

The New “Dark Cloud Over EB5” Regarding the Buying and Selling of USCIS Designated Regional Centers

By Joseph P. Whalen (June 6, 2014)

Once again, I am seeing folks write about the selling and buying existing Regional Centers. I am seeing obvious obfuscation and don't like it! While it is true that a business owner can sell their business and thus it is absolutely true that an existing Regional Center “entity” can be bought and sold, the USCIS Designation CANNOT! By not making this point clear, authors of articles on this topic and who are promoting the idea that it is OK and safe to buy and sell USCIS Designated Regional Centers are being dishonest and are guilty of obfuscation. Shame on you! Knock it off!

Obfuscation (or beclouding) is the hiding of intended meaning in communication, making communication confusing, willfully ambiguous, and harder to interpret. . The word comes from Latin obfuscatio, from obfuscare (“to darken”), from ob (“over”) + fuscare (“to make dark”), from fuscus (“dark”).¹

This “dark cloud” has no silver lining! The **sole legal authority** to designate an “entity” as an official EB-5 Regional Center is vested in the Secretary of Homeland Security by [8 USC § 1153](#)**Note: Immigration Program**, pp. 87-88 (... *Such program shall involve a regional center in the United States, **designated by the Secretary of Homeland Security** on the basis of a general proposal, for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. ...*). It is not rational, cognizant, or in any way realistic to believe that a Regional Center principal or “entity” can transfer its USCIS Designation to anyone else. The Secretary has officially designated USCIS and NOBODY ELSE to handle this task.

Here is an analogy: “I can sell my car but I cannot sell my license. You can buy my car but you cannot buy my license.” **The bottom line is: USCIS Designation as a Regional Center is, in reality, a license!**

That’s my two-cents, for now.

¹ See https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&es_th=1&ie=UTF-8#q=obfuscation%20definition or run your own search for the definition of obfuscation.

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