strives to inculcate these values in its editorial staff.

Indians will pay \$50,000 more for US investor visa from April



Indians will pay \$50,000 more for US investor visa from April

Washington, Feb 29 (IANS) Beginning April 1, Indians wishing to immigrate to America will now have to pay an additional \$50,000 for the EB-5 or the US investor visa, a media report said.

Although, this additional tax would impact all visa categories, it will predominantly create a barrier for people investing in the EB-5 visa programme, the American Bazaar daily said in the report on Friday.

In 2019, the EB-5 investor visa programme, for the first time since the 1990's, increased the minimum investment amount to \$900,000.

With this increase in minimum investment, the new 5 per cent additional tax would mean that applicants would have to pay the extra \$50,000, when they move money to an escrow account in the US to fulfil their application criterion.

"The changes to the tax on remittances is a reminder to Indians to carefully plan their tax position before making the move to the US," the American Bazaar quoted Mark Davies, Global Chairman, Davies & Associates LLC, as saying.

"People seeking to emigrate who do not wish to pay this tax at source and rather account for it later may wish to move their money ahead of the new rules coming into effect."

"It is possible to pre-emptively move money into an escrow account in the US until such a time as they are ready to proceed with immigration process," he added.

—IANS

The article titled '**Indians will pay \$ 50,000 more for US investor visa from April**' is an exclusive feature by Indo-Asian News Service. It points out to the fact that Indians wishing to immigrate to America will now have to pay an additional \$50,000 for the EB-5 visa. Mr. Davies, Global Chairman, Davies & Associates, LLC quotes, 'The changes to the tax on remittances is a reminder to Indians to carefully plan their tax position before making the move to the US. People seeking to emigrate who do not wish to pay this tax at source and rather account for it later may wish to move their money ahead of the new rules coming into effect.' The article is also published by portals like, **The Economic Times, Mint, Business Today, The Times of India, MSN** among others.

Indo-Asian News Service (IANS) is India's largest independent news service which was established in 1986, initially to serve as information bridge between India and its thriving diaspora in North America. IANS's client list includes every major print publication in India, top television news channels, websites, mobile operators, ethnic publications abroad, central and state government ministries and departments, overseas Indian missions, corporates and public policy institutions.

The Economic Times is India's most widely circulated financial and business daily and is the second largest financial daily in the world. It enjoys a near monopoly status, in terms of both circulation and advertising.

Mint is a business newspaper from HT Media Ltd, the publisher of the Hindustan Times produced in exclusive partnership with The Wall Street Journal (WSJ). It is constructed around Indian business and economy and the way it is impacting the world.

Business Today was launched in January 1992, and has captured 41 per cent of India's business magazine market, making it the country's leading magazine in its segment.

The Times of India is the flagship brand of the Times Group. It is India's premier English daily and is published from ten cities across India, and is read by over 4.42 million people.

Publication : The Economic Times

Date: 2nd March 2020

Link: <https://bit.ly/38jF2U3>

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Wealthy Indians see a route to US via Grenada

Immigration lawyers said, in the past three months, interest in the Grenada Citizenship by Investment programme has increased ten-fold, and the Caribbean island has got investment cash flow up the US. From November 2018, the minimum investment required under the EB-5 Immigrant Investor Programme has been raised to \$800,000 from \$500,000.

By Priyanka Sangani | 11:00 am | Updated: March 02, 2020 | 10:24 am IST



With the US EB-5 immigrant investor visa to the United States getting more expensive, wealthy Indians are turning to the Caribbean island of Grenada as a route to the US citizenship scheme.

Immigration lawyers said, in the past three months, interest in the Grenada Citizenship by Investment (CBI) programme has increased ten-fold as the Caribbean country has an investment visa treaty with the US. They check, the global chamber of immigration law firm Davies & Associates, and there has been a definite drop in interest towards the EB-5 programme after the US changed the investment guidelines earlier.

From November 2018, the minimum investment required under the EB-5 Immigrant Investor Program has been raised to \$800,000 from \$500,000 in a targeted Commonwealth Asia (TCA) and from \$1 million to \$1.5 million in non-TCA. This, coupled with a longer wait time for Indians because of an annual country cap of 100, has led people to explore other options, said lawyers, who have been working with clients to decide on their CBI investments for almost a decade.

While there's no direct path to US citizenship through the CBI route, it does provide an EU passport and easier access to the US since the official US comes through.

