



Robert C. Divine

Shareholder

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Robert C. Divine, leader of the Firm's Global Immigration Group and a shareholder who works from the Firm's Washington, D.C. and Chattanooga offices, concentrates his practice in business immigration and litigation.

Mr. Divine has extensive experience serving clients throughout the world in the arrangement of all types of business-based temporary and permanent immigration status, including specialty occupations (H-1B, TN, E-3), individual and blanket international transferee programs (L-1), traders and investors (E-1/E-2, EB-5), medical workers, religious workers, labor certification, national interest waivers and extraordinary ability aliens.

Mr. Divine is active in the Firm's Government Enforcement and Investigations team and has represented and assisted employers and other parties in some of the largest immigration enforcement investigations and prosecutions as well as private RICO actions. He provides strategic advice and training for employers in their immigration compliance efforts. Mr. Divine also has litigated significant business matters, including contract, commercial, product liability, antitrust, ERISA benefits and business torts (including RICO, misrepresentation, Consumer Protection Act).

By presidential appointment, Mr. Divine served in Washington, D.C., from July 2004 until November 2006 as Chief Counsel of United States Citizenship and Immigration Services (USCIS), the world's largest immigration services agency within the U.S. Department of Homeland Security. From July 2005 until July 2006, he served as Acting Director and then Acting Deputy Director of USCIS, spearheading the USCIS Transformation Program, testifying in Congress about the E-Verify system, enhancing operational security, and increasing transparency of rules and procedures. In early 2004 he served as an expert retained to assist the U.S. Commission on International Religious Freedom in its congressionally mandated study on the expedited removal process. He has testified as an expert on immigration law for courts in the United States and abroad.

Mr. Divine represents many business developers in creating, managing and using "Regional Centers" that can create indirect jobs toward the 10 new U.S. jobs whose creation can give rise to EB-5 permanent residence for investment in the developers' projects. For seven years, he was the elected Vice President of the national industry association of "EB-5" Regional Centers, [Association to Invest in USA \(IIUSA\)](#). He represents developers similarly using other parties' Regional Centers. He coordinates this work with attorneys supporting securities law compliance in offerings to investors, with economists identifying "targeted employment areas" and projecting indirect job creation, with licensed securities brokers coordinating offerings, and with attorneys obtaining U.S. Government (OFAC) licenses to serve investors from restricted countries. He also represents individual investors in obtaining conditional permanent residence and in removing conditions from permanent residence.

Since 1994, Mr. Divine has authored *Immigration Practice* (Juris Publishing, 15th ed.), a well-regarded 1,800 page practical treatise on all aspects of U.S. immigration law.

Mr. Divine is a frequent speaker on U.S. and international immigration rules, policies and procedures, and regularly appears before employers, investors, individuals, policy makers, other immigration lawyers and foreign governments. [Click here](#) for a transcript of Mr. Divine's testimony before the Senate Judiciary Committee on December 7, 2011 regarding the job-creating effects of the EB-5 immigrant investor program

and the importance of renewing the regional center authorizing legislation. He also authors numerous alerts on immigration-related topics, which can be found on the Firm's [Immigration website](#).



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*® for Immigration Law since 2003
- Listed in *The International Who's Who of Corporate Immigration Lawyers* (since 2012)
- Listed in *Chambers USA* as a leading Immigration lawyer in Tennessee (2022 – 2024)
- Recipient – "Top 25 Attorney" Award by *Uglobal Immigration Magazine* (2020)
- Named by *EB5 Investors Magazine* as a "2019 Top 25 Attorney in Specialized Fields"
- Named by *EB5 Investors Magazine* as a "2018 Top 5 Attorney in Specialized Fields"
- Recipient – "EB-5 Hero" award, EB-5 Industry Achievement Banquet (2018)
- American Immigration Lawyers Association – past chair of several national committees, past chapter chair
- "Big Brother" since 1978; past or present board member of Big Brothers Association, Boys Clubs, New Life Homes for [delinquent] Boys, Chattanooga Resource Foundation (ecumenical), Robert and Catherine Maclellan Foundation



Publications

Books

- "Immigration Practice," *Juris Publishing, 15th ed.*, a 1,600 page practical treatise on all aspects of U.S. immigration law (June 2014)

