

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
*Immigrant Investor Program*  
131 M Street, NE, MS 2235  
Washington, DC 20529



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

**TO:**  
Niaz Karim  
FreeMind Films Regional Center, LLC– **Designation  
Terminated**  
130 Summer Street  
Weston, MA 02493

**DATE:** March 13, 2017  
**Application: Form I-924**  
**A-Number:**  
**File:** ID1031910062 / RCW1031910062

### NOTICE OF TERMINATION

This letter shall serve as notification that U.S. Citizenship and Immigration Services (“USCIS”) has terminated the designation of FreeMind Films Regional Center, LLC, (the “Regional Center”) as a regional center under the Immigrant Investor Program (the “Program”) pursuant to Title 8 of the Code of Federal Regulations (“8 C.F.R.”) section 204.6(m)(6). The reasons for the termination are explained, below:

**(SEE ATTACHED)**

If the Regional Center disagrees with this decision, or if the Regional Center has additional evidence that shows this decision is incorrect, the Regional Center may file a motion or an appeal to this decision by filing a completed Form I-290B, Notice of Appeal or Motion, along with the appropriate filing fee. A copy is enclosed. The Regional Center may also include a brief or other written statement and additional evidence in support of the motion or appeal. The Form I-290B must be filed within 33 days from the date of this notice. If a motion or appeal is not filed within 33 days, this decision is final.

The Regional Center must send the completed Form I-290B and supporting documentation with the appropriate filing fee to the address indicated below.

If using the U.S. Postal Service:

USCIS  
P.O. Box 660168  
Dallas, TX 75266

If using USPS Express Main/Courier:

USCIS  
Attn: I-290B  
2501 S. State Highway 121 Business  
Suite 400  
Lewisville, TX 75067

For an appeal, the Regional Center may request additional time to submit a brief within 30 calendar days of filing the appeal. Any brief, written statement, or evidence in support of an appeal that is not filed with Form I-290B must be directly sent within 30 days of filing the appeal to:

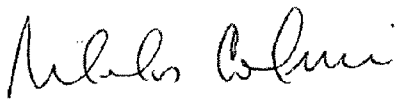
USCIS Administrative Appeals Office

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U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW, MS 2090  
Washington, DC 20529-2090

For more information about the filing requirements for appeals and motions, please see 8 C.F.R. § 103.3 or 103.5, or visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,



Nicholas Colucci  
Chief, Immigrant Investor Program

Enclosure: (1) Form I-290B with instructions  
(2) Notice of Intent to Terminate issued on April 27, 2016

cc: Lincoln Stone  
Stone & Grzegorek LLP  
800 Wilshire Boulevard, Suite 900  
Los Angeles, CA 90017

**NOTICE OF TERMINATION**  
**Termination of Regional Center Designation Under the Immigrant Investor Program**  
**FreeMind Films Regional Center, LLC**

The regulation at 8 C.F.R. § 204.6(m)(6) (*Continued participation requirements for regional centers*) provides:

(i) Regional centers approved for participation in the program must:

(A) Continue to meet the requirements of section 610(a) of the Appropriations Act.

(B) Provide USCIS with updated information annually, and/or as otherwise requested by USCIS, to demonstrate that the regional center is continuing to promote economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area, using a form designated for this purpose; and

(C) Pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX).

(ii) USCIS will issue a notice of intent to terminate the designation of a regional center in the program if:

(A) A regional center fails to submit the information required in paragraph (m)(6)(i)(B) of this section, or pay the associated fee; or

(B) USCIS determines 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.

(iii) A notice of intent to terminate the designation of a regional center will be sent to the regional center and set forth the reasons for termination.

(iv) The regional center will be provided 30 days from receipt of the notice of intent to terminate to rebut the ground or grounds stated in the notice of intent to terminate.

(v) USCIS will notify the regional center of the final decision. If USCIS determines that the regional center's participation in the program should be terminated, USCIS will state the reasons for termination. The regional center may appeal the final termination decision in accordance with 8 CFR 103.3.

(vi) A regional center may elect to withdraw from the program and request a termination of the regional center designation. The regional center must notify USCIS of such

election in the form of a letter or as otherwise requested by USCIS. USCIS will notify the regional center of its decision regarding the withdrawal request in writing.

### **I. Procedural History**

On December 8, 2011, USCIS designated and authorized the Regional Center's participation in the Program.

On September 4, 2014, USCIS issued a Notice of Intent to Terminate (the "2014 NOIT") to the Regional Center which afforded the Regional Center 30 days from receipt of the NOIT to offer evidence in opposition to the grounds alleged in the NOIT, namely that the Regional Center was not promoting economic growth. On October 6, 2014, USCIS received a response to the NOIT which overcame the grounds alleged in the NOIT. On January 21, 2015, USCIS re-affirmed the Regional Center's designation.