140 number of countries in the world get visa-free access to the UK and EU

That's the TEA

Minimum investment required under the EB-5 Immigrant Investor Programme (from Nov 2019)

\$900,000 TEA (from \$500,000 earlier)

\$1.8 million Non TEA (from \$1 million earlier)

Required investment time

Gover. Sir is currently helping processes a few applications for the Grenada CBI programme. There are a lot more requests which are being to correct this significant rise, he said. Unlike in another country which offers a green card to the US, under the Grenada CBI programme, the applicant has to make a \$200,000 investment in a government-approved real estate project. That makes the country an attractive destination as it has an EU visa treaty with the US, whereas a Caribbean can only for US citizenship and usually get it within three months. A US-G-1 flow allows an investor to live and his business in the US in exchange for a minimum investment of \$250,000. The investment must be in an enterprise that the investor is able to "identify and direct" and which at least 80% owned by the investor. In 2019, the US processed 40,000 EB-5 cases. Citizenship headlines are not available.

Malcolm Sharpe, who is the director of Foreign Investments that facilitates investments in real estate projects for citizenship in Caribbean countries, said he was seeing a lot of interest from Indians including 10% from the Middle East, for the programme. The usual processing time, Sharpe said, was for the Caribbean citizenship, and another 90 days for the US visa, as well as a big delay during the wait periods. "This is no longer an outlier — it is an immigration phenomenon, Grenada is very happy to be at the forefront of the moment," he said.

Priyanka Sangani, a journalist from The Economic Times interacted with Mr. Davies and published the article titled **'Wealthy Indians see a route to US via Grenada'**. The industry story brings up the current immigration scenario and EB-5 fee hike as a result of which Indians are turning to Caribbean Island of India. It features a quote from Mr. Davies highlighting that along with the annual cap that has been set to 700, this has led to longer waiting periods. He also said that Davies & Associates is currently helping a few applications for the Grenada CBI programme.

The article is also published by **Moneycontrol.com**. **The Economic Times** is India's most widely circulated financial and business daily and is the second largest financial daily in the world. It enjoys a near monopoly status, in terms of both circulation and advertising. The publication focuses on segments such as the Indian and World economy, corporate stories, information technology, international news, banking, finance, stocks, current affairs, and politics. The readership consists of key decision-makers, bureaucrats, technocrats and opinion makers. It serves as a knowledge platform of Business and Economy in India, promoting economic debate and informing on Indian Business and Economy globally and Global Business and Economy in India.

Moneycontrol.com is an English Language online portal owned by E-Eighteen.com Ltd. Moneycontrol.com is an end-to-end business and finance portal which was started in 1999. It provides news, analysis, data and tools on investing, personal finance, the business sector and the economy to its visitors.

Trump's immigration pause likely to come under review

K GIRIPRAKASH
Herald, April 23

The US Government's decision to pause entry of immigrants for the next 60 days exempts all visa programmes, including H-1B, but is liable for a review within the next 30 days. In a Presidential order signed late on Tuesday night, US President Donald Trump said within 30 days, the Secretary of Labour and Secretary of Homeland Security, in consultation with the Secretary of State, will review non-immigrant programmes and recommend other measures appropriate to stimulate the US economy and ensure prioritisation, hiring, and employment of workers.

A spokesperson for Nasscom said the current temporary ban will not affect non-immigration visas, which include H-1B and L visas. "However, the new rules also state that H-1B visas will be reviewed during the next 30 days, which, we be-



lieve, is unnecessary. All H-1B visa holders are knowledge workers and play a critical role for companies based out of the US, who, in turn, are helping the economy grow," Shivendra Singh, Vice-President and head, Global Trade Development, Nasscom, told *BusinessLine*.

Mark Davies, Global Chairman, Davies & Associates LLC, said apart from H-1B visa applicants, all EB-5 applicants are fully exempt from these restrictions. According to various reports, 10,000 foreign nationals and their families are allowed to enter the US every year at present through the

EB-5 visa programme. Most of those who enter the US through EB-5 visas are the rich Chinese nationals and their families.

Singh said the US government should consider tech workers equal to healthcare workers who have been exempt from such temporary ban. The proclamation exempts any person "seeking to enter the United States on an immigrant visa as a physician, nurse, or other healthcare professionals to perform medical research or other research intended to combat the spread of Covid-19."

