U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF V-A-O-C-A-C-D-R-C-

DATE: SEPT. 25, 2019

APPEAL OF IMMIGRANT INVESTOR PROGRAM OFFICE DECISION

APPLICATION: FORM I-924, APPLICATION FOR REGIONAL CENTER UNDER THE IMMIGRANT INVESTOR PILOT PROGRAM

In 1990, Congress established the EB-5 program[1] to promote economic growth in the United States through foreign investment. *See* Section 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(5). Foreign national investors who comply with the program's requirements first receive conditional status, followed by the opportunity for the removal of conditions and permanent resident status.[2] Investors may fund their own projects, or invest through a U.S. Citizenship and Immigration Services (USCIS) designated regional center. *See* Section 610(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (the "Appropriations Act"), 1993, Pub. L. No. 102-395, 106 Stat. 1828, 1874 (Oct. 6, 1992), as amended.

The Appellant, [redacted],[3] applied for designation as a regional center to participate in the EB-5 program. USCIS granted the application in 1997. The designated regional center is called [redacted]. The Chief of the Immigrant Investor Program Office terminated the [redacted]s designation in [redacted] 2018, finding that it no longer served the purpose of promoting economic growth. *See* 8 C.F.R. § 204.6(m)(6)(i), (ii).

On appeal, the Appellant provides additional evidence and requests the preservation of the [redacted]'s regional center designation. It urges USCIS to "allow the [redacted] to continue existence until all pending projects are concluded." It indicates that it will "cease to solicit new EB-5 investment" and "work together with USCIS to implement a gradual and orderly wind-down of [redacted] operations."

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[1] The EB-5 program, as it is commonly called, issues employment-based fifth preference visas to qualified foreign national investors.

[2] A foreign national investor files a Form I-526, Immigrant Petition by Alien Entrepreneur, attesting that he or she meets the criteria for conditional resident status, which includes showing that his or her investment (at least $500,000 or $1,000,000, depending on the geographic area) creates at least 10 jobs for qualified United States workers. After two years, the investor may file a Form I-829, Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, which, if granted, affords the investor full lawful permanent resident status in the United States. As part of the petition, the investor must show that his or her initial investment is still creating the requisite number of qualifying jobs.

[3] The evidence shows that the [redacted] is a [redacted] that is responsible, in part, for marketing [redacted] to businesses and individuals.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

Congress enacted the EB-5 program that set aside visas for foreign national investors who invest in a new commercial enterprise associated with a USCIS designated regional center. To obtain USCIS designation to participate in the program, a regional center must provide a general proposal showing how it will concentrate pooled investments in defined economic zones, thereby promoting economic growth. *See* Section 610(a) of the Appropriations Act. The desired economic growth may be in the form of increased export sales, improved regional productivity, job creation, or increased domestic capital investment. *Id.*

Once designated, the regional center must "[p]rovide 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." 8 C.F.R. § 204.6(m)(6)(i)(B). If the regional center does not submit the required information or is no longer serving the purpose of promoting economic growth, USCIS will issue a notice of intent to terminate (NOIT) the designation. Subsequently, USCIS may issue a notice of termination (NOT), if the regional center does not sufficiently rebut the grounds for termination specified in the NOIT. *See* 8 C.F.R. § 204.6(m)(6)(ii)-(v).

II. BACKGROUND

USCIS granted the [redacted] regional center designation in 1997, specifying [redacted] as the approved geographic area. In its initial filing, the Appellant stated that the [redacted] would sponsor projects that use EB-5 capital in the [redacted] tourism industry, specifically, to expand the [redacted] After its initial designation, USCIS approved the Applicant's requests to include additional industries, including manufacturing and professional services. A Memorandum of Understanding indicates that beginning in December 2014, the [redacted] and the [redacted] [4] jointly administer the [redacted]

In [redacted] 2016, the Securities and Exchange Commission (SEC) filed a civil complaint in federal court, alleging [redacted] and private entities[5] associated with a group of projects known as "the [redacted] EB-5 Projects" engaged in "an ongoing, massive eight-year fraudulent scheme" that "systematically looted more than $50 million" EB-5 capital and "misused more than $200 million" investor funds.[6] Subsequently, [redacted] filed a separate lawsuit in [redacted] court against [redacted] and

[4] The evidence shows that the [redacted] is a [redacted] agency that is responsible, in part, for supervising organizations that offer financial services and products.

[5] The named corporate defendants in the SEC civil lawsuit include: [redacted] Inc.; [redacted] Inc.; [redacted] Suites L.P.; [redacted] Suites Phase II, L.P.; [redacted] Inc.; [redacted] Suites, L.P.; [redacted] Services, Inc.; [redacted] and [redacted] Suites L.P.; [redacted] Services Golf, Inc.; [redacted] and [redacted] L.P.; [redacted] Services Lodge, Inc.; [redacted] Suites Stateside L.P.; [redacted] Stateside, Inc.; [redacted] Biomedical Research Park L.P.; and [redacted] Services, LLC.

[6] *SEC v.* [redacted], 2016 [redacted], 2016) (Compl. ¶¶ 1, 3).

