U.S. Department of Homeland Security U.S. Citizenship and Immigration Services Immigrant Investor Program 131 M Street, NE, MS 2235 Washington, DC 20529



TO:

DATE: February 21, 2020
Application: Form I-924
A-Number:
RCID / File:

## NOTICE OF INTENT TO TERMINATE

This notice is in reference to the approved designation of the "Regional Center"), as a regional center in the Immigrant Investor Program (the "Program"). The purpose of this notice is to notify the Regional Center that, pursuant to 8 C.F.R. § 204.6(m)(6), U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the participation of the Regional Center in the Program because it no longer serves the purpose of promoting economic growth.

### (SEE ATTACHED)

Pursuant to 8 C.F.R. 204.6(m)(6), you are provided thirty (30) days from receipt of this notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged.

Failure to respond within the time allotted may result in the termination of your designation for participation as a regional center in the Immigrant Investor Program.

Your deadline for submitting a response is: March 25, 2020.

Keep a photocopy of this notice for your records. If you otherwise write to us about your case, please provide a copy of this notice.

You will be notified separately about any other applications or petitions you have filed.

Please send your response to this address:

U.S. Citizenship and Immigration Services Immigrant Investor Program Office 131 M Street, NE Mailstop 2235 Washington, DC 20529

IMPORTANT: RETURN THIS ORIGINAL NOTICE ON TOP OF YOUR RESPONSE.



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#### NOTICE OF INTENT TO TERMINATE

# Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program

This notice is in reference to the approved designation of the "Regional Center"), as a regional center in the Immigrant Investor Program (the "Program"). The purpose of this notice is to notify the Regional Center that, pursuant to 8 C.F.R. § 204.6(m)(6), U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the designation of the Regional Center in the Program because:

 USCIS has determined that the Regional Center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

The regulation at 8 C.F.R. § 204.6(m)(6) (Continued participation requirements for regional centers) provides:

- (i) Regional centers approved for participation in the program must:
  - (A) Continue to meet the requirements of section 610(a) of the Appropriations Act.
  - (B) Provide USCIS with updated information annually, and/or as otherwise requested by USCIS, to demonstrate that the regional center is continuing to promote economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area, using a form designated for this purpose; and
  - (C) Pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX).
- (ii) USCIS will issue a notice of intent to terminate the designation of a regional center in the program if:
  - (A) A regional center fails to submit the information required in paragraph (m)(6)(i)(B) of this section, or pay the associated fee; or

<sup>&</sup>lt;sup>1</sup> Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992), as amended (hereinafter "Appropriations Act").

- (B) USCIS determines that the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.
- (iii) A notice of intent to terminate the designation of a regional center will be sent to the regional center and set forth the reasons for termination.
- (iv) The regional center will be provided 30 days from receipt of the notice of intent to terminate to rebut the ground or grounds stated in the notice of intent to terminate.
- (v) USCIS will notify the regional center of the final decision. If USCIS determines that the regional center's participation in the program should be terminated, USCIS will state the reasons for termination. The regional center may appeal the final termination decision in accordance with 8 CFR 103.3.
- (vi) A regional center may elect to withdraw from the program and request a termination of the regional center designation. The regional center must notify USCIS of such election in the form of a letter or as otherwise requested by USCIS. USCIS will notify the regional center of its decision regarding the withdrawal request in writing.

#### I. Procedural History

#### A. Initial Designation

On JSCIS designated the Regional Center following approval of its application to participate in the Program.

#### B. Annual Reports (Forms I-924A)

The table below summarizes the information that the Regional Center provided to USCIS in the most recent Forms 1-924A regarding the claimed aggregate amount of capital investment from EB-5 petitioners associated with the Regional Center and the aggregate number of direct and indirect jobs created and maintained as a result of those investments per year.

Fiscal Year	Receipt No.	Aggregate EB-5 Capital Investment	Aggregate Direct/ Indirect Job Creation	Aggregate Jobs Maintained
2019		0	0	0
2018		0	0	0
2017		0	0	0

#### II. Analysis

# A. Failure to Continue to Serve the Purpose of Promoting Economic Growth

Regional centers are designated for the promotion of economic growth and must continue to meet the requirements of section 610(a) of the Appropriations Act as amended, and promote economic growth in a manner that does not conflict with requirements for classification under section 203(b)(5) of the Immigration and Nationality Act ("INA"), removal of conditions on lawful permanent residence under section 216A of the INA, and implementing regulations following their designation. See, e.g., 8 C.F.R. § 204.6(m)(6)(i)(A). According to section 610(a) of the Appropriations Act, economic growth includes increased export sales, improved regional productivity, job creation, or increased domestic capital investment. See also 8 C.F.R. § 204.6(m)(6)(ii) ("USCIS will issue a notice of intent to terminate the designation of a regional center in the program if . . . USCIS determines that the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.").

The reasons why a regional center may no longer serve the purpose of promoting economic growth are varied and "extend beyond inactivity on the part of a regional center." 75 FR 58962. For example, depending on the facts, a regional center that takes actions that undermine investors' ability to comply with EB-5 statutory and regulatory requirements such that investors cannot obtain EB-5 classification through investment in the regional center may no longer serve the purpose of promoting economic growth and may subvert a purpose of Section 610(a)-(b) of the Appropriations Act, which provides for regional centers as a vehicle to concentrate pooled investment in defined economic zones by setting aside visas for aliens classified under INA 203(b)(5). Likewise, a regional center that fails to engage in proper monitoring and oversight of the capital investment activities and jobs created or maintained under the sponsorship of the regional center may no longer serve the purpose of promoting economic growth in compliance with the Program and its authorities.

USCIS has considered all evidence provided "for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence," in determining whether the Regional Center's continued participation is justified under the regulations by a preponderance of the evidence. See Matter of Chawathe, 25 I&N Dec. 369, 376 (AAO 2010). For the reasons set forth below, USCIS has

determined that the Regional Center no longer serves the purpose of promoting economic growth in compliance with the Program's requirements.

#### 1. Lack of Regional Center Activity

The Regional Center's Form I-924A filing for fiscal year 2019 and the filings for the previous years do not report any EB-5 capital investment or job creation. In addition, although USCIS designated the Regional Center on Item In the Regional Center's Form I-924A filings do not report any pending or approved Forms I-526 filed by petitioners who have made or are actively in the process of making investments associated with the Regional Center.

Overall, the record fails to establish that that it has conducted activity that serves the purposes of the Program, including the "purpose of concentrating pooled investment" as required by section 610(a) of the Appropriations Act.<sup>2</sup> Since its designation as a regional center, the Applicant has not committed to a project that uses EB-5 funds to create jobs or otherwise serves the purpose of promoting economic growth.

In the absence of evidence of increased export sales, improved regional productivity, job creation, or increased domestic capital investment, USCIS concludes that the Regional Center no longer serves the purpose of promoting economic growth.

## III. Conclusion

USCIS has determined that the Regional Center does not serve the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. Therefore, USCIS intends to terminate the designation of the Regional Center in the Program.

In accordance with 8 C.F.R. § 204.6(m)(6)(iv), the Regional Center will be provided 30 days from receipt of this notice to rebut the grounds alleged above. Failure to respond to this notice of intent to terminate will result in termination of the regional center designation based on the above stated reasons.

Please mail any evidence you wish to provide in opposition to the grounds alleged in this notice of intent to terminate to the address noted below and include a copy of this letter on top of your submission.

U.S. Citizenship and Immigration Services Immigrant Investor Program Office 131 M Street NE, Mailstop 2235 Washington, DC 20529