Last year, 85,000 H-1B visas were issued, of which, 70 per cent were from India. This shows the high value of our skill sets, Singh pointed out. The registration for applying for the new season for H-1B visas has already commenced and the final list will be out by October.

The story titled "**Trump's immigration pause likely to come under review**" is an industry feature on Trumps' immigration ban, restricting foreign nations on various visas including the H1B from entering the United States. In the article, Mr. Mark Davies is quoted saying, "Apart from H1B visa applicants, all EB-5 applicants are fully exempt from these restrictions." Reports have suggested that ten thousand immigrants and their families are allowed an entry into the US every year via the EB-5 investor visa program.

The Hindu- The Hindu is an English-language daily newspaper owned by The Hindu Group, headquartered in Chennai, Tamil Nadu, India. It was started as a weekly in 1878 and became a daily in 1889. As of March 2018, The Hindu is published from 21 locations across 11 states of India.

Indians to Gain as US Readies Green Card for Doctors

Proposed bill exempts from cap doctors with 5-year US experience and doing Covid-19 work

Priyanka Sangani
@timesgroup.com

Pune: Indian doctors could emerge as the biggest beneficiaries of a new regulatory proposal in the United States that seeks to liberalise visa rules for healthcare professionals in the wake of the Covid-19 pandemic.

The Health and Economic Recovery Omnibus Emergency Solutions Act, or HEROES Act, proposed by the Democrats in the House of Representatives includes provisions for immigrant visa extensions. The Bill also allows doctors with five years of work experience in the US and a work record that proves that their admission to the US would be in national interest, to get green cards without a cap if they are doing Covid-19 related work. It also proposes a new Special Immigrant Green Card category for doctors on Covid-19 duty.

"As many of the doctors and healthcare workers on the front lines are foreign workers, especially from India, this bill can finally give them the stability that they deserve," said Nandini Nair, immigration partner at Greenspoon Marder, a law firm.

The Bill, which is likely to come up for a vote on Friday, also states that H-1B visa holders can be engaged in telemedicine and telehealth roles. Further, H-1B visa holders need not file a new or amended petition if engaged in Covid-19 related work.

The US Citizenship and Immigration Services (USCIS) would be directed to expedite processing of such cases within 30 days.

In case a Request for Evidence is generated, then it should be done within 15 days of receiving a response from the applicant.

"It is a good start as we are desperate for health workers to fight Covid-19. I had hoped that it would have also included provisions for nurses, who are frontline workers."

HEROES Welcome

New Bill proposes 12,000 green cards for doctors involved in Covid fight

NO PROVISION FOR COUNTRY CAP

H-1B visa holders can be engaged in telehealth roles

USCIS to be directed to expedite processing of cases within 30 days

US may face a shortage of over 120,000 doctors by 2030

There are over 100,000 practicing Indian American physicians in the US

Let's hope politics doesn't stop the momentum," said Nair.

The latest proposal comes days after the introduction of the Healthcare Workforce Resilience Act which, if passed, enables the grant of unused green cards to foreign doctors and nurses. The move is expected to help 25,000 nurses and 15,000 doctors secure permanent residency, a majority of whom are Indians.

Experts are of the view that the regulatory changes proposed in the Bill are aimed at plugging the huge deficit of healthcare professionals being forecast in the US. The Association of American Medical Colleges (AAMC) estimates that the US will face a shortage of over 120,000 doctors by 2030.

"In practice, many Indian doctors and nurses moving to the United States are forced to leave their profession due to complex restrictions surrounding immigration and medical licensing," said David Cantor, Head of Foreign Medical Professional Practice Group, Davies & Associates. "This also is a very strong indicator of how underserved the medical community is in the US."

The industry story headlined as "Indians to gain as US readies green card for doctor" talks about the gains for Indian doctors as a new regulation seeks the liberalisation of visa regulations for healthcare professionals amidst the COVID-19 pandemic. The two column story features inputs from Davies & Associates, LLC along with other industry experts. In the article, David Cantor, Head of Foreign Medical Professional Practice for Davies & Associates is quoted saying, "In practice, many Indian doctors and nurses moving to the US are forced to leave their profession due to complex restrictions surrounding immigration and medical licensing."

