

Date: 2014-07-31 07:22:07 -0400
To: "Brent.Raymond@state.vt.us" <Brent.Raymond@state.vt.us>, "Sussman, Susan (Leahy)" <Susan_Sussman@leahy.senate.gov>, "Saunders, Chris (Leahy)" <Chris_Saunders@leahy.senate.gov>
Subject: Re: Fwd: OLA Assistance Requested: I-526 past processing date, WAC1390513113
CC: "jvt@trappfamily.com" <jvt@trappfamily.com>, "wf@trappfamily.com" <wf@trappfamily.com>, "svt@trappfamily.com" <svt@trappfamily.com>, "Pat.Moulton@state.vt.us" <Pat.Moulton@state.vt.us>, "Becky.Fu@state.vt.us" <Becky.Fu@state.vt.us>, "John.Kessler@state.vt.us" <John.Kessler@state.vt.us>, "Lisa.Gosselin@state.vt.us" <Lisa.Gosselin@state.vt.us>
From: "Pendle, David (Judiciary-Dem)" <David_Pendle@judiciary-dem.senate.gov>

Thanks, Brent. We'll look into this and get back to you promptly.

From: Raymond, Brent [mailto:Brent.Raymond@state.vt.us]
Sent: Thursday, July 31, 2014 01:58 AM
To: Sussman, Susan (Leahy); Pendle, David (Judiciary-Dem); Saunders, Chris (Leahy)
Cc: Johannes von Trapp <jvt@trappfamily.com>; Walter Frame <wf@trappfamily.com>; Sam von Trapp <svt@trappfamily.com>; Moulton, Pat <Pat.Moulton@state.vt.us>; Fu, Becky <Becky.Fu@state.vt.us>; Kessler, John <John.Kessler@state.vt.us>; Gosselin, Lisa <Lisa.Gosselin@state.vt.us>
Subject: Fwd: OLA Assistance Requested: I-526 past processing date, WAC1390513113

Susan, David and Chris,

Is it possible for Senator Leahy to make an official inquiry into how long the average approval time for the initial (first) I-526 actually is? The 13.2 month processing time is seriously misleading. That the Trapp project hasn't even been assigned an adjudicator after more than 15 months is an indication of how misleading it is.

Other regional centers are marketing that they have been assured "fast track I-526 approval" because their project is a matter of national security. The Louisiana RC project is one that comes to mind. I've personally heard a rep of the project make the statement publicly, and they are actively marketing this.

Other RCs are targeting and poaching VT EB-5 RC project's investors by stating the project is likely going to be denied since they haven't received an approval within the USCIS' posted average marketing time. At least if we know the true initial I-526 processing time we can defend our projects from less ethical RCs who are using USCIS' stated data to try and poach investors.

The VT Digger article is reverberating in China. Competing RCs are using it against us and our projects. The article was far from fair or well investigated. Already, Investors are pulling out of projects they signed up for and agents are canceling seminars for non Jay Peak projects.

Knowing the actual 1st I-526 processing average would be of great help in defending our projects. It's something that should already be being tracked anyways to provide better transparency and ensure proper management of the program.

Kind regards,
Brent

Brent Raymond | Executive Director of International Trade & Foreign Investment
Vermont EB-5 Regional Ctr
Vermont Global Trade Partnership
1 National Life Dr, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501
802-522-2540
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Sent from my iPhone

Begin forwarded message:

From: Walter Frame III <wf@trappfamily.com>
Date: July 30, 2014 at 6:12:35 PM EDT
To: Raymond Brent <Brent.Raymond@state.vt.us>, Fu Becky <Becky.Fu@state.vt.us>
Subject: Fwd: OLA Assistance Requested: I-526 past processing date, WAC1390513113

Walter Frame +1-802-793-9107

Begin forwarded message:

From: "Sussman, Susan (Leahy)" <Susan_Sussman@leahy.senate.gov>
Date: July 16, 2014 at 12:18:49 EDT
To: "Walter Frame (wf@trappfamily.com)" <wf@trappfamily.com>, "Johannes von Trapp (jvt@trappfamily.com)"

<jvt@trappfamily.com>

Cc: "Pendle, David (Judiciary-Dem)" <David_Pendle@judiciary-dem.senate.gov>, "Saunders, Chris (Leahy)"

<Chris_Saunders@leahy.senate.gov>

Subject: FW: OLA Assistance Requested: I-526 past processing date, WAC1390513113

Hello Johannes and Walter,

Unfortunately my attempt to get Junlu Mao's I-526 application moving since it was past its posted processing time, was not successful. (See below) At this point, you can either try to prove the following expedite criterion, with documentation, "Severe financial loss to company or individual: When failure to adjudicate a petition within specific time frames would cause severe financial harm or loss to the U.S. entity and no other remedy exists (such as premium processing)" or simply wait for the adjudication.

Good morning. On the expedite request; yes, they can submit a request for expedited processing at any time during the process unless it is already with an adjudicator – as that is already the front of the line. The expedite request should always be submitted together with any evidence to prove that they merit the expedite. I don't know that "feared failure of the project" would qualify under any of the USCIS expedite criteria, but if they believe that they can make a good case for the expedite and are able to back it up with documentation, then by all means, have them request the expedite.

On your other question, we agree that the processing times (presently 13.2 months) for I-526 applications is not where we would like it to be and the IPO is working hard to bring that time down by continuing to staff up with more economists and adjudicators, many of whom are attorneys with diverse knowledge in business and economics. But, to answer your question directly, the IPO does not work like our service centers simply because of the nature and complexity of the EB-5 cases in general, it/they cannot stop the adjudication of one case to begin the adjudication of another. As you may know, they work these cases from beginning to end on a first in first out basis, which the fairest way to adjudicate them.

I have let the IPO know that your office is very interested in this and several other cases that both Dave and your Chief of Staff have brought to our attention and we will continue to let you all know as soon as those cases are brought to resolution.

Please let me know what you choose to do and I will also keep checking for updates.

Sincerely,

Susan

Susan M. Sussman

Caseworker

Office of Senator Patrick Leahy

(802) 863-2525; (800) 642-3193 (toll free within VT); (802) 658-1009 (fax)

Physical location: 199 Main St. – 4th floor, Burlington, Vermont

Mailing address: 437 Russell Senate Bldg, Washington, DC 20510

For a timely response to letters and written requests, email or fax messages are preferred.

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