

**William Wiebe**

**Immovable Properties**

One Brooklyn Bridge Park

March 14 – June 30, 2020

I turned off airplane mode as soon as the coastline broke free, loosing a shudder of new messages that sang with the vibrating metal craft, tumbling in the sea breeze. While my seatmates cooed along to the turbulence, I caught a single illuminated masthead listing eastward below us, lonely in the black.

My initial plans consisted chiefly of the texts I had exchanged with a real estate broker who was letting some flats around an as-yet-uncompleted plaza by Zaha Hadid Architects in Nicosia. From the comfort of my bedroom in Chicago, an apartment overlooking the beleaguered construction project sounded exotic, or exotic enough not to consider in fine detail. Wasn't a brand name global architect drawing bloated subsidies from the European Regional Development Fund—nominally, a redistributive financial instrument of the European Union's cohesion policy—as promising a setting for my research as any? Despite my urgency to develop a context for my presence on the island, my project was then little more than a vague outline, events and ideas noted simply by the amount they might debit my fellowship income.

The tarmac reeked. A curling, dense haze drifted under the sodium lamps, entwining the brackish off-gassings of the marsh in a sticky exhale of mango. I had imagined a sense of purpose from the vantage of the jet, but the dim yellow lighting on the airstrip flattened my vision, curdled the in-flight whiskey. Even the shadow of the plane wore its tint, punctuated only by a silent chorus of glowing vape pens. Soon the smell of Cyprus would be wild thyme interlacing the dusty chaparral, winding church alleyways dank with jasmine and cat piss. In the crowd of budget passengers, it was the sweat of middle-aged Swedes and their collective will to quit smoking.

Filing on to the apron bus, we drew away from the yellow scrub, the yellow chainlink, the yellow baggage handlers and into the flash of illuminated signage that heralded our arrival:

ECONOMIC RECESSION OR BIG OPPORTUNITY? DELOITTE.

塞浦路斯房地产

CYPRUS PROPERTIES

CYPRUS PROPERTY = A EUROPEAN IDENTITY

INVEST IN ONE OF OUR CYPRIOT PROPERTIES TODAY & ACQUIRE A GOLDEN VISA GUARANTEED BY OUR ELITE TEAM OF IMMIGRATION LAWYERS

AS A BROKER WAS MEANT TO BE. IQ OPTION | THE POWER OF MARKETS.

RISK WARNING: INVESTING INVOLVES A HIGH DEGREE OF RISK. BETWEEN 74-89% OF RETAIL INVESTOR ACCOUNTS LOSE MONEY WHEN TRADING CFDs. YOU SHOULD CONSIDER WHETHER YOU CAN AFFORD TO TAKE THE HIGH RISK OF LOSING YOUR MONEY.

Thanks to: Duncan Bass, Daisy Charles, Selina Grüter, Jesse Meredith, Christodoulos Panayiotou, Chuck Wiebe, Richard Wiebe, the Cyprus University of Technology Department of Fine Arts, and NeMe (Limassol, Cyprus)

*Distinction, 2020*

Anonymized press submitted in satisfaction of the evidentiary criteria for O-1B and EB-1 visas

11 ½ x 10 x 1 in. (29 x 25 x 2.5 cm)

The Immigration Act of 1990 created five categories of preference allocation for employment-based immigrants in the United States.

The first preference EB-1 visa (and its nonimmigrant visa equivalent, the O-1 visa) awards priority status to individuals classified as “aliens with extraordinary ability,” for which one must “demonstrate extraordinary ability [...] through sustained national or international acclaim.”<sup>1</sup>

Extraordinary ability in the field of arts means distinction. Distinction means a high level of achievement in the field of the arts evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that a person described as prominent is renowned, leading, or well-known in the field of arts.<sup>2</sup>

To satisfy the criteria established for demonstrating extraordinary ability, artists applying for the EB-1 and O-1 visas may submit written material that has supported public presentations of their work, provided that the published material has been “printed in professional or major trade publications or other major media.”<sup>3</sup>

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<sup>1</sup> 8 USC § 1153(b)(1)

8 C.F.R. § 204.5(h)(3)

<sup>2</sup> 8 CFR § 214.2(o)(3)(ii)

<sup>3</sup> “Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A),” U.S. Citizenship and Immigration Services Texas Service Center, Apr. 9, 2013.