The Economic Times- The Economic Times is an English-language daily financial/business national newspaper with the circulation of 396978. The paper has coverage in 24 States, 193 Cities and publishes 16 Editions. It is published by the Bennett, Coleman & Co. Ltd, more popularly known as The Times Group. It is India's no.1 and Word's no. 2 English business daily. The online portal of The Economic Times is the no.1 business news website.

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COVID-19 fight | Here's why Indian healthcare professionals stand to benefit under new US Congress proposal

US lawmakers consider whether to award green cards to their highly-skilled professionals and nurses are able to help the country fight the pandemic. Here, 20,000 nurses and 10,000 doctors of foreign origin would be eligible for a green card.

By SARASWATHY J. MAY 15, 2020 / 1:10 PM IST



The image

Nurses and doctors from India may get a golden chance to get permanent citizenship of the US. States with a new proposal in the Congress looking to ease the stretched needs of the healthcare sector.

In an interaction with Moneycontrol, David Cantor, Head of Foreign Medical Professional Practice Group, Davies & Associates, spoke on the contours of the Healthcare Workforce Reauthorization Act.

"The highlights of the proposed legislation are that would provide 40,000 green cards readily available for qualified nurses and physicians. There is no cap per country," he added.



Cantor explained that the waiting period for a green card could be as high as 10 years. However, once the legislation goes through, eligible healthcare professionals could get a nod in mere a month.

In order to meet the stretched needs of the healthcare industry due to the challenges brought about by the Coronavirus pandemic. The story on **Covid-19 fight| Here's why Indian healthcare professionals stand to benefit under new US congress proposal** highlights the golden opportunity for nurses and doctors from India to get permanent citizenship of the United States as part of a new proposal. In an exclusive conversation with Moneycontrol's M Saraswathy, David Cantor, Head of Foreign Medical Professional Practice Group at Davies & Associates, LLC said, "The highlights of the proposed legislation are that would provide 40,000 green cards readily available for qualified nurses and physicians. There is no cap per country." He also explained that the waiting period for a green card could be as high as 10 years. However, once this legislation goes through, eligible healthcare professionals could get a nod in even a month.

Moneycontrol- Moneycontrol.com is an Indian online business news website owned by E-EIGHTEEN Dot Com Ltd., a subsidiary of the media house TV18. Since 1999 through to today MoneyControl has been there to chronicle the growth of the Indian economy. And along with it we have grown as well ; starting off as a financial portal that began by offering end-of-day stock prices to today arguably becoming India's biggest store of news (text and videos), analysis, data and tools on investing (across diverse asset classes), personal finance, the business sector and the economy. moneycontrol.com today gets over 17 million visitors every month across all its platforms-web, mobile and tablets that makes it the largest online financial platform in India.

Through regional townswomen centers, these immigrants can be a part of the collective money provided by the regional center, in a development project in the U.S. Other than the EIS-O visa network, there are other townswomen-based initiatives for obtaining FPN in the U.S.



US President Trump recently suspended the H-2B, L, and other temporary work permit visas. This move, the White House said, would help the coronavirus-battered economy, and protect the local workers who are facing unemployment due to the spread of COVID-19. However, the decision was strongly opposed by business groups, especially the technology industry, that said it would hurt the country more and delay the recovery of the US economy.

The H-1B is created by the US to fill 20,000 "high-skilled" workers every year, mostly in the technology industry. H-1B visas means work permit validity as the US for up to 6 years. Around 131,146 Indians, followed by 26,483 mainland Chinese citizens, were issued H-1B visas in the fiscal year 2019, including both new applicants and renewals. H-4 visas are for the dependents of H-1B and H-2B (spouses and children). Even though the suspension does not explicitly address H-4 visa holders, it does restrict the entry for any accompanying party following to take the restricted categories.

New Tax Ruling: You can still get tax benefit on 401(k) contributions – Check when it applies

Mark Duvies, Global Chairman, Davies & Associates, L.L.C., says, "The H-1B visa category has faced increasing restrictions in the past, even preceding President Trump. We also expect further restrictions in H-1B and also the president's stated suspension in effect, and use many of our H-1B clients seeking out alternatives like E-2 and L-1s, neither of which have been included in the president's executive orders." He adds, "Alternatives options like E-2 and L-1s are

target business owners and investors. Also, the Trump administration has given financial support to Italian-owned US businesses during the Covid-19. The only complication for an Italian E-2 applicant is that they must first obtain a Consulate or Turkish passport, as the whole process can take less than 6 months." Decker & Associates, LLC is a U.S.

