



U.S. Citizenship
and Immigration
Services

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Mr. David M. Morris, Esq.
Mr. Stephen K. Fischel, Esq.
Ms. Angel Brunner
EB5 America
1806 11th Street, NW
Washington, DC 20001

EB5 America – DC Regional Center (DCRC)

Re: USCIS Approval of the Proposal of EB5 America - DC Regional Center (DCRC) seeking designation as a Regional Center under the Immigrant Investor Pilot Program.

DECISION:

Pursuant to Section 610 of the Appropriations Act of 1993, the application of EB5 America - DC Regional Center (DCRC) for designation by U.S. Citizenship and Immigration Services (USCIS) as a Regional Center to participate in the Immigrant Investor Pilot Program is approved. This approval and designation is for the DCRC whose contiguous geographic area encompasses the legal boundaries of the District of Columbia.

FOCUS OF INVESTMENT ACTIVITY AND CAPITAL INVESTMENT THRESHOLD:

Based on the review and analysis of the material provided in support of the amended request for the DCRC designation, USCIS approves and designates the DCRC as a regional center to operate as part of the Immigrant Investor Pilot Program. This designation encompasses the business plan, job creation model and multipliers for the DCRC reflecting that the projects in the DCRC business plan promote economic growth related to a job creating enterprise by the infusion of capital invested through the DCRC from immigrant investors.

In accepting the regional center designation proposal, USCIS has updated its records to reflect the DCRC's approval and designation, business plan, and job creation model and multipliers which provide for immigrant investor capital in the following two overlapping commercial enterprise target industry activities:

1. Hospitality (including hotels, restaurants, and entertainment)
2. Mixed-Use Real Estate Construction¹ (including hotel, retail, office and residential)

It is further noted that the economic analysis of the projected job-creating impacts of such capital investment projects provided in support of the approved proposal do not reflect construction activity and the resultant creation of temporary construction jobs that would disappear upon completion of mixed-use real estate construction projects within the geographic bounds of the regional center. The job-creating impacts in the economic analysis were estimated by applying the IMPLAN final demand multipliers for output, earnings and employment to the expenditure categories associated with the above two overlapping commercial enterprise target industry activities.

As such, aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file individual petitions with USCIS relating to investment into new commercial enterprises through the DCRC which are located within the geographic area of the DCRC as noted above. The proposal contains evidence that the legal boundaries of the District of Columbia that will comprise the DCRC constitute a contiguous region and that portions have been respectively and clearly designated as being a Targeted Employment Area (TEA) by the designated authority within the government of the District of Columbia. Therefore, the minimum capital contribution threshold for any individual immigrant investment through the DCRC into a new commercial enterprise located within the DCRC geographic area that is designated as a TEA shall be not less than \$500,000. The minimum capital contribution shall be not less than \$1,000,000 for investments through the DCRC into a new commercial enterprise located within the DCRC geographic area that is not designated as a TEA.

EMPLOYMENT CREATION AND/OR PRESERVATION:

Alien entrepreneurs who file petitions for commercial enterprises located in the DCRC area must fulfill all of the requirements set forth in 8 CFR 204.6, except that the petition need not show that the new commercial enterprises created ten new jobs indirectly as a result of the alien entrepreneur's investment. This determination has been established by way of USCIS' acceptance of the final economic analysis which is contained as part of the approved DCRC proposal and its indirect job creation model and multipliers contained within the final approved DCRC application package.

In addition, where job creation is claimed based on a multiplier rooted in underlying new "direct jobs" (or preservation of existing direct jobs in a troubled business) in support of an immigrant investor's individual I-526 petition affiliated with the DCRC, then:

- To be credited for preserving/maintaining pre-existing direct jobs for "qualified employees" within the DCRC for a "troubled business" as defined at 8 CFR 204.6(e), the individual I-526

¹ In no event may direct job creation based on construction employment cannot be counted toward the permanent job creation total for EB-5 purposes.

petition must be supported by probative evidence of the number of full time (35 hours per week) qualified employees whose positions shall be preserved/maintained throughout the alien's period of conditional residency. Such evidence should include copies of quarterly state employment tax reports, Forms W-2, Forms I-9, and any other pertinent employment records sufficient to demonstrate the number of "direct" qualifying pre-existing full time jobs in the specified troubled business have been preserved/maintained, and any other pertinent employment records sufficient to demonstrate the number of employees before the investment.

