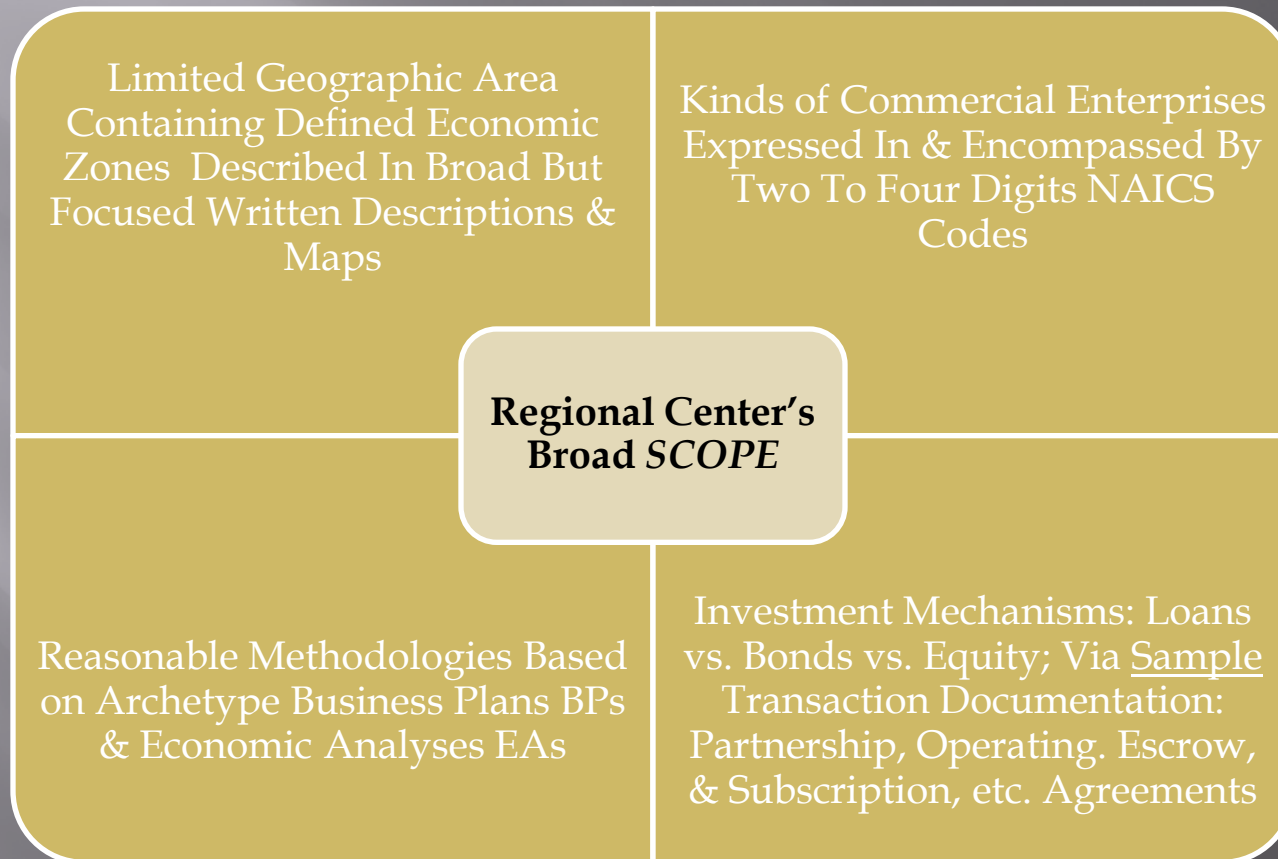


# Regional Center's Initial Designation and I-924 Plan Approach & Methodology



Limited Representative Examples Shown Only

May NOT Be Sold – This is a gift from  
the Author

# Regional Center Defined

- ▣ Pub. L. 102-395, title VI, Sec. 610, Oct. 6, 1992, as amended through Pub. L. 112-176, Sec. 1. Sept. 28, 2012.
- ▣ “A *regional center* shall have
  - jurisdiction over a limited geographic area,
    - ▣ which shall be
      - described in the *proposal*
    - ▣ *and*
      - consistent with the purpose of *concentrating pooled investment* in defined economic zones.”