The E-5 visa is the quickest way to obtain permanent residency in the U.S. Under the E-5 visa, investors are eligible to apply for Green Card (permanent residence) and can choose any kind of work in the U.S. E-5 visa includes the visa holder, their spouse and unmarried children under 21.

from Rosenfield, President, and CEO of CanAm Enterprises say, "With highly educated and sophisticated upper and middle classes, Indian nationals are perfect for the E-5 program. With the Trump administration suspending H-1B and other work visas, E-5 is the best bet for Indians aspiring to live the American dream. E-5 provides permanent green cards to your entire family, spouse, and qualifying dependents." CanAm Enterprises is an operation internationally involved in the United States and Canada.

An immigrant needs to invest a minimum amount of 500,000 dollars (around the 34.2 million) in a new business or a development project in the U.S. to apply for the EB-5 visa. The EB-5 visa can be obtained through two ways, either by direct investment or by investing through a regional investment center. When the immigrant invests directly, he has to set up his own business. Along with that, the immigrant has to create or give 10 qualified US citizens permanent jobs within 2 years.

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The story titled **"H1B visa suspended, here is how to invest and opt for alternative options"** focuses on US President Trump suspending the H-1B, L, and other temporary work permit visas. This move, the White House said, would help the coronavirus-battered economy, and protect the local workers who are facing unemployment due to the spread of COVID-19. H-4 visas are for the dependents of H-1B and H-2B (spouses and children). In the article, Mark Davies, Global Chairman, Davies & Associates, LLC, says, "The H-1B visa category has faced increasing restrictions for years, even predating President Trump. We also expect further restrictions to H-1B even after the president's current suspension is lifted and see many of our H-1B clients seeking out alternatives like E-2 and EB-5, neither of which have been included in the president's executive orders." He adds, "Alternatives options like E-2 and EB-5 visas target business owners and investors. Also, the Trump administration has even given financial support to Indian-owned US businesses during the Covid-19. The only complication for an Indian E-2 applicant is that they must first obtain a Grenadian or Turkish passport, but the whole process can take less than 6 months."

The Financial Express- The Financial Express is an Indian English-language business newspaper owned by The Indian Express Group. It has been published by the Indian Express group since 1961. The Financial Express specialises in Indian and international business and financial news.

US imposes fresh curbs on H-1B visa

Nandita Mathur
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NEW DELHI

Latest changes to the H-1B visa programme introduced amid a tough US presidential election campaign are expected to directly affect technology companies, foreign workers and employers who rely on these non-immigrant US visas.

The new rules narrow the definition of specialty occupation, employer, employee-employer relationship, reduce the visa's duration to one year from the current three, and increase the compensation requirements for H-1B workers. The one-year rule is expected to increase complexity and scrutiny, and attract additional costs.

"This will likely have the



The new rules increase the compensation requirements for H-1B workers.

biggest impact on employers that hire many technology workers and then contract them out long-term to their clients," said Rebecca Bodony, senior business immigration attorney at Davies & Associates, a New York-based immi-

TURN TO PAGE 8

The story titled **"US imposes fresh curbs on H-1B visa"** focuses on new rules that narrow the definition of occupation, employer, employee-employer relationship by limiting the amount of time an employer can place an employee at a third party worksite to one year from the current three, and also increases the compensation for H1B workers. Rebecca Bodony at Davies & Associates, LLC stated that this will highly impact technology workers.

Mint- Mint is an Indian financial daily newspaper published by HT Media, a Delhi-based media group which is controlled by the KK Birla family and also publishes Hindustan Times. It targets readers who are business executives and policy makers. It has been in circulation since 2007.

Publication : Quartz

Date: 8th October 2020

Link: <http://bitly.ws/al7U>

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Joe Biden won't be great for H-1B visas either



The woes of H-1B visa aspirants won't end even with Joe Biden in the White House.

Trump, with his aggressive anti-immigration rhetoric, is often perceived as the only force against the US long-term work visa. But, if one reads the fine print of Joe Biden's stance on immigrant workers, it is clear that things will never go back to as good as they once were.

During his campaign, the president-elect promised to be [less harsh with H-1B restrictions](#), expand the number of available visas, and even do away with country quotas for green cards—the reason why [most Indians have to wait](#) for several decades to get one.

