

# IL BOLLETTINO IS BACK

THE ITALIAN-AMERICAN LAWYERS ASSOCIATION OF LOS ANGELES (IALA)

## Investor Visas for Italian Citizens

By Luna Veronese

Dear Bollettino Readers and Members of the Italian American Lawyers Associations,

Many of us have Italian-born parents or grandparents who decided to move to the new world in search of a better life and new opportunities. Back then – whether decades or centuries ago – the immigration process was difficult, long, expensive and represented a monumental decision that very likely affected your families forever. Your predecessors likely spent months gathering money and goods, planning their future, and weeks traveling in ships often in sparse conditions. Once they got here, the challenge was establishing a whole new life, creating opportunities to support their families and succeed

in a new and promising country. Decades have passed and nowadays the trip itself is easier and can take just a few hours. However, the opportunities and means of starting a new life overseas are more restricted. Immigration laws were shaped to organize and limit the flow of those who intend to re-establish themselves in other countries and given the constant and unprecedented increase in emigration numbers worldwide, rules of admissibility had to be established, and people who plan to leave their countries to start a new life must abide by that country's immigration rules.

## President's Messaggio

*Connecting with our Italian Roots  
The Italian American Lawyers Association of Los Angeles continuously provides an interesting conduit to further connect with my Italian roots. Those attending last month's meeting were privileged to hear our guest speaker Dottor Domenico Meschino, PhD, and learn about dual citizenship, investing in Italy and retiring in Italy. It was a very informative evening, thank you Dr. Meschino.*



*The June meeting was arranged to alleviate much of the stress we get being in the legal profession. Our featured performer was the hilarious Italian comedian Candace Guardino. She guaranteed to put smiles on our faces and brought laughter and gut busting jokes to share with our friends!*

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When it comes to American immigration law, fitting in a category that allows a foreigner to live and make a living in the United States can be challenging. The options are restricted and the standards applied are higher than ever. However, Italians who wish to start or expand their business have a better chance than most compared to citizens of other countries: the E-1 Treaty Trader Visa and E-2 Treaty Investor Visa are good options for our fellow countrymen who wish to commercially invest or trade in America.

Both E-1 and E-2 Visas are possible because Italy and the US entered into a treaty of commerce and navigation on July 26, 1949, which allows Italians' nationals who carry a substantial and principal trade with the US or who have invested or are in the process of investing a substantial amount of capital in a bona fide enterprise in the US, the ability to obtain a nonimmigrant visa to develop and direct the trade or investment

enterprise here in the country.

Unlike other nations that are not treaty-signatories where investments must amount to almost \$1 million, for Italian citizens, while there are no official minimum requirements regarding monetary values, the investment could be in some cases as low as \$100,000. According to CFR 214.2(e), the financial prerequisite for the Treaty Trader's visa is that the trade must be substantial, meaning that the flow of international trade items is continuous, significant, and valuable. For the Treaty Investor's Visa, the substantial amount relates to the total cost of establishing an enterprise and it must be sufficient to ensure commitment to the success of the enterprise.

It is also essential for the E-1 Treaty Trader Visa that over 50% of the total volume of the international trade is between Italy and the US, then meeting the requirement that the trade is substantial and principal. The employee of the treaty trader who is

looking for the nonimmigrant visa status must be employed as an executive, supervisor, or have special qualifications.

For E-2 Treaty Investors, it is mandatory that the foreign investor applying for the visa owns at least 50% of the enterprise or possess operational control through a managerial or executive position. Also, the investment must effectively be at risk, meaning that the capital invested must be subject to loss (i.e., not sitting in a savings account). Finally, the substantial investment must be in a bona fide enterprise which means that the business must be a real, active, and operating a commercial or entrepreneurial undertaking.

E-1 and E-2 Visas are granted initially for a maximum of two years and can be extended in increments of up to two years. There is no limitation regarding how many times the period of stay can be extended, as long as the foreigner is actively working in the enterprise. An E-1 or E-2

visa holder is entitled to bring spouses and unmarried children under 21 years of age, and spouses are authorized to work in the US as well.

It is never easy to migrate and restart a life in a different country and many of us have our predecessors to thank for facing the challenge. However, it is good to know that our Italian

countrymen still have a great opportunity to come to the US to start or expand their business, with their families, and live and work in this great country for as long as their business is active.

## MEET JUDGE FRISCO JR., IF YOU HAVEN'T ...

*Interviewed By Mariana Noli*

I first met Judge Christopher Frisco back in 2007 when I became a member of our IALA family. Most of us still think of and refer to him as "Chris" both inside and outside of the courtroom. It is not lack of respect for his well-earned position that we call him Chris, it is because we see him more as a member of the close IALA family than as a stodgy bench officer. Apologies for the informality at times, your Honor.



Some of you may remember him as our group's President in 2001. I met him a few years

after that when he was still working as a deputy district attorney in Compton. Chris frequently attended our meetings accompanied by his father, the Honorable Charles Edward Frisco. The senior Judge Frisco helped found our organization along with Judge Mario Clinco, Paul Caruso, Michael Pontrelli, Gene Carloni, Eugene Damiano and Carl Capozzola and was an occasional speaker and emcee for the California Supreme Court dinners.

The younger Judge Frisco spoke recently at one of our better attended events titled: "So you want to be a judge"? Josh Groban, David Fu, Judge Randy Hammock, Judge Lisa Sepe-Wiesenfeld, and Judge Alicia Rosenberg spoke as well. Each person gave a detailed account of the process and procedure for applying, or in the alternative, for running to become a judge. Chris had the good fortune of being elected without opposition and he spoke of how best to maximize your chances of success in a judicial race. In

case you weren't present to hear him speak, allow me to introduce the Honorable Christopher John Frisco.

