



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

Date: **FEB 05 2013**

Zalman Skoblo
580 5th Avenue, 34th Floor
New York, NY 10036

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

Applicant: Zalman Skoblo

Re: Lam NYC EB-5 Fund Regional Center, LLC
RCW1121350259 / ID1121350259

Pursuant to Section 610 of the Appropriations Act of 1993, as amended, on August 1, 2011, Zalman Skoblo submitted an Application for Regional Center Under the Immigrant Investor Pilot Program (Form I-924) with U.S. Citizenship and Immigration Services (USCIS) seeking to designate the entity, Lam NYC EB-5 Fund Regional Center as a regional center under the Immigrant Investor Pilot Program.

USCIS hereby designates Lam NYC EB-5 Fund Regional Center as a regional center within the Immigrant Investor Pilot Program as described below.

I. Geographic Area

The Lam NYC EB-5 Fund Regional Center shall have a geographic scope that includes the following region:

State	Counties	Approval Date
New York	1. New York	Date of this notice
	2. Bronx	Date of this notice
	3. Kings	Date of this notice
	4. Queens	Date of this notice
	5. Westchester	Date of this notice
	6. Nassau	Date of this notice

II. Focus of Investment Activity

The regional center request is based on a business plan for a hypothetical project.

As depicted in the business plan and associated economic analysis that was submitted in support of the application, the regional center will engage in the following economic activity: loans to third party enterprises.

The regional center shall focus on offering EB-5 compliant capital investment opportunities in the following two (2) target industry categories:

Industry Category	NAICS	Approval Date
Traveler Accommodation	7211	Date of this notice
Nonresidential Building Construction	2362	Date of this notice

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

III. Employment Creation

The regional center application is approved based on a business plan for a hypothetical project that utilizes the RIMS II model to establish indirect job creation.

A review of the supporting economic impact analysis applying the RIMS II model is found to be reasonable based on the business plan presented.

The results of the job creation estimates provided in the business plan dated November 25, 2012 and the economic impact analysis dated November 23, 2012 are summarized in the tables below.

Table 1. Critical Assumptions

NAICS Code	Critical Assumption Used	Result/Model Input
7211	a) \$280.94 Average Daily Rate in 2016 (HVS feasibility study) b) 83% occupancy rate (HVS feasibility study) c) 348 rooms (Business Plan) d) 365 days per year e) $a*b*c*d = \$29$ million f) 2007 deflator 19.4% g) $e-(e*f) = \$24.21$	\$24.21 million in hotel revenues
2362	a) 348 rooms b) 650 square feet per room (Cornell School of Hotel Administration)	\$53.44 million in construction expenditures

	c) $a*b = 226,000$ square feet d) \$236 cost per square foot (contractor) e) $c*d = \$53.44$ million	
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Table 2. Job Creation Estimates

Activity	NAICS	Input (\$Millions)	RIMS II Multiplier	Total Jobs
Traveler Accommodation	7211	\$24.24	12.031	291.5
Nonresidential Building Construction	2362	\$53.45	9.36	500.7
Total				792.3

IV. Guidelines for Individual Immigrant Investors Visa Petition (Form I-526, Immigrant Petition by Alien Entrepreneur)

In conjunction with addressing all of the requirements for each Form I-526 petition associated with the regional center, each individual Form I-526 petition filed must also contain the following supporting evidence relating to this regional center designation, to establish the immigrant investor's affiliation with the regional center:

1. A copy of this letter, the regional center approval and designation.
2. A comprehensive business plan as defined in Matter of Ho, 22 I. & N. Dec. 206, Assoc. Comm'r 1998, and as contemplated by the regulations. It should contain, at a minimum, a description of the business, its products and/or services, and its objectives. The plan should contain a market analysis, including the names of competing businesses and their relative strengths and weaknesses, a comparison of the competition's products and pricing structures, and a description of the target market/prospective customers of the new commercial enterprise. The plan should list the required permits and licenses obtained. If applicable, it should describe the manufacturing or production process, the materials required, and the supply sources. The plan should detail any contracts executed for the supply of materials and/or the distribution of products. It should discuss the marketing strategy of the business, including pricing, advertising, and servicing. The plan should set forth the business's organizational structure and its personnel's experience. It should explain the business's staffing requirements and contain a timetable for hiring, as well as job descriptions for all positions. It should contain sales, cost, and income projections and provide information relevant to that particular business. Most importantly, the business plan must be credible.
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 based on the RIMS II model (Dated November 23, 2012) or another reasonable job creation methodology, demonstrating that the capital investment by an individual

immigrant investor will create not fewer than ten (10) full-time employment positions, either directly or indirectly.

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, on a cumulative basis, and/or as otherwise requested by USCIS. The regional center must monitor all investment activities under its sponsorship and maintain the records necessary to provide the information required on the Supplement to Form I-924 (Form I-924A). Form I-924A, is available in the "Forms" section on the USCIS website at www.uscis.gov.