The story titled **“Joe Biden won't be great for H1B Visas either”** highlights the loopholes in the US immigration policy especially with regard to the H1B visa and mentions that the election of former US Vice President Joe Biden will not be an answer to the ongoing woes. Indian Americans formulate for a large chunk of the US population are the second largest immigrant group after Mexicans. Bringing forth a compelling argument, Mark Davies, Global Chairman, Davies & Associates, LLC said, “Indian Americans have the opportunity to influence the US election, especially as (more) are moving to swing states like North Carolina, which may be key to the outcome of the election. That said, Indian Americans should not be viewed a monolithic voting bloc influenced by immigration policy alone, but rather thousands of individuals who will make their own decisions based upon what is best for their families and their businesses.” The story was further published by Yahoo Finance and Recruitment News UK as well.

Quartz- Quartz is a business-focused English-language international news organization, it launched from New York City in 2012, and is owned by Japanese business media company Uzabase. It operates editions globally, outside of the United States and Japan, including in the United Arab Emirates, Hong Kong, Africa, and India.

Publication : India Today

Date: 28th October 2020

Link: <http://bitly.ws/al86>

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H1B vs EB5 visa: Which visa should you choose to work or study abroad?

Here is the H1B vs EB5 visa confusion unravelled by an expert to help you understand which visa route you should choose to work or study abroad.

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October 28, 2020, 10:01 AM



Here is the H1B vs EB5 visa confusion unravelled by an expert to help you understand which visa route you should choose to work or study abroad.

India is by far the world's largest recipient of H1B visas. But the H1B programme aimed at highly skilled workers - has been facing increasing restrictions for many years. This has caused Indians to look to other routes into the United States.

One of the main beneficiaries has been the EBS investor visa programme, which registered a seven-fold increase in the number of visas issued to Indians over the past five years.

So, how do these two visa categories compare?

7 points of comparison between H1B visa and EBS visa to get rid of your confusion:

With a cloud of confusion looming over the right immigration route when planning to move to the US - Verdie Atienza, Senior Immigration Attorney at Davies & Associates penned down his thoughts on the better choice. The authored article covers important discussion points such as Duration and Permanency, visa requirements, annual quotas, family, work and politics. He also highlights alternatives to these routes that could be more in line with an applicant's requirements

India Today- India Today is a weekly Indian English-language news magazine published by Living Media India Limited. It is the most widely circulated magazine and well-read online porter in India, with a readership of close to 8 million.

Publication : The Economic Times

Date: 1st November 2020

Link: <http://bitly.ws/a159>

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The Story titled **“Indian national formed the biggest chunk of EB-5 applicant in FY19”** talks about Indians forming the largest section of EB-5 applicants in October- December and April-June. The feature also mentions that IIUSA stated that the demand for EB-5 visas, which provide applicants a direct path to US citizenship, rose 400% in India between 2016 and 2019. The article quotes Mr. Mark Davies, Global Chairman at Davies & Associates, LLC saying how the program remains popular amongst students and professionals. The story also incorporates inputs from their industry peers. The story was also carried by internationally acclaimed news portal – Flipboard along with The Indian Panaroma.

The Economic Times- The Economic Times is an English-language daily financial/business national newspaper with the circulation of 396978. The paper has coverage in 24 States, 193 Cities and publishes 16 Editions. It is published by the Bennett, Coleman & Co. Ltd, more popularly known as The Times Group. It is India's no.1 and Word's no. 2 English business daily. The online portal of The Economic Times is the no.1 business news website.

Publication : Quartz

Date: 1st November 2020

Link: <https://bit.ly/35YxzKH>

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The story titled **"Why Americans H-1B visa loss could be India's gain"** talks about heavy restrictions imposed on H-1B visas that led Indians to quit American dreams and jobs and get back to India with high technical skills. The trump administration has made barrage of changes to requirement, qualification and processes required to secured new visas or extend current ones. In the piece Mark Davies, Global Chairman of D&A, LLC says, "Neither Trump nor Biden can fully dictate the terms. Much would depend on the makeup of congress after the election as well as public opinion in the aftermath of COVID-19."