*PERMANENT, FULL-TIME EMPLOYMENT, INC., 2020*

New Commercial Enterprise (NCE) established to satisfy the requirements of the EB-5 visa, pending activation by an investment of capital in an amount not less than the statutory minimum by an immigrant investor

The fifth preference EB-5 visa provides a path to citizenship for alien investors who make an investment of capital not less than the statutory minimum in a new commercial enterprise “which will benefit the United States economy” and “create permanent, full-time employment” for at least 10 qualifying U.S. workers in the United States.<sup>1</sup>

The immigrant investor category requires three main elements:

- An investment of capital;
- In a new commercial enterprise;
- Which creates jobs.<sup>2</sup>

The EB-5 program allows the state to extract monopoly rent on its exclusive territorial sovereignty and its prerogative power of immigration enforcement. Its popularity owes largely to the disappearance of traditional financing after the 2008 financial crisis.<sup>3</sup>

PERMANENT, FULL-TIME EMPLOYMENT, INC. is a New Commercial Enterprise filed with the NYS Department of State. Following the requisite investment by an immigrant investor, PERMANENT, FULL-TIME EMPLOYMENT, INC. will be operated as a benefit corporation in fulfillment of the requirements of the EB-5 visa program.

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<sup>1</sup> 8 USC § 1153(b)(5)

8 C.F.R. § 204.6(j)(2)

*Matter of Ho*, 22 I&N Dec. 206 (Assoc. Comm. 1998).

<sup>2</sup> U.S. Citizenship and Immigration Services Policy Manual, Volume 6, Part G, Chapter 2.

<sup>3</sup> Peter Elkind and Marty Jones, “The dark, disturbing world of the visa-for-sale program,” *Fortune*, July 24, 2014.

3

*Trilogy (Limassol Seafront)*, 2019

Chromogenic print mounted on aluminum in metal frame

Framed: 36 x 27 in. (69 x 92 cm)

4

*Trilogy (Limassol Seafront)*, 2019

Chromogenic print mounted on aluminum in metal frame

Framed: 36 x 27 in. (69 x 92 cm)

5

*Trilogy (Limassol Seafront)*, 2019

Chromogenic print mounted on aluminum in metal frame

Framed: 36 x 27 in. (69 x 92 cm)

Section 111A(2) of the Cypriot Civil Registry Law provides the basis of the Cyprus Investment Programme. The Programme provides for the acquisition of Cypriot citizenship through the fulfillment of certain financial criteria, typically an investment of at least two million euros in the purchase or construction of buildings or other land development or infrastructure projects.<sup>1</sup>

With no residency requirement, the development projects animated by the Programme stand in for an otherwise virtual citizenship.<sup>2</sup> The citizenship-by-investment scheme is not merely a form of asset-storage, but an immanent counter-statecraft that scrambles territorial specificity and adjusts mean property values upwards while inducing the creation of capital-intensive architectural forms.

Considering the relationship between architectural photography and his concept of the “rent of form” — “monopolistic income intrinsic to unique and spectacular architectural form[s]” — Pedro Fiori Arantes writes:

Architecture no longer occurs in the *promenade*, in the lived experience, but rather in a static and optical hyperenhanced representation. Architecture is abstracted from its context, with its structure of complex relationships, to become an autonomous, plastic, and seductive form, which then circulates as a concept.<sup>3</sup>

This architecture begins and ends with a virtuality, from the computer rendering in which “one can obtain light from places that do not emit light, and colors and brightness that are not from real materials” to the meticulous images of the completed building that firms marshal to generate additional rent.<sup>4</sup> Arantes’ contention that “the product is no longer an object, but a piece of data to be manipulated” (and its elision of the laboring body) holds true equally for the citizenship-by-investment scheme these image-forms broker.<sup>5</sup>

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<sup>1</sup> “Cyprus Investment Programme,” Cyprus Ministry of Interior, Feb. 28, 2019.

<sup>2</sup> James Bridle, “The Rise of Virtual Citizenship,” *Atlantic*, Feb. 21, 2018.

<sup>3</sup> Pedro Fiori Arantes, *The Rent of Form: Architecture and Labor in the Digital Age*, trans. Adriana Kauffmann (Minneapolis: University of Minnesota Press, 2019), 2, 12, 13.

<sup>4</sup> *Ibid.*, 13, 15.

<sup>5</sup> *Ibid.*, 73.