Effective November 23, 2010, 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 Pilot Program may result in the issuance of an intent to terminate, which may ultimately result in the termination of the designation of the regional center.

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

The regional center designation is non-transferable, as any changes in the management of the regional center will require the approval of an amendment to the approved regional center designation. If the applicant has any questions concerning the regional center designation under the Immigrant Investor Pilot Program, please contact the USCIS by Email at USCIS.ImmigrantInvestorProgram@dhs.gov.

Sincerely,



Daniel M. Renaud
Acting Director
California Service Center

Enclosure: EB-5 Information Sheet

cc: David Derrico, Esq.

EB-5 Information Sheet to Assist in Filing an Immigrant Petition for Alien Entrepreneur (Form I-526)
Based on an Approved Regional Center

General Guidelines for Individual Immigrant Investors Visa Petition (Form I-526 Petition)

In order to receive classification as an immigrant investor pursuant to INA § 203(b)(5), each Form I-526 filed by a petitioner must satisfy the statutory and regulatory requirements. In each case associated with participation in an approved regional center, each Form I-526 must also present evidence demonstrating eligibility for adjudication pursuant to Section 610 of Public Law 102-395. Such supporting evidence of qualifying regional center participation includes the following:

1. A copy of the regional center approval and designation letter including all subsequent amendment approval letters (if applicable).
2. A business plan for the capital investment opportunity described in the Form I-526, which complies with *Matter of Ho*, 22 I&N 206 (Assoc. Comm. 1998).
3. The job creation methodology required in Title 8 Code of Federal Regulations (8 C.F.R.) § 204.6(j)(4)(iii), as contained in the most recent 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.

Minimum Capital Investment Requirement for Immigrant Investors

Aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file a Form I-526 with USCIS for capital investments in new commercial enterprises located within the approved geographic area and affiliated with the Regional Center.

The Regional Center may focus on economic activities in 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 C.F.R. § 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. TEA determinations are part of the adjudication of the Form I-526, 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 project is located within a TEA, or \$1,000,000 if it is located outside of a TEA.

For any alien requesting the reduced threshold of \$500,000 based upon an investment in a TEA, the alien must establish at the time of filing of the Form I-526 that either the investment will be made in a TEA designated area or was made in a TEA designated area at the time of the alien's initial investment into the enterprise.

Employment Creation

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 C.F.R. § 204.6, and 8 C.F.R. § 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 capital investment. The determination whether the alien investor has met the job creation requirements will be established by a review of the required evidence pursuant to 8 C.F.R. §§ 204.6(j) and 216.6(a)(4) (for Form I-526 and Form I-829, respectively).

The capital investment and job creation activities outlined in the Form I-526 (and Form I-829 as applicable) must fall within the parameters of the final economic analysis submitted as part of the previously approved regional center designation. (This includes applicable indirect job creation model(s) and multipliers provided they are incorporated within the previously approved Regional Center application designation).

The immigrant investor must also present evidence at the time of filing the Form I-829 that they performed the activities described in their previously approved Form I-526. Similarly, these activities must be based on the approved regional center methodology for demonstrating job creation.

An individual immigrant investor's Form I-526 should include the same comprehensive business plan that was submitted with the Application for Regional Center Under the Immigrant Investor Pilot Program (Form I-924) and/or any amendment to the regional center designation as might apply to the Form I-526. Please note that if the same business plan presented for the regional center designation has changed in any respect at the time the Form I-526 is filed, any new, amended or updated business plan upon which the Form I-526 relies must be submitted as supporting evidence. Such business plan remains subject to the requirement of being Matter of Ho compliant and should satisfy the following parameters:

- A comprehensive detailed business plan with supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of indirect and/or induced jobs to be achieved/realized within two years pursuant to 8 C.F.R. § 204.6(j)(4)(B) and reasonable methodologies pursuant to 8 C.F.R. § 204.6(m)(7)(ii).

If the business plan submitted with an immigrant investor's Form I-526 is the exact same as the one submitted with the application for regional center designation, and USCIS grants such regional center designation, USCIS will give deference to that particular business plan and the specific economic analysis from which the job creation estimates were derived¹. It should be emphasized that if the business plan and/or the economic analysis presented in the application for regional center designation have changed by the time petitioners file a Form I-526, USCIS must review any applicable new, amended, or updated business plan and/or economic analysis to determine if it meets EB-5 program requirements. USCIS will

¹ See EB-5 Operational Guidance Memorandum, OG-602.06-001. Our deference policy provides generally that a prior favorable decision will be relied upon in later proceedings unless the facts underlying the prior decision have materially changed, there is evidence of fraud or misrepresentation in the record of proceedings, or the previously favorable decision is determined to be legally deficient.

not be able to extend deference from a previously reviewed business plan and/or economic analysis to any new, amended, or updated business plan and/or economic analysis.

Finally, the immigrant investor must also keep in mind that the Form I-829 is based on the petitioner's previously approved Form I-526. This previously approved Form I-526 will have provided a detailed business plan supported by an economic analysis based on reasonable methodologies.