Articles

- "Employers Should Prepare for Immigration Raids," republished December 5, 2024, in SHRM (November 2024)
- "New Green Card Option for Undocumented Spouse or Stepchild of U.S. Citizen" (August 2024)
- "Comments on USCIS "EB-5 Questions and Answers (updated Oct. 2023)"" (October 2023)
- "Keeping EB-5 Regional Centers Alive," republished in IIUSA's Blog (October 2023)
- "EB-5 Reform Continues To Weigh Heavily On Participants," *Law360* (May 2023)
- "Recent EB-5 Developments Weigh Heavily on Participants," republished in IIUSA Business Development Bulletin (Originally posted March 2, 2023; Updated with additional information on May 4, 2023)
- "Why US EB-5 Investors Should Work Only with USCIS-Registered Promoters," *CBI Global* magazine (September 2022)
- "How Long Must You Keep EB-5 Capital at Risk?," *EB5 Investors Magazine* (September 2022)
- "USCIS Publishes Draft Registration Form for EB-5 Promoters" (September 2022)
- "Settlement Allows Previous EB-5 Regional Centers to Sponsor New Investors," republished September 8, 2022, in *Westlaw* (August 2022)
- "Analysis of New EB-5 Reform and Integrity Act of 2022," republished in ILW.com (March 2022)
- "EB-5 Reaches Crescendo of Confusion for Past and New Investors" (March 2022)
- "U.S. Land Border COVID-19 Restrictions Change to Vaccination Focused" (December 2021)
- "December Visa Bulletin Exposes a Tempting Option for China-Born EB-5 Investors" (November 2021)
- "Some Happy News for H, L, and E Spouses Needing Work Authorization" (November 2021)
- "Air Travel to the U.S.: Testing and Vaccination Requirements, Exceptions, Old Bans Dropped" (October 2021)
- "U.S. Travel Bans to Drop for Vaccinated Travelers" (September 2021)
- "EB-5 Regional Center Law Expires; USCIS Clarifies Interim Approach" (July 2021)
- "A Swirl of EB-5 Developments" (June 2021)

- "Court May Invalidate 2019 EB-5 Regulations While Regional Center Legislative Expiration Looms," republished in *Commercial Property Executive* (May 2021)
- "State of Play in Business and Family Immigration" (April 2021)
- "New USCIS Regulation to Prioritize Highest Paid H-1B Workers is Unlikely to Affect This Year's Cap Filings" (January 2021)
- "USCIS Uses New Congressional Authority to Increase Premium Processing Fees for Existing Categories" (October 2020)
- "New Regulations to Explode Required Wages and Choke H-1B Visas" (October 2020)
- "Court Enjoins Proclamation Banning H, J, L Visas" (October 2020)
- "More Premium Processing is Congress' Solution to USCIS Financial Woes," republished in *Westlaw* (October 2020)
- "The Impact of SEC's Expanded Definition of "Accredited Investor" on EB-5 Offerings," republished in *Westlaw* (September 2020)
- "More Flexibility in I-9 Work Authorization Confirmation Process" (August 2020)
- "New USCIS Filing Fees Effective October 2" (August 2020)
- "Updated: EB-5 Redeployment Policy "Clarified" Retroactively" (Originally Published July 27, 2020; Last Updated July 28, 2020)
- "New Proclamation Suspends New H, L, and J Visas and Extends Immigrant Visa Suspension Through December," *Westlaw* (July 2020)
- "Updated: Trump Amends Proclamation to Expand Scope of Restrictions on Nonimmigrant Visas" (Originally Published June 23, 2020; Last Updated June 30, 2020)
- "Scary Rumors: H, L, and J Nonimmigrants Should Stay in or Quickly Come to USA" (June 2020)
- "USCIS 'Pivots' Which Investors Get Adjudicated First," *Regional Center Business Journal* (Spring 2020)
- "Trump's "Suspension of Immigrants" is Relatively Limited and Brief, for Now" (April 23, 2020)
- "How EB-5 Works under New Rules and Longer Queues," *EB5 Investors Magazine* (April 2020)
- "U.S. Immigration System Plagued by Coronavirus" (March 30, 2020)
- "What To Know About Updates To EB-5 Investor Visa Program," *Law360* (July 2019)
- Co-author – "USCIS Publishes Updated Policy on Regional Center Issues of Geography and Material Change," *IIUSA blog* (August 2018)
- "May 2 Policy Manual Update: One Small Step for I-829 Filers; Some Giant Leaps Left for USCIS to Take," *IIUSA Regional Center Industry Member Alert* (May 2018)
- "USCIS Policy Manual Update: Finalizes EB-5 Sustainment and Redeployment of Capital," *IIUSA Member Alert* (June 15, 2017)
- "The Realities and Implications of Chinese EB-5 Investors' Wait for Visa Numbers," *IIUSA Regional Center Industry Member Alert* (January 2016)
- "Unpacking the Draft EB-5 Memorandum PM-602-0121," *IIUSA Regional Center Industry Weekly Report* (August 12, 2015)
- Co-author – "How to Handle Early Repayment of EB5 Funds," *EB5 Diligence* (April 22, 2015)
- "Mad Scramble to Save Some EB-5 Kids," *IIUSA Regional Center Industry Weekly Report* (April 21, 2015)
- Co-author – "Redemption and Redeployment of EB-5 Capital," *EB5 Diligence* (April 20, 2015)
- Co-author – "Provisions for Sustainment of Investment in Offering Documents," *EB5 Diligence* (April 17, 2015)
- Featured – "Q&A With Baker Donelson's Robert Divine," *Law360* (March 2015)
- "EB-5 Project Immigration Due Diligence," *EB-5 Investors Magazine* (January 16, 2015)
- Co-author – "EB-5 I-829 RFEs: What Does USCIS Look for?," *ILW.com and IIUSA Regional Center Business Journal* (October 2014)
- "Saturday's Announcement of EB-5 Visa Unavailability for China for Remainder of FY-2014," *IIUSA Member Alert* (August 2014)

