

# **EXHIBIT 2**

**DECLARATION OF MARTY CUMMINS**  
**PURSUANT TO 28 U.S.C. § 1746**

I, Walter M. “Marty” Cummins, Jr., of legal age, resident of Florida, declare, under penalty of perjury and based on personal knowledge, as follows:

1. I am the President of Florida EB5 Investments, LLC (“**EB-5 Investments**”) established under the laws of the State of Florida in 2008.
2. The EB-5 Immigrant Investor Program (“**EB-5**” or the “**Program**”) allows foreign nationals and their families to apply for permanent residence to the United States if such individuals 1) make an investment in a commercial enterprise in the United States, and 2) plan to create or preserve ten (10) permanent full-time jobs for qualified domestic workers.
3. EB-5 Investments is an EB-5 regional center, an organization designated by United States Citizenship and Immigration Services (“**USCIS**”) that sponsors capital investment projects with investments from applicants to the EB-5 Program.
4. Beginning in 2008, developers with good business ideas had difficulty obtaining traditional loans from domestic sources to fund their projects. I thought that perhaps EB-5 investors could be a potential source of funding for these projects. EB-5 Investments was designated as a regional center by USCIS in 2010.
5. Developers of projects or businesses (“**affiliates**”) seek out EB-5 Investments through referrals or through the USCIS listing of designated regional centers. EB5 Investments provides the individual investors with a “designation letter” as a part of the documents submitted by EB5 investors interested in investing in the affiliate projects. Each investor pays EB5 Investments a portion of the administration fee to work with a regional center. EB5 Investments also receives an annual fee from affiliates for maintaining the regional center. EB5 Investments

currently has more than 40 active affiliates. Our annual gross revenue has ranged from approximately \$400,000 to \$1.1 million.

6. To date, our affiliates have had over 600 I-526 visa petitions approved. Nearly all of the projects are in targeted employment areas (“TEA”). Thus, these projects create jobs in historically underserved areas. The affiliates have fully or partially funded a variety of businesses including hotels, resorts, schools for autistic children, assisted living facilities, apartments, and the Orlando Soccer Stadium. A number of the affiliate projects would likely not be possible without the EB-5 Program.

7. Since 2010, our affiliates have raised over \$300 million. Virtually every project in our regional center has been in a TEA.

8. Regional centers provide a valuable service to affiliates and investors. EB-5 Investments gives its affiliates the opportunity to use economic analyses to satisfy the job creation requirement through both direct and *indirect* job creation. Without this ability, investors would struggle meeting the job creation requirement – especially in TEAs. Regional centers promote increased domestic capital, job creation, improved regional productivity, and increased economic growth.

9. The new rule by USCIS (the “**Rule**”) increases the minimum investment that immigrant investors need to make in order to apply for permanent residency through the Program. This rule change would have drastic effects on regional centers like us and the businesses and projects that rely on them. We have already seen effects from the Rule in the time between the Rule’s announcement and its effective date. Several of our affiliate projects are uncertain about the sustainability of the Program after the increased investment requirement

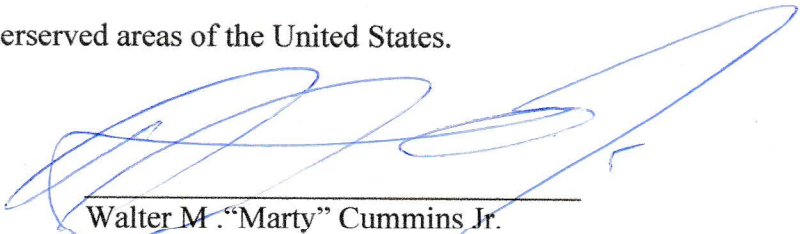
takes effect, so they have suspended EB5 activity on these projects. Some projects have stopped seeking funds from EB-5 investors.

10. We anticipate that the Rule will continue to have drastic effects on the projects of our affiliates and the EB-5 Program. We have heard from our affiliates that a majority of the projects will stop raising money from the Program because of the uncertainty of foreign investors' interest in the increased investment requirement. We fear that some affiliates may even feel they should consider walking away from their pending EB-5 projects, refunding the foreign nationals' investments, and pulling out of the Program entirely. Between the wait for green cards and the steep increase in required investment, we fear that investors simply do not think the EB-5 Program is a reliable pathway to a visa to the US.

11. Such a lack of investor interest will have severe consequences for EB-5 Investments. 100 percent of our business income comes from administration fees from investors and annual fees from our affiliates. While existing affiliates *who have not already withdrawn from the Program* must continue to pay fees while foreign investors await their visa approvals, we anticipate that EB-5 Investments will not see any additional affiliates join our Regional Center. We estimate that within 1 or 2 years, the Rule will likely reduce our annual fee income to as little as \$100,000 or even less. These numbers will continue to dwindle as fewer to no new projects or investors utilize the Program.

12. EB-5 Investments needs reliable access to the Program to continue to assist affiliates to fund businesses, especially in underserved areas of the United States.

Executed on 11/26, 2019

  
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Walter M. "Marty" Cummins Jr.  
President  
Florida EB5 Investments, LLC