



**U.S. Citizenship  
and Immigration  
Services**

Date: **DEC 08 2011**

FreeMind Films Regional Center, LLC  
C/O Wendell McCain  
3500 West Olive Street, Suite 300  
Burbank, CA 91505

Application: Request for Designation as a Regional Center  
Applicant(s): Wendell McCain

Re: FreeMind Films Regional Center, LLC  
RCW10 319 10062/ID1031910062 (formerly W09002500)

Pursuant to Section 610 of the Appropriations Act of 1993, as amended, on September 07, 2010, Wendell McCain submitted a proposal seeking approval and designation by U.S. Citizenship and Immigration Services (USCIS) of the FreeMind Films Regional Center, LLC.

USCIS hereby designates FreeMind Films Regional Center, LLC as a Regional Center within the Immigrant Investor Pilot Program and approves the request as described below:

**GEOGRAPHIC AREA:**

The Freemind Films Regional Center, LLC shall have a geographic scope which includes the counties of Los Angeles, Imperial, Kern, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura in the State of California.

**FOCUS OF INVESTMENT ACTIVITY:**

As depicted in the economic model, the general proposal, business plan and associated economic analysis, the Regional Center will engage in the following economic activity: Finance, produce, and distribute films and television shows that target African-American audiences or African Americans in prominent acting or production capacities.

The Regional Center shall focus on offering EB-5 compliant capital investment opportunities into new commercial enterprises, in the following target industry economic category:

NAICS 5121 Film Making

Note: If any investment opportunities arise that are beyond the scope of the approved industry categories, then an amendment would be required to add that category.

Aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file individual petitions with USCIS for capital investments in new commercial enterprises located within and affiliated with the approved Regional Center area. The geographic focus of the regional center may contain an area that is ultimately determined to qualify as a Targeted Employment Area (TEA), either as a rural area or an area of high unemployment as defined in 8 CFR 204.6(e). The area must qualify as a TEA at the time of the individual alien investor's capital investment or at the time of filing of his or her Form I-526 petition. TEA determinations are part of the adjudication of the individual Form I-526 petition, not in the adjudication of regional center applications.

The minimum capital investment threshold for any EB-5 capital investment into an approved commercial enterprise throughout the regional center shall be not less than \$500,000, if the investment target is located within a TEA, or \$1,000,000 if it is located outside of a TEA. No debt arrangement will be acceptable unless it is secured by assets owned by the alien entrepreneur. A full capital investment must be made and placed at risk.

#### **EMPLOYMENT CREATION**

The econometric model is REDYN. Immigrant investors who file petitions for capital investments in new commercial enterprises located within and affiliated with the Regional Center area must fulfill all of the requirements set forth in INA 203(b)(5), 8 CFR 204.6, and 8 CFR 216.6, except that the petition need not show that the new commercial enterprises created ten new jobs directly as a result of the immigrant investor's investment. The determination whether the alien investor has met the job creation requirements will be established by a review of the required initial evidence at 8 CFR 204.6(j) and 8 CFR 216.6(a)(4) for the Form I-526 and Form I-829 petitions, respectively. The capital investment and job creation activities outlined in the individual petitions must fall within the bounds of the final economic analysis that is contained as part of the approved Regional Center proposal and its indirect job creation model and multipliers contained within the final approved Regional Center application package. The immigrant investor must show at the time of removal of conditions that they performed the activities described in Form I-526 petition, and the activities must be based on the approved regional center methodology for demonstrating job creation.

The investor must show at the time of removal of conditions that activities were performed as described in the business plan submitted with the I-526 petition and indirect job creation occurred using the REDYN model. Indirect jobs will be established using current multipliers times capital expenditures infused in film production activities.

#### **Additional Guidelines for individual Immigrant Investors Visa Petition (I-526)**

Each individual petition, in order to demonstrate that it is associated with the Regional Center, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain as supporting evidence relating to this Regional Center designation, the following:

1. A copy of this letter, the Regional Center approval and designation.
2. A copy of the USCIS approved Regional Center narrative proposal and business plan.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the final Regional Center economic analysis which has been approved by USCIS, which reflects that investment by an individual immigrant investor will create not fewer than ten (10) full-time employment positions, either directly or indirectly, per immigrant investor. If the approval of the plan for capital investments in a given industry economic category is based upon an exemplar capital investment project, then the immigrant investor petition must also be supported by an analysis and evidence that shows that the actual capital investment in the Form I-526 petition comports to the exemplar capital investment project approved in the regional center designation and that it is otherwise EB-5 compliant.

4. A legally executed copy of the USCIS approved:
  - a. Operating Agreement Draft submitted on Sept. 07, 2010
  - b. Subscription Agreement; and Draft submitted on Sept. 07, 2010
  - c. Limited Partnership Agreement. Draft submitted on Sept. 07, 2010

**Capital Investment Exemplar Petition based on a specific commercial enterprise**

The regional center submitted an exemplar petition for USCIS review and approval. The business plan submitted is not EB-5 compliant pursuant to **Matter of Ho**, 22 I. & N. Dec. 206, Assoc. Comm'r 1998, as it is not comprehensive and detailed. In order to establish sufficient job creation for immigrant investors, the business plan must indicate: the types of films to be produced in relationship to the budget and employment creation identified in the business plan; the location of film production, post-production, and related services (with supporting TEA letter for each area); source(s) of non-EB-5 funding; list of required permits and licenses obtained; and contracts or letters of intent to finance the project. The business plan and exemplar petition can not be approved as filed; however, it is being approved as a hypothetical project. If the regional center would like they may file an I-924 Amendment with the above mentioned supporting evidence or submit the evidence with each I-526 petition filed.

**DESIGNEE'S RESPONSIBILITIES INHERENT IN CONDUCT OF THE 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 in order to provide the information required on the Form I-924A supplement. Form I-924A, Supplement to Form I-924 is available in the "Forms" section on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Effective November 23, 2010, the failure to timely file a Form I-924A Supplement for each fiscal years in which the regional center has been designated for participation in the Immigrant Investor Pilot Program will result in the issuance of an intent to terminate the participation of the regional center in the Pilot Program, which may ultimately result in the termination of the approval and designation of the regional center.

Note: The requirement for the filing of Form I-924A Supplement commences in fiscal year 2011. Each regional center that remains designated for participation in the pilot program as of September 30, 2011 must submit the Form I-924A Supplement with the required supporting documentation on or before December 29, 2011.

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If you have any questions concerning the Regional Center approval and designation under the Immigrant Investor Pilot Program, please contact the USCIS by Email at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov).

Sincerely,



Rosemary Langley Melville  
Director  
California Service Center

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cc: Lincoln Stone, Esq.

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Rosemary Langley Melville  
Director  
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