On March 19, 2015, USCIS issued a Notice of Intent to Terminate (the "2015 NOIT") to the Regional Center which afforded the Regional Center 30 days from receipt of the NOIT to offer evidence in opposition to the grounds alleged in the NOIT, namely that the Regional Center had failed to timely file a Form I-924A, Supplement to Form I-924, as required for 2014. On April 28, 2015, USCIS received a response to the NOIT which overcame the grounds alleged in the NOIT. On October 14, 2015, USCIS re-affirmed the Regional Center's designation.

On April 27, 2016, USCIS issued a Notice of Intent to Terminate (the "2016 NOIT") to the Regional Center which afforded the Regional Center 30 days from receipt of the NOIT to offer evidence in opposition to the grounds alleged in the NOIT. On June 1, 2016, USCIS received a response to the NOIT (the "2016 NOIT Response"), which did not sufficiently address the grounds alleged in the NOIT.

Additionally, on December 23, 2016, the Regional Center filed its Form I-924A for 2016. With its Form I-924A, the Regional Center submitted additional documentation, similar to its 2016 NOIT Response. USCIS has considered this additional documentation in determining that the Regional Center has not sufficiently addressed the grounds alleged in the NOIT.

Accordingly, USCIS has determined that the Regional Center's participation in the Program should be terminated. Pursuant to 8 C.F.R. § 204.6(m)(6)(v) and through this Notice of Termination, USCIS hereby terminates the Regional Center's participation in the Program.

### **II. Reasons for Termination**

USCIS has determined that the Regional Center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment as required by 8 C.F.R. § 204.6(m)(6).

**A. Failure to Continue to Serve the Purpose of Promoting Economic Growth**

Regional centers are designated for the promotion of economic growth and must continue to meet the requirements of section 610(a) of the Appropriations Act as amended, and promote economic growth in a manner that does not conflict with requirements for classification under section 203(b)(5) of the Immigration and Nationality Act (“INA”), removal of conditions on lawful permanent residence under section 216A of the INA, and implementing regulations following their designation. According to section 610(a) of the Appropriations Act, economic growth includes increased export sales, improved regional productivity, job creation, or increased domestic capital investment. *See also* 8 C.F.R. § 204.6(m)(6)(ii) (“USCIS will issue a notice of intent to terminate the designation of a regional center in the program if. . . USCIS determines 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 reasons why a regional center may no longer serve the purpose of promoting economic growth are varied and “extend beyond inactivity on the part of a regional center.” 75 FR 58962. For example, depending on the facts, a regional center that takes actions that undermine investors’ ability to comply with EB-5 statutory and regulatory requirements such that investors cannot obtain EB-5 classification through investment in the regional center may no longer serve the purpose of promoting economic growth. *See* Section 610(a)-(b) of the Appropriations Act (stating that one purpose of a regional center is to concentrate pooled investment in defined economic zones and accomplishing such pooled investment by setting aside visas for aliens classified under INA 203(b)(5)). Likewise, a regional center that fails to engage in proper monitoring and oversight of the capital investment activities and jobs created or maintained under the sponsorship of the regional center may no longer serve the purpose of promoting economic growth in compliance with the Program and its authorities.

When derogatory information arises (such as evidence of inaction, mismanagement, theft, or fraud by the regional center or related entities), USCIS weighs all relevant factors in the totality of the circumstances to determine whether the regional center is continuing to serve the purpose of promoting economic growth. Such factors may include the seriousness of the derogatory information, the degree of regional center involvement in the activities described in the derogatory information, any resulting damage or risk imposed on investors and the economy, as well as any mitigating, corrective, or restorative actions taken or forthcoming to redress the situation.

USCIS has considered all evidence in the record, including evidence provided in response to the NOIT, “for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence.” in determining whether the Regional Center’s continued participation is justified under the regulations by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). For the reasons set forth below, USCIS has determined by a preponderance of the evidence that the Regional Center no longer serves the purpose of promoting economic growth in compliance with the Program.

*1. Lack of Regional Center Activity*

As noted in the 2016 NOIT, the Regional Center's Form I-924A filings for fiscal years 2012, 2013, 2014, 2015, and 2016 do not report any EB-5 capital investment or job creation. In addition, although USCIS designated the Regional Center on December 8, 2011, the Form I-924A filings do not report any pending or approved Forms I-526 filed by petitioners who have made or are actively in the process of making investments associated with the Regional Center.

Furthermore, the Forms I-924A do not demonstrate that the Regional Center has promoted economic growth through increased export sales, improved regional productivity, job creation, or increased domestic capital investment.