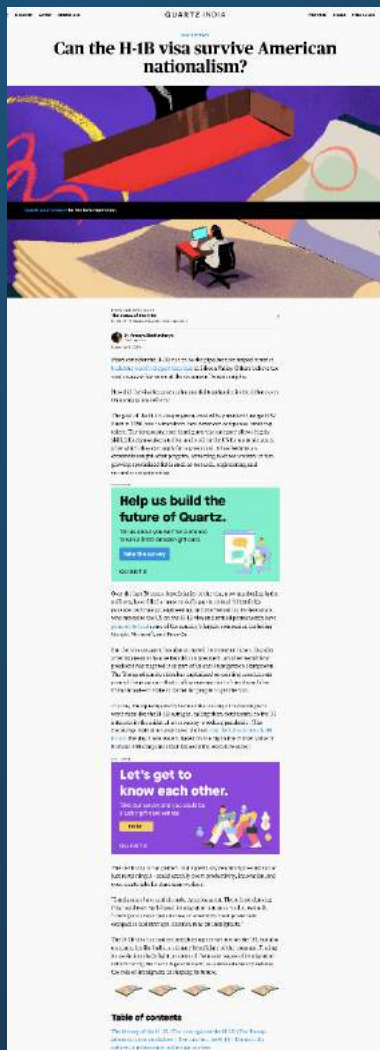
Quartz- Quartz is a business-focused English-language international news organization, it launched from New York City in 2012, and is owned by Japanese business media company Uzabase. It operates editions globally, outside of the United States and Japan, including in the United Arab Emirates, Hong Kong, Africa, and India.

Publication : Quartz

Date: 1st November 2020

Link: <https://bit.ly/3kPTb25>

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Quartz quoted Mr. Mark Davies in the article titled 'Can the H1B visa survive American Nationalism?' mentioning that there is a lot standing on the makeup of the Congress post the election. The article is a detailed analysis focusing on the conflicting view that H1B visa has helped America build the world's largest tech hub vis-à-vis others who believe that visa expense has come at the expense of American jobs.

Quartz- Quartz is a business-focused English-language international news organization, it launched from New York City in 2012, and is owned by Japanese business media company Uzabase. It operates editions globally, outside of the United States and Japan, including in the United Arab Emirates, Hong Kong, Africa, and India.

Publication : Forbes

Date: 4th November 2020

Link: <http://bitly.ws/aluw>

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The H-1B visa may be 'finished' regardless of the winner in the US election

Immigration experts say the long 'missed' and 'abused' visa, a favourite with Indians, has fallen out of favour with both Republican and Democrat administrations for decades. Even if Joe Biden defeats Donald Trump, it's unlikely to get easier



BY PANETTI SENTHIA KADAMBAL, Forbes India Staff

5 min read

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A heady blue- versus- red vote count is underway, punctuated by sea-sawing percentage points and exclamation calls for states. As the world holds its breath before its most powerful person is elected, many Indians and Indian-Americans are on tenterhooks.

In October, the Donald Trump administration proposed yet another series of obstacles to the H-1B visa process, which is a popular way for Indians to immigrate to America. It hopes to do away with the computerised lottery system, a random selection process, to procure the visa, and replace it with a wage-based system in which applicants will be selected based on salary levels.

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This is the latest in a series of attacks against the H-1B programme, including a suspension on the entry of foreign workers (and therefore, issuers of new immigrant visas) until the end of the year that Trump announced in June.

However, President Trump may not be the only obstacle in the road. Let's break it down.

What's going on with the H-1B?

According to the new rules, the wage criteria for those coming to the US on an H-1B visa (widely used by

technology companies to hire skilled Indian workers) have been significantly increased by the Department of Labor. Later in the month, the Department of Homeland Security made the announcement of doing away with the lottery, in a statement titled '2018, Trump Administration Protect American Jobs from Unfair International Competition'.

The US presidential elections 2020 stirred up multiple lines of conversation around the future of immigration to the United States. The feature **"The H-1B visa may be finished regardless of the winner in the US election"** dives into many of those ideas. When asked about issues with the H-1B visa program, Mark Davies, Global Chairman at Davies & Associates, LLC, said, "I don't know why people keep talking about H-1B—it's finished." He further added, "With all that's playing out, it doesn't matter who wins the election, no one is going to make it easier to get the H-1B. The speed at which H-1Bs become harder to obtain might be different depending on who wins the election. But I very much doubt that if we get a Democrat government, they're going to ease it up—there's no Congressional interest in doing that."

Forbes- Forbes India is the Indian edition of Forbes which is managed by Reliance Industries-owned media conglomerate, Network 18. Since its founding in 2008, Forbes India has achieved a circulation of 50,000 copies and makes over Rs 50 crore in topline.



