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TRAILBLAZERS

IMMIGRATION



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PIONEER SPIRIT Kate Kalmykov has been passionate about international affairs for as long as she can remember. She majored in international studies in college and went on to receive a MA in international affairs. “I took immigration law in law school and then worked at an immigration clinic. I’ve always loved the immigration practice, but I’ve also always been business-minded. Business immigration law was appealing to me, as an intersection between the two areas.”

TRAILS BLAZED Kalmykov, who is fluent in Russian, focuses her practice on business immigration and compliance. She represents clients in a range of employment-based immigrant and nonimmigrant visa matters. Her clients include students, trainees, professionals, managers, executives, artists, entertainers, treaty investors, traders, people of extraordinary ability and immigrant investors. Kalmykov is often called upon to assist in developing immigration options and strategies in very unique circumstances and to respond to complex Requests for Evidence, Notices of Intent to Deny (NOIDs) or to appeal denied cases.

Her practice focuses on EB-5 matters, the program that allows entrepreneurs and their families to become eligible to apply for a green card if they make investments or create jobs in the United States. Under her leadership, Greenberg Traurig’s EB-5 practice has grown to more than 100 attorneys and legal professionals worldwide. This team has processed more than 7,000 petitions, representing \$3.5 billion in foreign direct investment. She has successfully advocated for many corporate clients in EB-5 matters representing close to \$12 billion in deal structuring. These projects include the largest development project in U.S. history, as well as hotels, mixed-use retail developments, malls, condominiums and residential developments. “We have among the largest volume of EB-5 matters. And personally, I am proud to have structured the largest EB-5 deal in the history of the program, a complex, mixed-use commercial real estate deal in New York City. It was worth more than \$1 billion and had many components as well as extensive government oversight. EB-5 investments can offer inexpensive capital for a variety of projects.”

Kalmykov has also advised clients on overcoming rejections by U.S. Citizenship and Immigration Services, including developing new strategies and arguments addressing the legal aspects of funding, currency exchanges and minor investors. “Because there is a waiting period that has developed for those from China and Vietnam—for those from China, there is now a 10-year wait for a green card—parents often use these programs to gift a green card to children. They are gifting the money and making the minor an investor. We spearheaded an argument that minors can invest and by law execute a subscription. That was really new territory.”

She also works with companies and their human resources departments on I-9 employment verification matters, as well as H-1B and LCA compliance. She regularly advises employers on due diligence issues, including internal audits and reviews, as well as minimizing exposure and liabilities in government investigations.

Kalmykov regularly appears on television to discuss immigration law and has been published in immigration practice handbooks for the American Immigration Lawyers Association, ILW and in the New Jersey Lawyer, New Jersey Law Journal, USA Today, GlobeSt.com and Commercial Observer, among others. At the American Bar Association’s request, she co-authored the book “What Every Lawyer Needs to Know about Immigration Law.” She chaired the ABA’s Committee on Immigration and Naturalization, Section of Administrative Law from 2011-2016. She currently sits on the AILA’s EB-5 Committee and has chaired the Council of Jewish Émigré Community Organizations.

FUTURE EXPLORATIONS There will be an extension of the EB-5 program. “It will probably be a five-year extension, with a higher minimum investment. But I do see getting support for the program’s extension and its continuing viability.” There will also be a shift in demographics. “Where people from Asia have been the primary users of the EB-5 program, there will be more from Russia, the Middle East and Latin America.”

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