- "Setting the Record Straight on the EB-5 Program," *IIUSA Regional Center Industry Weekly Report* (December 20, 2013)
- Co-author – "Practice Tips Arising From The Prospect of EB-5 Visa Number Retrogression for China," *American Immigration Lawyers Association* (October 2013)
- Co-author – "SEC Approves JOBS Act Requirement to Lift General Solicitation Ban," *IIUSA Regional Center Industry Weekly Report* (July 2013)
- "Key Points from USCIS EB-5 Policy Memo Published May 30, 2013," *IIUSA Member Alert* (May 2013)
- Co-author – "EB-5 I-829 RFEs: What Does USCIS Look for?," *Bender's Immigration Bulletin* (June 2012)
- "Accidentally Misleading Employers With The 'Facts'," *Employment Law360* (February 2012)
- "Introducing An Ad Hoc National Identity System," *Law360* (March 2011)
- "How a D.C. EB-5 Visa Venture Helped Bring About Regional Center Project Approval," *usadvisors.org* (March 2011)
- "HR Managers Must Now Certify Export Compliance," *Law360* (January 2011)
- "Spouses Should Derive More H-1B Time Along With The Green Card Process," *The Physician Immigration Book*, 2011-2012 Edition (2011)
- "Employment Updates: H-1B Fees and PERM Disqualifications," *Interpreter Releases*, Vol. 85, No. 45 (November 17, 2008)
- "USCIS Clarifies Complex Rules of EB Adjustment Eligibility," *Interpreter Releases*, Vol. 85, No. 30 (August 4, 2008)
- "The Games People Play with H-1B and H-2B Visa Numerical Limits," *Interpreter Releases*, Vol. 85, No. 9 (February 25, 2008)
- "10 Immigration Tips for Business Counsel," *Business Law Today* (August 1998)
- "Religion in Immigration Law," *Immigration Briefings* (Federal Publications, July 1998)
- "1990 Immigration Law: New Visas, Changed System," *Tennessee Bar Journal* (March/April 1991)
- "The New Immigration Law: Problems for Employers, Amnesty for Many," *North Carolina Bar Association Bar Notes* (June/July 1987)



Speaking Engagements

- "EB-5 Direct Investing is Alive and Well at \$500,000," EB5 Marketplace Webinar (July 2021)
- "Former Government Officials Discuss What Happens After Election Day," SHRM Global Mobility and Immigration Symposium (November 2020)
- "Preventing and Preparing for the ICE Raids (on Paper or in Person)," Second Annual Manufacturers Forum (May 2019)
- U.S. Citizenship and Immigration Services Meeting with IIUSA, U.S. Department of Homeland Security, Washington, D.C. (October 2018)
- "Re-deployment of EB-5 Capital," 2018 Los Angeles EB-5 Convention (July 2018)
- Panelist – "RFE Trends: What is USCIS Focused on in EB-5 Investor & Project Adjudications," EB-5 Industry Forum (October 2017)
- "Potential Solutions to I-829 Adjudication Issues," EB-5 Summit, New Orleans, Louisiana (June 2017)
- Featured Speaker – "H-1B visas," United States Citizenship and Immigration Services Ombudsman teleconference (June 2017)
- Panelist – "Construction Monitoring and Immigration Compliance," EB5 Diligence (November 2016)
- "EB-5 regulations and policy guidance: Historical Review and What Comes Next," IIUSA's webinar (April 2016)
- "EB-5 Reform Legislation - What Happens Now?," NES Financial's EB-5 Innovation Summit 2016, San Francisco, California (February 2016)
- "Evolution of EB-5 Best Practices," NES Financial's EB-5 Innovation Summit 2016, San Francisco, California (February 2016)

