



U.S. Citizenship  
and Immigration  
Services

July 22, 2013

PATRICK FRANCIS HOGAN  
C/O CMB EXPORT, LLC  
7819 42ND STREET WEST  
ROCK ISLAND, IL 61201

Application: Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program

Regional Center: CMB EXPORT, LLC  
ID1031910156

Re: Request to Amend Regional Center Designation  
Project: CMB Infrastructure Investment Group IX, LP  
RCW1234250844

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program, that was filed by the applicant with the U.S. Citizenship and Immigration Services (USCIS) on December 7, 2012. The applicant filed Form I-924 to request approval of an amendment to a previously approved regional center designation under the Immigrant Investor Program. The Immigrant Investor Program was established under §610 of the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874).

In addition to the Form I-924, the applicant submitted a completed exemplar Form I-526, Immigrant Petition by Alien Entrepreneur, seeking USCIS review and approval of an actual project supported by a comprehensive business plan as contemplated in *Matter of Ho*, 22 I&N Dec. 206 (Assoc. Comm'r 1998).

**I. Executive Summary of Adjudication**

Effective the date of this notice, USCIS approves CMB Export, LLC (CMB Export) for the addition of Nye County, Nevada to its geographical scope.

Effective the date of this notice, USCIS approves the CMB Infrastructure Investment Group IX, LP (CMB Infrastructure Investment Group IX) project based on the evidence submitted with the above-referenced Form I-924 and exemplar Form I-526. The applicant has shown by a preponderance of the evidence that CMB Infrastructure Investment Group IX will be a new commercial enterprise (NCE) and that its project is likely to result in the creation of at least 3,029 jobs. USCIS will give deference to the current job creation estimate, economic analysis, business plan, organizational documents, offering memorandum, and investment agreements in subsequent related filings of any Form I-526 filed by an individual investors associated with the CMB Infrastructure Investment Group IX project. Deference, however, will not apply if the underlying facts have materially changed, if there is evidence of fraud or misrepresentation in the

record of proceeding, or if this favorable decision is determined to be legally deficient (involved an objective mistake of fact or law).

**II. Procedural History**

On August 15, 1997, USCIS approved CMB Export, LLC for participation in the Immigrant Investor Program as a designated regional center. Based upon the initial designation and subsequently approved amendments, CMB Export has an approved geographical scope of the State of California. It now seeks to amend its geographical scope to include Nye County, Nevada and to include an actual project managed by CMB Infrastructure Investment Group IX, an NCE established on August 30, 2011.

**III. Geographical Scope**

The applicant requested that USCIS expand its geographical scope to include Nye County, Nevada. USCIS approves the request. Effective the date of this notice, the applicant's authorized geographical scope includes the State of California and Nye County, Nevada.

**IV. The Project**

Effective the date of this notice, USCIS approves the applicant's amendment request to add the following actual capital investment project supported by an exemplar Form I-526:

<b>Project</b>	<b>Type of Project</b>	<b>Organization Documents</b>	<b>Date of Document</b>
<b>CMB Infrastructure Investment Group IX</b>	Construction of two (2) solar power plants	Comprehensive Business Plan	Dated 11/27/2012
		Economic Analysis	Dated 11/30/2012
		Subscription Agreement	Submitted 12/07/2012
		Limited Partnership Agreement	Submitted 12/07/2012
	Investment: Loan	Private Placement Memorandum	Dated 11/06/2012
		Loan Agreement between SolarReserve CSP Finance, LLC as borrower and CMB Infrastructure Investment Group IX as lender	Dated 11/06/2012
		Certificate of Limited Partnership for CMB Infrastructure Investment Group IX	Dated 08/30/2011
<b>(1) Rice Solar Energy power plant</b>			
<b>Geographic Location: Riverside County, CA</b>			
<b>(2) Crescent Dunes Solar Energy power plant</b>			
<b>Geographic Location: Nye County, NV</b>			
Exemplar of Form I-526			

**Note:** If changes to this project and its supporting documents are found in a subsequent Form I-526 petition or Form I-829, Petition by Entrepreneur to Remove Conditions, USCIS will review the supporting documents once more to ensure compliance with EB-5 program requirements.

The requested amendment identifies the NCE of the proposed project as CMB Infrastructure Investment Group IX, which was formed as a limited partnership in the State of California on August 30, 2011. The proposed project is a loan from CMB Infrastructure Investment Group IX to SolarReserve CSP Finance of up to \$90 million. SolarReserve CSP Finance will use the funds for equity shares in two solar energy plant construction projects. For each of the power plants, the applicant presented economic models for both statewide and Workforce Drawing Area multipliers. USCIS accepts the analysis based on multipliers for the Workforce Drawing Areas, which consist of the counties from which 98% of the regional commuters in the projects' areas are drawn.

#### Power Plant 1: Rice Solar Energy

The Rice Solar Energy power plant is located within the targeted employment area (TEA) of Riverside County, California. The project consists of Phase I of construction of a solar power energy plant. Phase I is estimated to cost \$49 million. SolarReserve CSP Finance will provide \$10 million through the loan from CMB Infrastructure Investment Group IX and a SolarReserve affiliate will provide the remaining \$39 million. When Workforce Drawing Area multipliers are used, the project is predicted to create 205 indirect jobs.