- To be credited with projected creation of new "direct" jobs for "qualifying employees" upon filing the I-526 petition, then the petition must be supported by a comprehensive detailed business plan and supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of any new direct jobs for "qualifying employees" to be achieved/realized within two years pursuant to 8 CFR 204.6(j)(4)(B).
- For purposes of an alien investor's filing of a subsequent I-829 petition to remove the conditions wherein the investment through the DCRC in an enterprise for which the initial I-526 petition approval involved the creation of new direct jobs or the creation of new indirect jobs based on a multiplier tied to underlying new direct jobs, then to support the full number of direct and indirect new jobs being claimed at that point, an alien's subsequent I-829 petition will need to be supported by probative evidence of the number of new direct full time (35 hours per week) qualified employees whose positions have been created as a result of the alien's investment. Such evidence would include copies of quarterly state employment tax reports, Forms W-2, Forms I-9, and any other pertinent employment records sufficient to demonstrate the number of qualified employees whose jobs were created directly.

INDIVIDUAL EB-5 INVESTOR AFFILIATION WITH THE REGIONAL CENTER:

Each individual petition, in order to demonstrate that it is associated with the DCRC, in conjunction with addressing all the requirements for an individual alien entrepreneur petition, shall also contain as supporting evidence relating to this regional center designation, the following:

1. A copy of this letter of approval and designation.
2. A copy of the approved regional center narrative proposal and business plan, and any applicable approved amendments.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the regional center economic analysis which has been approved by USCIS, which reflects that the capital investment by an individual alien investor of at least \$1,000,000 (non-TEA) or \$500,000 (TEA), into a commercial enterprise within the geographic area of the DCRC

will create full-time employment positions, either directly or indirectly, for not fewer than ten qualified employees.

4. A legally executed copy of the :
 - a. Memorandum of Understanding (MOU) between EB-5 America - DC Regional Center and the respective EB-America Limited Partnership Fund;
 - b. Confidential Offering Memorandum that was provided to the alien investor;
 - c. Partnership Agreement;
 - d. Subscription Agreement;
 - e. Investment and Partnership Agreement;
 - f. DCRC Marketing and Consulting Agreement;
 - g. The Escrow Agreement and instructions for the irrevocable escrow of the immigrant investor's Capital
 - h. A separate Escrow Agreement and instructions for any fees to be paid by the immigrant investor separate and apart from the capital to be invested; and
 - i. A completed, signed and dated Confidential Investor Suitability Questionnaire for the petitioning immigrant investor through the DCRC.

The approval and designation by USCIS of the DCRC does not reflect any determination on the merits of individual petitions filed by alien entrepreneurs under the Immigrant Investor Pilot Program. All petitions for alien entrepreneurs who invest within the regional center will be adjudicated by the USCIS on a case-by-case basis and each petition must be fully documented. The individual petitions must be submitted to the USCIS Texas Service Center.

DESIGNEE'S RESPONSIBILITIES INHERENT IN CONDUCT OF THE DCRC REGIONAL CENTER:

The law, as reflected in the regulations at 8 CFR 204.6(m)(6), requires that an approved regional center in order to maintain the validity of its approval and designation must continue to meet the statutory requirements of the Immigrant Investor Pilot Program by serving the purpose of promoting economic growth, including increased export sales (where applicable), improved regional productivity, job creation, and increased domestic capital investment. Therefore, in order for USCIS to determine whether your regional center is in compliance with the above cited regulation, and in order to continue to operate as a USCIS approved and designated regional center, your administration, oversight, and management of your regional center shall be such as to monitor all investment activities under the sponsorship of your regional center and to maintain records, data and information on a quarterly basis in order to report to USCIS upon request the following year to date information for each Federal Fiscal Year², commencing with the current year as follows:

² A Federal Fiscal Year runs for twelve consecutive months from October 1st to September 30th.