- "Challenges to Entrepreneurs Coming to the United States," Practising Law Institute's 48th Annual Immigration and Naturalization Institute (December 2015)
- "USCIS EB-5 Adjudication Trends: I-526/I-829 Petitions & I-924A Applications," IIUSA webinar (October 2015)
- "Revisions to the Visa Bulletin for Adjustment of Status Applicants," IIUSA webinar (September 2015)
- Moderator – "ILW's EB-5 Summit for Attorneys and Developers," Chicago, Illinois (September 2015)
- "Due Diligence on the Developer, Financing, and Related Immigration Issues," EB5 Investor Magazine's Fourth Annual California EB-5 Conference, Los Angeles, California (August 2015)
- "Employment Verification Basics and Developments," Federal Bar Association webinars (July 2015)
- "What's New About U.S. Visa Matters," Federal Bar Association webinars (July 2015)
- "Money Never Sleeps—Advanced Issues in EB-5 Visa Processing," AILA Annual Conference, National Harbor, Maryland (June 2015)
- "EB-5 Issues and Opportunities," NES Financial EB-5 Innovation Summit, Miami, Florida (February 2015)
- "Late Breaking EB-5 Developments," ILW's EB-5 Summit for Attorneys and Developers, New York City, New York (December 2014)
- "EB-5 Industry Year in Review and Look Ahead to 2015," IIUSA webinar (December 2014)
- "Form I-924A: Strategies for Fulfilling the Annual EB-5 Regional Center Reporting Requirement," IIUSA webinar (November 2014)
- "Understanding I-829 Trends and the Bubble, and Preparing to File," IIUSA EB-5 Market Exchange, San Francisco, California (October 2014)
- "EB-5 Success Strategies Webinar Operational Focus: Ensuring Immigration Success," NES Financial webinar (October 2014)
- "The Impact of Visa Number Retrogression in EB-5 Immigration," EB5 Investors Magazine's 2014 Southern California EB-5 Conference (July 2014)
- "Performing Immigration Due Diligence on EB-5 Regional Centers," AILA Annual Conference, Boston, Massachusetts (June 2014)
- "Advanced EB-5 Issues: Direct EB-5 Investors," AILA Midyear Entrepreneurs and Investors Conference, Cayman Islands (January 2014)
- "EB-5 Escrow and Bridge Financing Options," IIUSA webinar (November 2013)
- "Exploring Capital Availability in the United States: A Discussion of the United States' Deep and Expansive Capital Markets," select U.S.A. 2013 Investment Summits (November 2013)
- "EB-5 and Visa Quota Retrogression," AILA webinar (October 2013)
- "Globalization, Technology, and Telecommuting: Does Where You Are Mean Anything Anymore?," AILA Annual Conference, San Francisco, California (June 2013)
- "I-829 Overview and USCIS EB-5 Adjudication Trends," IIUSA Annual Conference, Las Vegas, Nevada (June 2013)
- "Creation of the Regional Center," AILA Mexico Chapter Conference, Miami, Florida (May 2013)
- "Comparison of Regional Center and Individual EB-5 Investments," AILA Georgia-Alabama Conference (February 2013)
- "EB-5 Basics," Council of Development Finance Agencies' Intro EB-5 Finance WebCourse (2013 – 2016)
- "Understanding EB-5 Immigration Laws," Council of Development Finance Agencies' Intro EB-5 Finance WebCourse (2013 – 2016)
- "Impact on Adjustment of Status and Consular Processing and CSPA Age Outs," IIUSA webinar (December 2012)
- "State and Federal Immigration Law: The Crossroads of Unauthorized Employment," American Bar Association's 6th Annual Labor and Employment Law Conference, Atlanta, Georgia (October 2012)
- "FOIA Report," 2nd Annual IIUSA EB-5 International Investment and Economic Development Forum Laguna Hills, California (April 29-May 1, 2012)