The 2016 NOIT Response contained:

- A letter from the principals of the Regional Center;
- A five page excerpt of a Regional Center Sponsorship Agreement;
- A letter from Maxwell Chang of Agama Pictures, LLC;
- A presentation deck on the "Skin in the Game" media property; and
- Copies of prior correspondence between the Regional Center and USCIS, including the responses to the prior NOITs.

With the 2016 Form I-924A, the Regional Center submitted the same documentation provided in the NOIT Response. The only new evidence provided with the Form I-924A was a second presentation deck on the proposed "Skin in the Game" media property and a letter from Maxwell Chang, dated December 21, 2016. According to the presentation, "Skin in the Game" is described as a multi-platform TV project focused on funding social impact businesses through investment capital and crowdfunding. The presentation indicates that the media property will take the format of eight hour long episodes and a two hour finale, where businesses impacting societal challenges will compete for prize money.

The 2016 NOIT Response indicates that the Regional Center has sought to promote economic growth by entering into an agreement with Agama Pictures, LLC, but that its efforts have been hampered by the prior NOITs the Regional Center has received.

The principals indicate in their letter that the partnership agreement with Agama Pictures took effect once the Regional Center was reaffirmed from the 2015 NOIT. Although reaffirmed in October 2015, the principals did not receive notification until December 2015, and thus claim they only had four months in which to develop business prior to receiving the 2016 NOIT. In total, the Regional Center claims it had only two and a half months in 2015 and only four months in 2016 to develop business.

In support of its claims, the Regional Center submitted an excerpt of a sponsorship agreement with Agama Pictures, and a letter from Agama Pictures dated May 26, 2016. In its letter, Agama Pictures

indicates that it has decided to temporarily suspend its partnership with the Regional Center, pending its re-affirmation.

Upon review, the record contains no evidence supporting the principals' claim that the Regional Center was unable to develop business and promote economic growth while awaiting re-affirmation from the prior NOITs.

Furthermore, the principals' claim that the sponsorship agreement with Agama Pictures did not take effect until December 2015 appears to be contradicted by the terms of the sponsorship agreement itself. According to the provided excerpt, the agreement took effect on June 27, 2015. Although the agreement indicates that the Regional Center was awaiting re-affirmation, nothing in the provided excerpt indicates that the obligations of either party are contingent upon the re-affirmation of the Regional Center. Finally, nothing in the excerpt provided indicates that either party could unilaterally suspend the agreement, as Agama Pictures indicated it was doing in its letter.

In its 2016 Form I-924A filing, the Regional Center indicated that its partnership with Agama Pictures dissolved, claiming it was due to the long-pending resolution of the 2016 NOIT. The Regional Center submitted no evidence to support that claim.

In the same letter the Regional Center also indicated its plan to continue marketing the "Skin in the Game" media property and work with Amusement Park Entertainment. The record contains email exchanges regarding a possible joint venture with Amusement Park Entertainment from March 2014. However, other than a reference to Jimmy Smith, the CEO of Amusement Park Entertainment as a co-producer of the "Skin in the Game" media property, the record contains no new evidence to support the Regional Center's claimed business relationship.

Beyond the documentation regarding Agama Pictures, the only evidence of promoting economic growth that the Regional Center has submitted are the slide deck presentations on the "Skin in the Game" media property. These slide presentations appear to be aimed at advertising the media property while still in development. The record contains no evidence that the media property has been marketed to interested parties. The record contains evidence to support the participation of parties mentioned in the presentations, such as the strategic partners, co-producers or celebrity guest judges. The record contains no evidence of how the media property will create jobs, improve regional productivity, increase domestic capital investment, or any other indicia of economic growth.

As reflected in five years of annual reporting, the Regional Center has not sponsored any capital investment activity by EB-5 investors. Similarly, there have never been any I-526 petitions submitted in association with the Regional Center. In the absence of evidence of increased export sales, improved regional productivity, job creation, or increased domestic capital investment, USCIS concludes that the Regional Center no longer serves the purpose of promoting economic growth.

### **III. Conclusion**

For the reasons described above and set forth in the NOIT and pursuant to 8 C.F.R. 204.6(m)(6), USCIS has determined that the Regional no longer serves the purpose of promoting economic growth and through this Notice of Termination, hereby terminates the Regional Center’s participation in the Program.

If the Regional Center disagrees with this decision, or if the Regional Center has additional evidence that shows this decision is incorrect, the Regional Center may file a motion or an appeal to this decision by filing a completed Form I-290B, Notice of Appeal or Motion, along with the appropriate filing fee. A copy is enclosed. The Regional Center may also include a brief or other written statement and additional evidence in support of the motion or appeal. The Form I-290B must be filed within 33 days from the date of this notice. If a motion or appeal is not filed within 33 days, this decision is final.

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