#### Power Plant 2: Crescent Dunes Solar Energy

The Crescent Dunes Solar Energy power plant is located within the TEA of Nye County, Nevada. Construction on this power plant began in August of 2011 and is estimated to be completed by the end of 2013. The total cost of the Crescent Dunes power plant is estimated to be \$974 million. SolarReserve CSP Finance will provide \$55 to \$80 million of this total amount from its EB5 investor capital loan. Of the remaining cost, \$715 million will be from a loan from the U.S. Department of Energy, \$164 million will be from other equity partners, and between \$15 and \$40 million (depending on the total amount of EB5 funds loaned) will be non-EB5 capital from SolarReserve affiliates.<sup>1</sup> When Workforce Drawing Area multipliers are used, this construction is predicted to create 5,648 indirect jobs, of which the applicant will be credited a total of 2,824 jobs.

### **V. Job Creation**

The job creation methodology presented in the economic impact analysis and underlying business plan is found to be reasonable based on the following inputs, when applying the RIMS II economic model.

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<sup>1</sup> The amount of total investment by SolarReserve affiliates will be \$95 million. The amount of non-EB5 capital will be the difference between \$95 million and the amount of the EB-5 capital loan.

<b>CMB Infrastructure Investment Group IX Job Creation Estimates</b>					
<b>NAICS</b>	<b>Activity</b>	<b>Qualifying Project Costs (\$2008)</b>	<b>Final Demand Employment Multiplier</b>	<b>Direct Employment Multiplier</b>	<b>Total Indirect Jobs Created</b>
<b>Rice</b>					
237130	Power and Communication Line and Related Structures Construction	\$27,645,523	15.7329	2.1248	205
<b>Crescent Dunes</b>					
237130	Power and Communication Line and Related Structures Construction	\$851,403,035	12.9068	1.9459	2,824
<b>Total Job Creation:</b>					<b>3,029</b>
<p>Total Indirect Jobs Created are calculated as <math>[(\text{Qualifying Project Costs } (\\$2008) \text{ in } \\$\text{Millions} \times \text{Final Demand Employment Multiplier}) / (\text{Direct Employment Multiplier})]</math>.</p> <p>For the Crescent Dunes Project, the applicant claims only 50% of total indirect jobs so the Total Indirect Jobs Created is divided by 2.</p> <p>*Only the indirect jobs created through construction were submitted by the petitioner.</p>					

The economic analysis accurately portrays the assumptions stated in the business plan, and the calculations using the above multipliers are verifiable. The applicant has shown by a preponderance of the evidence that the project is expected to result in the creation of approximately 3,029 indirect jobs associated with the CMB Infrastructure Investment Group IX Project.

USCIS will give deference to the job creation methodology when adjudicating Forms I-526 and I-829 associated with the CMB Infrastructure Investment Group IX. Deference, however, will not apply if the underlying facts have materially changed, if there is evidence of fraud or misrepresentation in the record of proceeding, or if the previously favorable decision is determined to be legally deficient (i.e. involved an objective mistake of fact or law).

It will be the responsibility of the individual investor to demonstrate that the assumptions and estimates presented as inputs to the job creation methodology remain materially unchanged when he or she files a Form I-526. When filing Form I-829 for removal of conditional status, the individual investor has the burden of demonstrating that the assumptions and estimates presented as inputs to the job creation methodology have not materially changed and have been realized (or can be expected to be realized within a reasonable time).

If the job creation estimated in the business plan and economic analysis will not be realized, then it is the responsibility of the EB-5 investor to notify USCIS of an agreed-upon methodology to allocate job creation among eligible investors.

## **VI. Guidelines for Filing Form I-526 Petitions based on the CMB Infrastructure Investment Group IX project**

Each individual petition, in order to demonstrate that it is affiliated with CMB Export in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain the following:

1. A copy of this regional center approval notice and any future amendment approval letters.
2. An economic impact analysis which reflects a job creation methodology required at 8 CFR § 204.6(j)(4)(iii) and shows how the capital investment by an individual immigrant investor will create not fewer than 10 indirect jobs for each immigrant investor.
3. A comprehensive, detailed and credible business plan for an actual project that contains the factual details necessary to be in compliance with the requirements described in *Matter of Ho*, 22 I&N Dec. 206 (Assoc. Comm'r 1998).
4. Legally executed organizational documents of the commercial enterprise. The documents may be the same documents noted in Section IV of this approval notice.
5. If the project timeline has changed significantly from the original business plan, a narrative that explains the changes in the project timeline, along with a timeline that realistically reflects the status of the project should be submitted.

## **VII. Designee's Responsibilities in the Operations of the Regional Center**

As provided in 8 CFR § 204.6(m)(6), to ensure that the regional center continues to meet the requirements of section 610(a) of the Appropriations Act, a regional center must provide USCIS with updated information to demonstrate the regional center is continuing to promote economic growth, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis or as otherwise requested by USCIS. The applicant must monitor all investment activities under the sponsorship of the regional center and to maintain records in order to provide the information required on the Form I-924A, Supplement to Form I-924. Form I-924A is available in the "Forms" section on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30th of a calendar year are required to file Form I-924A in that year. The Form I-924A with the required supporting documentation must be filed on or before December 29th of the same calendar year.

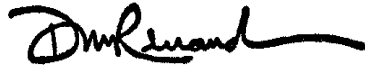
The failure to timely file a Form I-924A for each fiscal year in which the regional center has been designated for participation in the Immigrant Investor Program will result in the issuance of an intent to terminate the participation of the regional center in the Immigrant Investor Program, which may ultimately result in the termination of the designation of the regional center.

The regional center designation is non-transferable, as any changes in management of the regional center will require the approval of an amendment to the approved regional center designation.

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If the applicant has any questions concerning the regional center designation under the Immigrant Investor Program, please contact the USCIS by email at [USCIS.ImmigrantInvestorProgram@uscis.dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@uscis.dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "D. Renaud". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel M. Renaud  
Acting Chief, Immigrant Investor Program

cc: Elsie Hui Arias, Esq.  
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