



May 20, 2015

Stephen H. Smith
Western Pacific Regional Center, LLC
9500 Roosevelt Way, NE, Suite 300
Seattle, WA 98115

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

Applicant(s): Western Pacific Regional Center, LLC

Re: Initial Regional Center Designation – Limited Decision
Western Pacific Regional Center, LLC
RCW1418251794 / ID1418251794

This notice of a limited decision 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 July 1, 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, in a limited decision, the Form I-924 request to designate Western Pacific Regional Center, LLC as a qualifying participant in the Immigrant Investor Program.

II. Regional Center Designation – Limited Decision

The applicant submitted its Form I-924 requesting specific industry categories and geographic regions to be identified for the Regional Center’s use.

Upon review of the record, USCIS has determined that not all of the requested geographic regions provided in the Form I-924 represent an appropriate application of a hypothetical project to support the industry categories and/or geographic regions acceptable for use by the Regional Center.

As such, USCIS has concluded that a limited decision is necessary in this case. Therefore, all requested, approved, and disallowed industry categories and geographic regions have been identified below.

A. Industry Categories and Geographic Regions Requested

The applicant has requested to focus, promote economic growth, and offer capital investment opportunities in the following geographic areas and industry categories:

1. Geographic Areas - Requested

State	Counties/Cities
California	Entire State, all Counties and Cities
Oregon	Entire State, all Counties and Cities
Washington	Entire State, all Counties and Cities

2. Industry Categories - Requested

NAICS	Industry Name
5416	Management, Scientific, and Technical Consulting Services
562910	Remediation Services
237310	Highway, Street, and Bridge Construction
5413	Architectural, Engineering, and Related Services
336510	Railroad Rolling Stock Manufacturing
333318	Other Commercial and Service Industry Machinery Manufacturing
23	Construction
5311	Lessors of Real Estate
722	Food Services and Drinking Places
7211	Traveler Accommodation
62331	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
541720	Research and Development in the Social Sciences and Humanities

B. Approved Industry Categories and/or Geographic Areas

The following industry categories and/or geographic areas have been determined to represent an appropriate application of a hypothetical project to support the industry categories and geographic regions acceptable for use by the Regional Center.

1. Geographic Areas - Approved

State	Counties/Cities
Oregon	Entire State, all Counties and Cities
Washington	Entire State, all Counties and Cities

2. Industry Categories - Approved

NAICS	Industry Name
5416	Management, Scientific, and Technical Consulting Services
562910	Remediation Services
237310	Highway, Street, and Bridge Construction
5413	Architectural, Engineering, and Related Services
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C. Disallowed Industry Categories and/or Geographic Areas

The following geographic areas have been disallowed because it has been determined that they do not represent an appropriate application of a hypothetical project to support the geographic regions acceptable for use by the Regional Center.

1. Geographic Areas - Disallowed

State	Counties/Cities
California	Entire State, all Counties and Cities

The applicant has contested that major infrastructure Projects in California would share many similarities to those in Oregon and Washington based on their shared geography along the west coast of United States bordering the Pacific Ocean. Also, the applicant cited economic activity for environmental mitigation through a curation facility (NAICS 541720 – Research and Development in the Social Sciences and Humanities) in San Diego, California and light rail vehicle construction (NAICS 336510 – Railroad Rolling Stock Manufacturing) in Sacramento, California as evidence of economic activity in the State of California. However, the locus of economic activity is clearly in the States of Washington and Oregon as the Project is located in the Portland, Oregon – Vancouver, Washington metropolitan area. Therefore the Project supports sufficient economic growth in the States of Washington and Oregon to warrant their approval as geographic areas for the Regional Center, but the Project does not support sufficient economic growth in the State of California to warrant its approval as a geographic area for the Regional Center.

4. Conclusion - Decision to Disallow

Some aspects of the submitted proposal, as presently constituted, do not meet the regulatory requirements at 8 C.F.R. § 204.6. Therefore the request to grant the specific geographic areas listed above cannot be approved.

The decision to disallow the geographic areas identified above does not preclude the filing of Form I-526 petitions related to a subsequent project using the disallowed industry categories, geographic areas, and/or hypothetical project(s). Any future petitions will be adjudicated on their own merit.

There is no appeal to this decision to disallow the specified industry categories and/or geographic scope explained above. However, pursuant to 8 CFR 103.5, a motion can be filed on Form I-290B. Such motion must be accompanied by the proper fee and filed within 30 days of this notice.

Please note that if the I-924 applicant elects to timely file a motion with USCIS and if said motion is granted the application will be reopened and/or reconsidered and a new decision rendered. If the applicant's proposal submitted in support of its motion meets the regulatory requirements at 8 C.F.R. § 204.6 the applicant will be accorded the geographic areas that meet EB-5 requirements. If no motion is filed within the time allowed this decision is final.

III. 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 regional center proposal.

A hypothetical project does not have 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). As such, USCIS's approval of any hypothetical job creation estimates presented in a Form I-924 is not accorded deference and may not be relied upon by an individual investor when filing the Form I-526. The business plan and job creation estimates will receive a de novo review by USCIS when an individual investor files Form I-526. Once an actual project is adjudicated upon the filing of the initial Form I-526, USCIS will give deference to subsequent Forms I-526 when the critical assumptions remain materially unchanged from the initially-approved Form I-526.

When filing Form I-526, it will be the responsibility of the individual investor to submit a comprehensive, detailed and credible business plan, showing by a preponderance of the evidence that his or her investment in the new commercial enterprise will create not fewer than 10 full-time positions. If prior to filing a form I-829, the job creation estimated in the business plan submitted by the individual investor 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

Each individual petition, in order to demonstrate that it is affiliated with the Western Pacific Regional Center, 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 and transactional documents of the commercial enterprise.

Note: The project reviewed with this Form I-924 application is a hypothetical project. Organizational and transactional documents associated with the new commercial enterprise (NCE) submitted with this Form I-924 have not been reviewed to determine compliance with program requirements since these documents will receive de novo review in subsequent filings (e.g., an amended Form I-924 application with a Form I-526 exemplar or the first Form I-526 petition filed by an investor under the regional center project).

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.

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 Supplement in that year. The Form I-924A Supplement 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 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 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.

Western Pacific Regional Center, LLC

ID1418251794

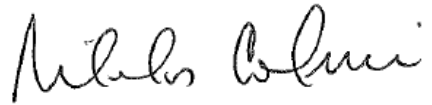
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Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Colucci". The signature is fluid and cursive, with the first name "Nicholas" and last name "Colucci" clearly distinguishable.

Nicholas Colucci
Chief, Immigrant Investor Program

cc: Robert C. Divine
Baker Donelson Bearman Caldwell and Berkowitz, P.C.
633 Chestnut Street, 1800 Republic Center
Chattanooga, TN 37450