*M: Thank you for taking the time to answer a few questions. Why is the Italian American Lawyers Association (IALA) so important to you?*

*Chris: My father drove me to my first meeting back in 1980 (I didn't have a car). Monsignor Moretti was being honored and spoke eloquently, especially when he quoted Aristotle. An Italian quoting a Greek scholar; now that was for me. I felt as though I were being introduced to my other unknown Italian family. I was immediately welcomed into the fold and was impressed with my first exposure to an Italian cultural identity en masse. I took pride in my Italian American heritage and have considered IALA my extended family ever since.*

*M: Have you seen many changes in our organization since the time when you were*

our President back in 2001?

*Chris: Not really. The times and people have changed but the core values of the Founders are exactly the same, namely, pride in cultural identity but more importantly, the appreciation of and love of family and friends. Many people, including our own members, do not know of the abuse and discrimination that we Italian Americans suffered in this country. In the south, Sicilians were not considered "white" and were subject to the very same Jim Crow laws that were in place to oppress the African American community. In other parts of America, Italians were discriminated against in jobs and housing. After December 7, 1941, many Italian Americans were also arrested and some interned though not to the extent of the Japanese Americans. We Italian Americans have come a long way. Would it have been possible for not one but two Italian Americans to serve on the highest court in this country just sixty years ago? It would have been unimaginable.*



*M: Do you have any anecdotes or stories to share with us about the many years in this group?*

*Chris: I have always leaned heavily to my Italian side. I have fond memories of Roger and Jo-Ann Grace (my favorite Republicans) and Tom Cacciatore (my favorite Democrat). The fact that the organization functions well with many people of differing opinions and politics is an example for our country as a whole. People disagree vehemently but still respect one another and the rights of the person espousing such beliefs. Those who have since passed on such as Paul Caruso and Justice Paul Turner are burned into my memory as well. Both Pauls were incredibly kind, witty and gifted men. On November 16, 1994, Justice Turner emceed my father's retirement dinner. He was hilarious and on par with any professional comedian of his day even while speaking on the antiquated and barely functioning sound system at the Casa. As the speakers crackled, popped and hummed, Paul cheerfully quipped that he was very proud to speak on a sound system that was engineered, designed and installed by Guglielmo Marconi.*

*At another dinner, Justice Robert Mallano was honored. Many a distinguished guest spoke but none so touching as a nun who was Justice Mallano's second grade teacher. She shared many an embarrassing story of her renowned student, much to the consternation of Justice Mallano. I wish I could relive those nights.*

*When I was a DDA, whenever I met an attorney of Italian descent, I would encourage him or her to join or at least attend our IALA dinners. I suspect more than one defense attorney attended to get on my good side, but trust me, even then they did not get a better deal. At least they enjoyed the meal and the company of the IALA.*



The Honorable Christopher John Frisco (Chris), is currently serving as a judge of the Los Angeles County Superior Court in California. He was elected without opposition in the primary on June 3, 2014. He officially took office on January 5, 2015. Many of us from IALA were present as was his father.

Chris earned his Bachelor of Science degree from Pitzer College, member of the Claremont Colleges and his JD from Southwestern Law School. Prior to his election to the bench, he was a deputy district attorney for Los Angeles County for more than twenty-five years. Chris is currently assigned to the Governor George Deukmejian Courthouse in Long Beach, Dept. 2.

As you know, Judge Clinco's vision for our organization was to promote Italian Cultural pride and to facilitate the appointment of Italian-American judges in Los Angeles County.

On behalf of your IALA family, we thank you for making us proud. We could not be more thrilled to have yet another Italian American judge on the Bench, A jurist who understands well from whence he came.

Judge Frisco shares our love of the Italian culture and the rich heritage that binds each of us in the IALA. He is also quite aware of the many sacrifices of all Italian immigrants whose suffering made his career possible.

*IALA has given me the opportunity to make many friends. Now another plus, I became a member of the National Italian American Bar Association NIABA. With NIABA, my husband and I had the most amazing mini vacation in Las Vegas. Our dinner meeting was at Ferraras, one of the finest Italian restaurants in the nation with over 5,000 bottles of Italian wine on location! That's probably the largest selection/collection of Italian wine offered in one single restaurant in the world! If you choose to spring for one of the more expensive bottles \$1500 will cover the bill and the same wine on the strip sells for double! The pasta is made from scratch daily and the dinner was exquisite. The owners made sure to come chat with us and the private room was really first class!*

*Motivated by being a part of IALA and the urge to further connect with Italian culture, this summer my family is learning to speak Italian for our visit to Italy next year.*

*In August at our Casa meeting we will hear about the revival of Little Italy in Los Angeles. If possible, I urge all of you to become active in the revitalization project.*

*What can the IALA organization do for the members? President John F. Kennedy's famous quote: "It's not what your country can do for you, it's what you can do for your country." This concept applies here. It's not what IALA can do for me, it's what can I do for IALA. Being active offers many benefits which for me included expanding my lawyer network, making new friends and business relationships that resulted in receiving client referrals, and a lot of fantastic monthly moscocholli dinners at the casa!*

*I challenge you to bring someone as a guest to each monthly meeting be it a friend, family member, business associate, or for extra points another lawyer! There is power in numbers and vibrant synergy will keep us all moving forward!*

*Alice Salvo, IALA 2018 President*