As a key thought leader on immigration to the US, Mr Mark Davies was featured on a live interview as part of a panel on Prime Time Show 'The Urban Debate' on India's leading news channel Mirror Now. The 30 mins discussion was moderated by Senior News Editor and a 'media celebrity' in her own right – Tanvi Shukla. Mr. Davies had a significant share of voice during the conversation and Tanvi directed relevant questions at him allowing him to highlight the long term and short-term impacts of Biden's victory on the immigration industry.

Mirror Now: Mirror Now is a leading Indian, English-language news channel owned by The Times Group. Fiercely pursuing pertinent issues and creating the desired impact, Mirror Now raised the bar in the English news genre highlighting key issues that impact the Indian audience. By being the voice of India's everyday issues like crime, corruption, women's safety, immigration, traffic woes and civic issues such as cleanliness, health, environment, power, water, etc., Mirror Now has been disruptive in more ways than one. The channel has a series of on-ground and digital-led consumer engagement properties that were all designed to provide an open platform for citizens to voice their opinion and help them be a part of the change they want to see. The channel has also successfully taken its online strategy of being the voice of India offline as well. The channel stands No. 3 in the English news category.

Publication : Mint

Date: 3rd December 2020

Link: <http://bitly.ws/aluU>

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One of thousands of US immigrants in a hall in a US Customs and Border Protection facility. The government has received about 200,000 US work visas applications, with others accounting for 80% of total visas.

H-1B visa a political challenge for victor

US experts say it would be tough to be more generous with the visa norms

By **ANITA DIXIT**
Senior Correspondent

The H-1B visa is one of the most controversial of the US's professional visas. It allows the US to attract foreign talent in the IT, engineering and other fields. The Trump administration has been criticised for its handling of the visa, especially after the president's initial 90-day suspension of the visa.

The administration's decision to suspend the visa has been criticised by many in the US and abroad. It is seen as a move to protect the jobs of US workers, but it is also seen as a move to protect the jobs of US workers.

The H-1B visa is one of the most controversial of the US's professional visas. It allows the US to attract foreign talent in the IT, engineering and other fields. The Trump administration has been criticised for its handling of the visa, especially after the president's initial 90-day suspension of the visa.

one to view on immigration policy and would need to work with Congress to reform the system. Proponents can take more time to work on a long-term solution, for these are usually short-term measures that are used to manage the flow of immigrants.

The immediate impact of a Biden victory on immigration may be felt more in administration than in policy, according to a US-based analyst.

regular things of the kind that we see. In our opinion, we are not going to see a major change in the way that the US handles immigration. We are going to see a continuation of the current policy, with some adjustments to the way that the US handles immigration.

any more take into account the housing situation in the US. The Trump administration has been criticised for its handling of the visa, especially after the president's initial 90-day suspension of the visa.

There are a number of factors that are influencing the H-1B visa situation. One of the main factors is the need for the US to attract foreign talent in the IT, engineering and other fields.

H-1B visa is one of the most controversial of the US's professional visas. It allows the US to attract foreign talent in the IT, engineering and other fields. The Trump administration has been criticised for its handling of the visa, especially after the president's initial 90-day suspension of the visa.

The story titled **"H-1B visa a political challenge for victor"** focuses on the future of the H1B program, battling the question of whether restrictions would be relaxed for immigrants with a change in the political climate. In the feature Mark Davies, Global Chairman of Davies & Associates, LLC is mentioned saying, "The immediate impact of a Biden victory on immigration may be felt more in administration than in policy." He further said that Trump's government had been operating the US visa processing system at suboptimal efficiency, slowing the application process down, thereby reducing the number of visas issued. Biden could be expected to reverse this. "The president is limited in what he can do alone on immigration policy and would need to work with Congress to reform the system. Presidents can introduce executive orders bypassing the Congress, but these are usually short-term measures and are an unviable way to govern in the long term. The article was also carried by Knowledia and Telecom Live

Mint- Mint is an Indian financial daily newspaper published by HT Media, a Delhi-based media group which is controlled by the KK Birla family and also publishes Hindustan Times. It essentially targets readers who are business executives and policy makers. With 650K readers, the publication offers unbiased and in-depth analysis along with sharp insights to impart a deep understanding of developments shaping the Indian and global economy & markets along with well-defined distinct folios that cover an array of themes.

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