- Discussion Leader – "Creating and Representing Regional Centers," AILA EB-5 Conference, Nassau, Bahamas (April 2012)
- "The Machinations of Bureaucratic Action and Inaction," Texas Bar Association's Advanced Immigration Law Course, Houston, Texas (February 2012)
- "EB-5 Practice Fundamentals," AILA webinar (January 2012)
- "Creating and Representing Regional Centers," AILA EB-5 Conference, San Antonio, Texas (October 2011)
- "EB-5 and NeighborWorks," Southern Region Network Leaders Forum, New Orleans, Louisiana (July 2011)
- "Solving Problems and Issues Relating to AC21," AILA Annual Conference, San Diego, California (June 2011)
- "Multi-National Companies Doing Business Abroad: Avoiding Common Immigration Business Pitfalls," Employment Law Alliance webinar (March 2011)
- "Immigration Developments Affecting Health Care Companies," Nashville Council of Health Care Attorneys, Franklin, Tennessee (March 2011)
- "5 Immigration Developments for All Employers; 10 for Those Sponsoring Workers," Tennessee SHRM Conference Legal Seminar, Sevierville, Tennessee (September 2010)
- "Representing U.S. Businesses and Regional Centers," moderator, AILA EB-5 Conference, Boston, Massachusetts (August 27, 2010)
- "DHS HQ Open Forum," AILA Annual Conference, National Harbor, Maryland (June 2010)
- "Professional Ethics in Immigration (Part 3): Ethics of Dual Representation" and "Advanced Issues in Worksite Enforcement," 7th Annual Federal Bar Association Immigration Law Seminar, Memphis, Tennessee (May 14-15, 2010)
- "Interpretations and Implications of the January 8, 2010 Neufeld Memo on the H-1B Employer-Employee Relationship," AILA webinar (February 26, 2010)
- "Correcting Government Errors," AILA webinar (January 26, 2010)
- "Building Community from Diversity," Diversity Forum, Cleveland State Community College, Cleveland, Tennessee (January 22, 2010)
- "Mergers and Acquisitions—Impact on Employment-Based NIV and IV Cases," AILA audio seminar (November 10, 2009)
- "What Employers Should Know About Compliance," Federal Bar Association Chicago Chapter's conference on Work Place Enforcement and Immigration (November 9, 2009)
- "What Labor and Employment Lawyers Need to Know about Immigration Issues," ABA Labor & Employment Law Section's Annual Conference, Washington, D.C. (November 5, 2009)
- "Pathways to Permanent Residency," NAFSA Region VII's, Knoxville, Tennessee (October 2009)
- Speaker at various conferences in Athens and Thessaloniki, Greece concerning immigration policies on behalf of U.S. State Department Bureau of International Programs and coordinated with the Hellenic Migration Policy (September 2009)
- "Temporary & Permanent Visa Numbers & Strategies for Getting Them," American Council on International Personnel (June 2009)
- "EB-5 Immigrant Investors: Here And Now," ILW webinar (November 20, 2008)
- "Workplace Enforcement," Federal Bar Association Chicago Chapter's conference on Work Place Enforcement and Immigration (November 17, 2008)
- "Employer Enforcement: What You Need To Know Now," ILW webinar (October 9, 2008)
- "Keys to Change," 56th Annual Mississippi Manufacturers Association's Convention, Jackson, Mississippi (October 1-4, 2008)
- "The H-1B Lottery: Not the Only Game in Town," American Council on International Personnel (June 2008)
- "Complying with the New State Immigration Law; What is Required of Employers?," Mississippi Manufacturers Association, Jackson, Mississippi (May 21, 2008)

- "Representing the Unlawfully Present Alien" and "The Impact of I-9 Enforcement and No-Match Social Security Letters," Federal Bar Association's Annual Immigration Seminar, Memphis, Tennessee (May 15-16, 2008)
- "Conducting Self-Audits to Minimize Exposure and Ensure Compliance to Civil and Criminal Liability," American Conference Institute's "Worksite and Immigration Compliance" conference, Chicago, Illinois (February 29, 2008)
- "Immigration Policy and Legal Issues: Are We Headed Toward a National Identity Card?," 3rd Annual Homeland Security Law Institute, Washington, D.C. (January 2008)
- "Weathering the ICE Storm: Immigration Compliance and Disaster Preparedness," Baker Donelson webinar (November 15-16, 2007)
- "ICE Initiatives: What Employers Should Know About the Current Landscape," Federal Bar Association Chicago Chapter's conference on Work Place Enforcement and Immigration (November 14, 2007)
- "Updates from USCIS HQ and Service Centers Regarding Transformation, Bispecialization, Premium Processing and E-filing Regulatory and Policy Developments," PLI Immigration Program, New York, New York (October 9, 2007)
- "Crossing the Border: Update from the Department of State, Customs and Border Protection and U.S. Visit," American Council on International Personnel (June 2007)



Webinars

- Let My People Come! (September 2020)
- Immigration Restrictions Amidst COVID and Politics: What's Going On and What to Do (July 2020)



Education

- Vanderbilt University School of Law, J.D., 1985
- University of North Carolina, B.A., 1982
- The McCallie School, 1978



Admissions

- Tennessee, 1988
- North Carolina (Inactive)