



U.S. Citizenship  
and Immigration  
Services

September 18, 2014

David Lichtenstein  
Lightstone New York Regional Center, LLC  
460 Park Ave, Suite 1300  
New York, NY 10022

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

Applicant(s): Lightstone New York Regional Center, LLC

Re: Initial Regional Center Designation  
Lightstone New York Regional Center, LLC  
RCW1403751677/ ID1403751677

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 2/6/2014. The Form I-924 application was filed to request approval of initial 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).

#### **I. Executive Summary of Adjudication**

Effective the date of this notice, USCIS approves the Form I-924 request to designate Lightstone New York Regional Center, LLC as a qualifying participant in the Immigrant Investor Program.

1. Effective the date of this notice, USCIS approves the 365 Bond EB-5 Lender, LLC project based on the evidence submitted.

#### **II. Regional Center Designation**

USCIS approves the applicant's request to focus, promote economic growth, and offer capital investment opportunities in the following geographic area and industry categories:

#### A. Geographic Area

State	Counties/Cities	Counties/Cities
State of New York	Kings County	Bronx County
	New York County	Richmond County
	Queens County	Westchester County
	Rockland County	Putnam County
	Dutchess County	Orange County
	Ulster County	Nassau County
	Suffolk County	
State of Connecticut	Litchfield County	New Haven County
	Fairfield County	
State of New Jersey	Bergen County	Essex County
	Hudson County	Morris County
	Passaic County	Sussex County
	Union County	Middlesex County
	Monmouth County	Ocean County
	Somerset County	Hunterdon County
State of Pennsylvania	Pike County	

#### B. Industry Categories<sup>1</sup>

Industry Category	NAICS code
Residential Building Construction	2361
Nonresidential Building Construction	2362
Furniture and Home Furnishing Merchant Wholesalers	4232
Professional and Commercial Equipment and Supplies Merchant Wholesalers	4234
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	4236

<sup>1</sup> USCIS issued a Policy Memorandum (PM-602-0083) on the subject of "EB-5 Adjudication Policy," dated May 30, 2013, stating that formal amendments to the regional center designation are no longer required when a regional center changes its industries of focus or geographic boundaries. A regional center may still elect to pursue a formal amendment by filing Form I-924 if it seeks certainty in advance that changes in the industries or the geographic area will be permissible prior to filing Form I-526 petitions.

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Architectural, Engineering, and Related Services	5413
Lessors of Residential Buildings	53111
Offices of Real Estate Agents and Brokers	5312

### **III. The Project**

Effective the date of this notice, USCIS approves the applicant's request to include the following actual capital investment project.

Project	Type of Project	Organization Documents	Date of Document
365 Bond EB-5 Lender, LLC	Actual	Business Plan	Submitted 02/06/2014
		Economic Analysis	Dated 10/24/2013
Geographic Location: Brooklyn, NY			
Focus of Investment: loan			

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

The proposal identifies the new commercial enterprise ("NCE") of the project as 365 Bond EB-5 Lender, LLC. The project is located at 365 Bond Street in the neighborhood of Brooklyn in the City of New York, NY. One hundred immigrant investors will invest in the NCE receiving equity in exchange for capital contributions of \$500,000 each and an aggregate of \$50 Million.

The NCE will loan the \$50 million of EB-5 capital to a third-party entity, The Lightstone Group 365 Bond Street, LLC, the EB-5 capital loan proceeds will be used "to finance the construction of the 365 Bond St/Carroll Garden Development, a mixed-use multi-family and retail development in Brooklyn New York. The development involves the construction of a real estate development that will include 429 residential apartment units and approximately 2, 475 square feet of retail space and 203 parking spaces. The projected total cost of the project is \$208.915 million. The construction will take more than two (2) years to complete and the project will generate approximately 1,423 jobs.

#### **A. Job Creation**

USCIS approves the geographic area and industry categories noted above based on the economic impact analysis presented and reviewed in conjunction with the adjudication of

this capital investment project. 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:

Industry Name	NAICS code	Eligible Spending (\$M) Revenue Increase (\$M) New Space (SQFT)	Multiplier or Divisor	Total Jobs
Construction	23	\$92,480,202.20	13.2149	1222
Architecture, Engineering, and Related Services	5413	\$2,622,000	11.9016	31
Wholesale Trade	42	\$1.11	5.697	6
Lessors of Residential Buildings and Dwellings	53111	12.546	13.0751	164
<b>Totals Jobs</b>				<b>1423</b>

The approval of this Form I-924 application is based upon the assumptions and estimates used as inputs in the business plan for job creation. Please refer to the input and multiplier analysis table above.

When an actual project is specifically named in this notice and the critical inputs remain materially unchanged, USCIS will give deference to the job creation methodology when adjudicating Forms I-526 associated with the named project. The same business plan and the same reasonable job creation methodology and projected inputs must be submitted when the individual investor's Form I-526 is filed in order to receive deference.

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 materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **IV. Guidelines for Filing Form I-526 Petitions Based on the 365 Bond EB-5 Lender, LLC project**

Each individual petition, in order to demonstrate that it is affiliated with the Lightstone New York Regional Center, LLC, 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 designation letter including all subsequent amendment approval letters (if applicable).
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 ten (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 III of this approval notice.

Note: 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.

#### **V. 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, Supplement to Form I-924 Application 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 30<sup>th</sup> of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29<sup>th</sup> of the same calendar year.

The failure to timely file a Form I-924A Supplement 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



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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.

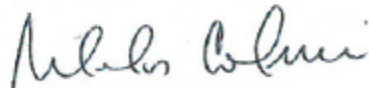
#### **VI. Legal Notice**

This approval and designation of a Regional Center under the Immigrant Investor Program does not constitute or imply an endorsement or recommendation by USCIS, the United States Government or any instrumentality thereof, of the investment opportunities, projects or other business activities related to or undertaken by such Regional Center. Except as expressly set forth in this approval and designation, USCIS has not reviewed any information provided in connection with or otherwise related to the Regional Center for compliance with relevant securities laws or any other laws unrelated to eligibility for designation as a Regional Center. Accordingly USCIS makes no determination or representation whatsoever regarding the compliance of either the Regional Center or associated New Commercial Enterprises with such laws.

Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with all laws and regulations related to such investment offerings and activities may result in the issuance by USCIS of a notice of intent to terminate the Regional Center designation.

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,



Nicholas Colucci  
Chief, Immigrant Investor Program

cc: Lillian Katherine Kalmykov  
Greenberg Traurig LLP  
P.O Box 677  
Florham Park, NJ 07932-0677