# Statutory Application Procedure

- *The establishment of a regional center may be based on*
  - *general predictions, contained in the proposal,*
    - *concerning*
      - *the kinds of commercial enterprises that will receive capital from aliens,*
      - *the jobs that will be created directly or indirectly as a result of such capital investments, and*
      - *the other positive economic effects such capital investments will have.”*

# Limited Geographic Area & Defined Economic Zones in Broad Descriptions

- ▣ Select a **manageable area** that has some logic to it.
- ▣ It can be homogenous (similar characteristics) or heterogeneous (different or variable) but should be harmonious (**works as defined-makes sense** of some kind, a community-- logical).
- ▣ **Common units used successfully** have been:
  - Metropolitan Statistical Areas (MSAs);
  - Other (smaller) Statistical Areas defined by OMB;
  - States, Counties, Cities, Towns, or geographic regions (valleys, plains, traffic corridors) or areas locally defined by consensus, for functionality, or other logical reasons (enterprise or empowerment zones, administrative areas).



# Kinds of Commercial Enterprises

- ▣ The 2012 **NAICS** Code Lists **over 2,000** different **types of businesses**. They are gathered together into broader sectors and broken down into ever smaller groups.
- ▣ NAICS Sectors start with a broad **two digit** code and **then expand** to a total of six digits.
- ▣ Choose what you are comfortable with but you have to **strike a balance**, do not be vague but do not paint yourself into a corner with no escape route and without any **flexibility**.

# Reasonable Methodologies

## BUSINESS PLANS

The comprehensive, detailed, and **credible** plan will provide a logical and sufficient **NEXUS** between the EB-5 funds and the jobs claimed. It will provide a **basis for the economic analysis** by providing or inspiring the input categories & data sources

## ECONOMIC ANALYSES

The Regional Center's economist will **draw heavily from the business plan**. She will need to use verifiable details and use numbers from reliable sources. Her work product (=EA = economic analysis) will **predict job counts** and **bolster the NEXUS**.

# Investment Mechanisms

- ▣ EB-5 is an investment visa so we must **show how** the Regional Center will put the aliens' **funds** to work towards *creating sufficient jobs*.
- ▣ USCIS wants to see that the money will be “at risk” — **NO Redemption Agreements** allowed.
- ▣ The most common approach is for the RC to be the General Partner with EB-5 **Limited Partners** but additional DOMESTIC Partners are more than welcome and they can have different arrangements in their agreements!

# Investment Mechanisms-cont'd

- ▣ Most RCs use a **Subscription** Agreement and charge a fee of **\$30K to \$80K** for services.
- ▣ The **services** provided and **fees** charged will **vary** by the types of investments made and the *differing evidence that will be tracked for the length of EACH investor's immigration process.*
- ▣ **Escrow** will satisfy USCIS as to the alien's funds being "**committed**" to the project BUT escrow is not a legal requirement.
- ▣ That said, most alien's demand escrow and a refund if the I-526 Visa Petition is Denied. *An Out-Clause for denial.* No refund allowed for an I-829 denial because that negates the "at risk" aspect.



# I-924A Information Tracking

- ▣ As part of the RC Proposal, we must plan ahead. In addition to **up front planning**, **investor vetting**, and all other normal **Due Diligence**, the RC has to **report to USCIS**.
- ▣ Figuring out the **end game** in advance is necessary **for both** the EB-5 investors' I-829s and the RC's I-924As.
- ▣ Building solid statistical data can also enhance marketing efforts in the future. **Track Record!**

# Knowledge, Skills, & Abilities: KSAs

- ▣ *Knowledge, Skills, & Abilities* must be shown not only through resumes, degrees, or CVs.
- ▣ The I-924 submitted for initial designation is like an audition for a role or a job interview.
- ▣ The **QUALITY** and **UTILITY** of the Supporting Documentation has to **meet high standards**.
- ▣ The RC Applicant(s) must demonstrate to USCIS that it can handle the task(s) for which it seeks *licensure to provide immigration services for a huge fee* [\$30K to \$80K] per alien.