6

*European Council Regulation 866/2004, Article 4a(1)(e), 2019*

Forty steel brackets with Cyprus Customs & Excise Form C.P. 5

8 x 5 ½ x 1 ¾ in. (20 x 14 x 4.5 cm)

7

*European Council Regulation 866/2004, Article 4a(1)(e), 2019*

Five rolls of wood trim with Cyprus Customs & Excise Form C.P. 5

Each 16 ½ x 1 in. (42 x 2.5 cm)

8

*European Council Regulation 866/2004, Article 4a(1)(e), 2019*

Tow strap with Cyprus Customs & Excise Form C.P. 5

196 x 2 in. (500 x 5.5 cm)

9

*European Council Regulation 866/2004, Article 4a(1)(e), 2019*

Rechargeable flood light with Cyprus Customs & Excise Form C.P. 5

13 x 9 x 7 ½ in. (34 x 24 x 18.5 cm)

10

*European Council Regulation 866/2004, Article 4a(1)(e), 2019*

Sink covering with Cyprus Customs & Excise Form C.P. 5

44 ¾ x 19 ½ x 5 ½ in. (116 x 50 x 14.5 cm)

11

*European Council Regulation 866/2004, Article 4a(1)(e) (A pair of "Private" door handles), 2019*

Chromogenic print mounted on aluminum

21 ¼ x 16 in. (54 x 41 cm)

12

*Provisional Readymades, 2019 (First US Edition) / collaboration with Daisy Charles*

Auction catalogue

10 ¾ x 8 ¼ in. (27 x 21 cm)

A divided Cyprus acceded to the European Union on 1 May 2004, after the Greek Cypriot community rejected a referendum on reunification on 24 April. In the intervening week, the European Council passed Regulation No. 866/2004, suspending the application of the laws of the European Community in the Turkish-occupied north.

The regulation devolves to the Republic of Cyprus the responsibility for establishing "special rules concerning the crossing of goods, services and persons" from the Turkish-occupied north into the sovereign Republic of Cyprus:

As the abovementioned areas are temporarily outside the customs and fiscal territory of the Community and outside the area of freedom, justice and security, the special rules should

secure an equivalent standard of protection of the security of the EU with regard to illegal immigration and threats to public order, and of its economic interests as far as the movement of goods is concerned.<sup>1</sup>

Only goods wholly obtained in the Turkish-occupied north and goods that have undergone their last, substantial, economically justified processing in those areas may be traded south into the areas under the Republic of Cyprus' control.<sup>2</sup> Of the top ten goods traded from north to south, nine are input materials.<sup>3</sup> The largest transaction by value, however, is construction labor; by 2007, 2300-2500 Turkish Cypriot workers were already carrying €51.3M-€55.8M in wages northwards.<sup>4</sup>

Article 4a(1)(e) of the regulation provides a special dispensation for the temporary introduction of goods if they are "to be exhibited or used at a public event."

An invitation was obtained to present an exhibition at the NeMe Arts Centre in Limassol (Republic of Cyprus). Following the procedure enumerated in Article 5, the goods were "accompanied by a declaration stating the purpose of the temporary introduction" and "supporting documentation [...] providing reasonable evidence that the goods" were to be exhibited at a public event.<sup>5</sup>

This documentation comprises an auction catalogue in which each object is illustrated, inventoried, and described according to the standards typically afforded works of art offered for auction in the contemporary art market.

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<sup>1</sup> European Council Regulation No. 866/2004.

<sup>2</sup> Ibid.

<sup>3</sup> Calculated from Turkish Cypriot Chamber of Commerce (KTTO) data.

<sup>4</sup> Mete Hatay, Fiona Mullen, and Julia Kalimeri, *Intra-island trade in Cyprus: Obstacles, oppositions and psychological barriers* (Oslo: International Peace Research Institute Oslo, 2008), 23.

<sup>5</sup> European Council Regulation No. 866/2004.

After the implementation of the US Transportation Security Administration's 3-1-1 liquids rule in the wake of the 2006 transatlantic aircraft plot, some airports began providing air travel-compliant resealable bags as a convenience to travelers. Like the terrorist events that preceded it in the early 2000s, the immediate effect of the 2006 plot on the market was minimal and short-lived (a .6% decline).<sup>1</sup> The long-term economic consequences surface instead as decreasing remittance flows, due to the tightening of visa requirements and the enforcement of new immigration controls.<sup>2</sup>

In their joint 2018 publication, *Interference with Humanitarian Aid: Death and Disappearance on the US-Mexico Border*, La Coalición de Derechos Humanos and No More Deaths documented 415 instances of vandalism of water gallons by the United States Border Patrol, destroying "at least 3,586 gallon jugs of water [...] in an approximately 800-square mile desert corridor near Arivaca, Arizona."<sup>3</sup>

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<sup>1</sup> "A few months [after September 11, 2001], however, the direct economic effects seemed to have largely vanished. [...] Confidence and equity prices bounced back rapidly." Patrick Lenain, Marco Bonturi and Vincent Koen, "The Economic Consequences of Terrorism," *OECD Economics Department Working Papers* no. 334 (Paris: OECD Publishing, 2002), 4.

