**WITHDRAWAL FROM EB-5 REGIONAL CENTER PROGRAM**

Given the below, a Regional Center served with a ***Notice Of Intent to Terminate* (NOIT)**, which has merely been unsuccessful and inactive; or with so little EB-5 money vested that it can easily be returned, might choose to simply bow out in lieu of formal Termination. Also, if submitting a second consecutive I-924A showing no progress, it may be time to pack it in. However, a slow start can be justified for larger projects when slight but not uncommon delays have occurred. ***It even happens to the best laid plans! It pays to be prepared. See below.***

**8 C.F.R. §204.6   Petitions for employment creation aliens.**

**(m) *Immigrant Investor Pilot Program*—**

**(6) *Termination of participation of regional centers.*** To ensure that regional centers continue 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, or 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, using a form designated for this purpose. USCIS will issue a notice of intent to terminate the participation of a regional center in the pilot program if a regional center fails to submit the required information or ***upon a determination that*** the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment. The notice of intent to terminate shall be made upon notice to the regional center and shall set forth the reasons for termination. The regional center must be provided 30 days from receipt of the notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged in the notice of intent to terminate. If USCIS determines that the regional center's participation in the Pilot Program should be terminated, USCIS shall notify the regional center of the decision and of the reasons for termination. As provided in 8 CFR 103.3, the regional center may appeal the decision to USCIS within 30 days after the service of notice.

**§103.2   Submission and adjudication of benefit requests.**

**(b) *Evidence and processing.***

(13) *Effect of failure to respond to a request for evidence or a notice of intent to deny or to appear for interview or biometrics capture*—

(i) *Failure to submit evidence or respond to a notice of intent to deny.* If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons. If other requested material necessary to the processing and approval of a case, such as photographs, are not submitted by the required date, the application may be summarily denied as abandoned.

(15) *Effect of withdrawal or denial due to abandonment.* The USCIS acknowledgement of a withdrawal may not be appealed. A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under §103.5. Withdrawal or denial due to abandonment does not preclude the filing of a new benefit request with a new fee. However, the priority or processing date of a withdrawn or abandoned benefit request may not be applied to a later application petition. Withdrawal or denial due to abandonment shall not itself affect the new proceeding; but the facts and circumstances surrounding the prior benefit request shall otherwise be material to the new benefit request.

**PROPOSED FORMAL WITHDRAWAL *from* EB-5 REGIONAL CENTER PROGRAM**

U.S. Citizenship & Immigration Services

Investor Program Office (IPO)
131 M Street NE
3rd Floor, Mailstop 2235
Washington, DC 20529-2235

December 13, 2015

Dear Chief Colucci,

**RE: PROPOSED TERMS OF VOLUNTARY RELINQUISHMENT OF USCIS REGIONAL CENTER DESIGNATION & WITHDRAWAL**

*On behalf of*: ---------- Regional Center

 RCW/ID ###########

We understand that USCIS may have valid concerns and reasons for questioning our continued participation in the EB-5 Regional Center Program. We also have such concerns, see attached **Form I-924A**. After having tried without success to generate sufficient interest, we feel that it is in our best interest to cut our loses and withdraw from the program.

In light of these circumstances, please accept this withdrawal from the EB-5 Regional Center Program and relinquishment of our USCIS-Designation as an EB-5 Regional Center. We shall cease and desist from any further advertising or marketing our Regional Center. In fact, we already have done so. We shall not accept any new investors. We currently have no investors to protect from any ramifications of this decision. **–OR-** We ask that USCIS allow sufficient time for our few committed EB-5 investors who are present in the U.S.**[[1]](#footnote-1)** to redirect their investment efforts. We shall endeavor to facilitate our un- or under-funded projects’ transfer(s) to (an)other Regional Center(s). We affirm that our few investors’ funds shall be returned forthwith, or already have been returned. We eagerly await your response and acknowledgement.

Sincerely,

*X*\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Name

Title

Regional Center

Address

Phone

Email

**PROPOSED FORMAL WITHDRAWAL *from* EB-5 REGIONAL CENTER PROGRAM**

U.S. Citizenship & Immigration Services

Investor Program Office (IPO)
131 M Street NE
3rd Floor, Mailstop 2235
Washington, DC 20529-2235

December 13, 2015

Dear Chief Colucci,

**RE: PROPOSED TERMS OF VOLUNTARY RELINQUISHMENT OF USCIS REGIONAL CENTER DESIGNATION & WITHDRAWAL**

*On behalf of*: ---------- Regional Center

 RCW/ID ###########

We understand that USCIS has valid concerns and reasons for seeking to end our participation in the EB-5 Regional Center Program. Having reviewed USCIS’ ***Notice Of Intent to Terminate* (NOIT)**, we also believe that it would be fundamentally unfair and unduly punitive to destroy the immigration dreams of ALL of the innocent investors, and their families, simply because they are affiliated with our Regional Center. At the present time, we have #### EB-5 investors fully committed in promising business ventures. A complete list of investors sorted by project name and projected dates of I-829 filing is attached.

In light of these circumstances, we propose a compromise. Please allow our Designation to remain in effect long enough for current investors to complete their immigration process based on the current project in-process. We agree to cease and desist from any further advertising or marketing of our Regional Center. In fact, we already have done so. We shall not accept any new investors. Either underfunded projects will be handed over to another Regional Center or our investors’ funds shall be returned forthwith. We eagerly await your response.

Sincerely,

*X*\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Name

Title

Regional Center

Address

Phone

Email

1. A list of said investors is attached. These investors are presently seeking *parole-in-place* for the time required to investigate and select a new investment and re-file I-526 petitions and associated I-485 adjustment packages. [↑](#footnote-ref-1)