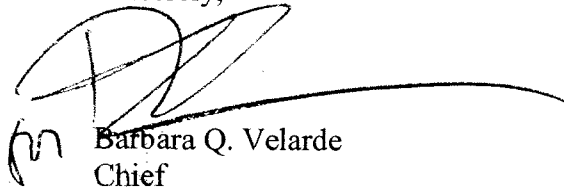
1. The principal official and point of contact of the DCRC responsible for the normal operation, management and administration of the regional center.
2. How the DCRC is administering its regional center and is actively engaged in supporting a due diligence screening of its immigrant investors' lawful source of capital and the alien investor's ability to fully invest the requisite amount of capital.
3. How the DCRC is actively engaged in the evaluation, oversight and follow-up on any proposed commercial activities that will be utilized by immigrant investors in order to create direct and/or indirect jobs through qualifying EB-5 capital investments into job creating commercial enterprises throughout the DCRC's geographic area of focus as a Regional Center.
4. The name, date of birth, and alien registration number (if no A-number then USCIS receipt number) of each alien investor who makes an investment and files an EB-5/I-526 Petition with USCIS, specifying whether the petition was approved, denied, or withdrawn by the petitioner.
5. The country of nationality of each alien investor who makes an investment and files an EB-5/I-526 petition with USCIS.
6. The city and state of residence of each alien investor who makes an investment and files an EB-5/I-526 petition with USCIS.
7. The categories and/or sub-sectors of business activity within the geographic scope of your regional center that have received the immigrant investors' capital, and in what amount.
8. The names and locations of each job creating commercial enterprise located within the geographic scope of your regional center that has received alien investor capital.
9. The amounts of alien investor capital and the amounts of other domestic capital that have been invested together in each job creating commercial enterprise specified in item 8 above, distinguishing the separate totals for each.³
10. The total aggregate number of approved EB-5 alien investor I-526 petitions per Federal Fiscal Year to date made through your regional center.
11. The total aggregate number of approved EB-5 alien investor I-829 petitions per Federal Fiscal Year to date through your regional center.
12. The total aggregate of EB-5 alien capital invested through your regional center for each Federal Fiscal Year to date since your approval and designation.
13. The combined total aggregate of "new" direct and/or indirect jobs created by EB-5 investors through your regional center for each Federal Fiscal Year to date since your approval and designation.
14. If applicable, the total aggregate number of "preserved" jobs by EB-5 immigrant investors for troubled businesses through your regional center for each Federal Fiscal Year to date since your approval and designation.
15. If for any given Federal Fiscal Year your regional center does not have investors to report (either immigrant or domestic investors), then provide an explanation for the inactivity

³ A separate break out by aggregate amount of alien investor capital vs. aggregate amount of domestic capital invested where applicable.

- along with a specific plan which details timelines and steps to actively promote your regional center program and recruit legitimate and viable immigrant investors.
16. Notification to USCIS within 30 days following any change of address or material change in the structure, operation, administration, focus, or activities relating to your regional center's basis for its most recent designation and/or reaffirmation by USCIS.
 17. The total aggregate of EB-5 alien capital invested through your regional center and aggregate total of all jobs created (whether direct or indirect) for each Federal Fiscal Year.

If you have any questions concerning the DCRC Regional Center approval and designation under the Immigrant Investor Pilot Program, please contact the USCIS Foreign Trader, Investor and Regional Center Program by Email at USCIS.ImmigrantInvestorProgram@dhs.gov.

Sincerely,



Barbara Q. Velarde
Chief
Service Center Operations