"The muted reaction to news of the plot [suggested] that terror risk may already be priced into asset valuations."

"Terror may already be priced into values," *Times* (London), Aug. 11, 2006.

<sup>2</sup> Patrick Lenain et al., "Economic Consequences," 28.

<sup>3</sup> *Interference with Humanitarian Aid: Death and Disappearance on the US-Mexico Border* (Tucson, AZ: La Coalición de Derechos Humanos and No More Deaths, 2018), 1.

*Fixture*, 2020

Materials at One Brooklyn Bridge Park provided by Licensor (Chashama, Inc.) in excess of those provided by Landlord (RAL Companies, Vanke US, and Oliver's Realty Group)

Chashama is a nonprofit arts organization that partners with property owners to provide space to artists. The organization is the project of Anita Durst, great-granddaughter of the founder of the Durst Organization, which was instrumental to the development of midtown Manhattan and continues to manage and operate nearly 2,000 rental units and 13-million square feet of office space in New York City.<sup>1</sup> Chashama celebrates a reality of gentrification that otherwise surfaces only as negation, astroturfing cultural programming for precisely the same real estate interests that starve out affordable housing and creative spaces.<sup>2</sup>

The redevelopment of One Brooklyn Bridge Park (the trade name of 360 Furman Street) is a joint project of RAL Companies, Vanke US, and Oliver's Realty Group. After quashing a legal challenge in 2018, the consortium opened two luxury high-rises on an adjacent plot on long-term lease from the Brooklyn Bridge Park Corporation. These in-park developments allow the consortium (and, correspondingly, the BBPC) to collect monopoly rent on the exclusive position of their properties on a site constructed with public monies.<sup>3</sup>

Relative surplus value (excess profits) can accrue to capitalists with access to use values of superior quality—easily mined mineral resources, powerful ‘forces of nature’ or land of superior natural fertility. The relative surplus value is a *permanent fixture*, however, as compared with the normal case where it is achieved only fleetingly through ephemeral technological advantage (*Theories of Surplus Value*, pt 2, p. 95).<sup>4</sup>

At One Brooklyn Bridge Park, Vanke US, RAL Companies & Affiliates, and Oliver's Realty Group appropriate surplus value on the basis of non-replicable cultural and geographic claims, namely the amenities of the publicly-funded park and waterfront. The Durst Organization and Vanke have also pursued EB-5 funding for past projects, including Halletts Point (\$100M, Durst), 625 West 57th Street (\$180M-\$260M, Durst), 855 Avenue of the Americas (\$80M, Durst), and 100 East 53rd Street (\$50M unconfirmed, Vanke).<sup>5</sup>

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<sup>1</sup> James Traub, “The Dursts Have Odd Properties,” *New York Times*, Oct. 6, 2002.

“Douglas Durst - Chairman,” The Durst Organization, accessed Feb. 29, 2020, <https://www.durst.org/about/executives/douglas-durst>.

<sup>2</sup> “For the site of this brave new art scene is also a strategic urban arena where the city, financed by big capital, wages its war of position against an impoverished and increasingly isolated local population.” Rosalyn Deutsche, “The Fine Art of Gentrification,” *October* 31, Winter (1984): 93.

<sup>3</sup> Adam Bonislawski, “Brooklyn Bridge Park is turning everything it touches to gold,” *New York Post*, Feb. 16, 2017. Alison Gregor, “Condos That Fund a Brooklyn Park,” *New York Times*, Nov. 22, 2013.

<sup>4</sup> David Harvey, *The Limits to Capital* (Brooklyn: Verso, 2006), 335.

<sup>5</sup> Eliot Brown, “Towers Rise on EB-5 Funds,” *Wall Street Journal*, May 27, 2013.

Jeanne Calderon and Gary Friedland, “EB-5 Project Database: 2017 Supplement with Trends and Observations” *Center for Real Estate Finance Research* (New York: NYU Stern School of Business, 2017), 9, 12.

Jeanne Calderon and Gary Friedland, “EB-5 Capital Project Database: Revisited and Expanded,” *Center for Real Estate Finance Research* (New York: NYU Stern School of Business, 2016), 6.