[redacted] alleging that they had "orchestrated a large-scale investment scheme to defraud investors participating in the EB-5 Program."[7] The SEC action led to a U.S. district court judge appointing a receiver, [redacted] to administer and manage the affairs of the private entities involved in the fraudulent scheme.

In light of these legal proceedings, the Chief issued to the Appellant a request for information (RFI) in July 2016, and subsequently a NOIT in August 2017. *See* 8 C.F.R. § 204.6(m)(6)(ii)-(iv). Upon reviewing the Appellant's responses, the Chief terminated the [redacted]'s designation as a regional center in [redacted] 2018. Specifically, the Chief considered both positive as well as negative factors, and concluded that the [redacted] did not demonstrate that it continued to serve the purpose of promoting economic growth. *See* 8 C.F.R. § 204.6(m)(6)(v).

The Appellant files the instant appeal to challenge the Chief's termination of the [redacted]'s regional center designation. On appeal, it offers evidence that on [redacted] 2019, a federal grand jury indicted [redacted], and other individuals on criminal charges in connection with their management of one of the [redacted] EB-5 Projects.[8] The Appellant does not dispute that individuals and businesses associated with the projects misused and misappropriated a substantial sum of investor funds, diverting them from the specific projects that it had represented to USCIS would receive the funds and create jobs. Rather, the Appellant requests that USCIS allow the [redacted] to wind down its operations. It indicates that the [redacted] will "cease to solicit new EB-5 investment" and will not sponsor new projects, but it asks that "the [redacted] [be permitted] to continue in existence until all pending projects are concluded."

III. ANALYSIS

A. Winding Down Operations

The Appellant has not demonstrated that the applicable statute and regulation permit us to preserve the [redacted]'s regional center designation for the sole purpose of winding down its operations. Rather, the regulation prescribes the steps that USCIS must follow to designate and then terminate, in

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[7] *See* [redacted] 2016) (citing the Plaintiff's Amended Complaint); *see also* [redacted] 2018) (providing that "[t]he matter was resolved with a settlement for $2.1 million in damages, including $2 million from [redacted] and $100,000 from [redacted]" and that "[p]roceeds of the settlement will go to the [redacted], not to the investors allegedly defrauded by the defendants").

[8] *See* U.S. Department of Justice, U.S. Attorney's Office, [redacted] *Four Men Indicted on Fraud Charges Related to the* [redacted] *Project in* [redacted] https://www.justice.gov [redacted] four-men-indicted-fraud-charges-related [redacted] accessed on September 10, 2019, a copy of the article has been incorporated into the record of proceedings. We take administrative notice that the defendants pleaded not guilty and that the criminal proceedings are ongoing. *See* [redacted] *Indicted on Multiple Fraud Counts*, [redacted], 2019), https:/ [redacted] s-indicted-multiple-fraud-counts, accessed on September 10, 2019, a copy of the article has been incorporated into the record of proceedings. The defendants are not parties to this termination proceeding. With respect to the current immigration matter, neither the Appellant's reference to the criminal proceedings nor our consideration of the indictment should be viewed as an indication of criminal culpability. Instead, we review the indictment as evidence related to the Appellant's burden to show the [redacted]s ongoing capacity to promote economic growth. *See* 8 C.F.R. § 204.6(m)(6)(ii)-(v); *Cf. Matter of Thomas*, 21 I&N Dec. 20 (BIA 1995) (holding that evidence of criminal conduct that has not yet culminated in a final conviction may nonetheless be considered).

appropriate cases, an entity's regional center designation. Specifically, USCIS may designate an entity as a regional center in the EB-5 program if it meets certain requirements, including showing that it "will promote economic growth." 8 C.F.R. § 204.6(m)(3)(i). Once designated, the regional center must establish its continuous eligibility to participate in the program. As noted, if the designated regional center "no longer serves the purpose of promoting economic growth," then USCIS will issue a NOIT, and subsequently a NOT to terminate the designation, if the entity does not sufficiently rebut the grounds for termination specified in the NOIT. *See* 8 C.F.R. § 204.6(m)(6)(ii)-(v).

In this case, while the Appellant has communicated the [redacted]'s intent to refrain from soliciting additional EB-5 investment or sponsoring new EB-5 projects, it has not cited to any legal authority that permits us to preserve the [redacted]s regional center designation for wind down or any other purpose if we find that it "no longer serves the purpose of promoting economic growth." 8 C.F.R. § 204.6(m)(6)(ii)(B); *see also* Section 610(a) of the Appropriations Act. For the reasons we will discuss below, we conclude, after a consideration of both positive and negative factors, that the [redacted] no longer serves the purpose of promoting economic growth. Accordingly, the Chief properly terminated its regional center designation.

B. Promoting Economic Growth

To determine whether a regional center serves the purpose of promoting economic growth, we take into account a variety of factors, both positive and negative, that encompass past, present, and likely future actions. Positive factors include the extent of any job creation, the amount of investment, and the overall economic impact. Negative factors include inaction, mismanagement, theft, or fraud by or otherwise affecting the regional center, any resulting damage, and the risk imposed on investors or the economy. An evaluation of any negative factors should take into consideration mitigating or corrective actions taken by the regional center.

1. Positive Factors

As relating to the positive factors, the record shows that the [redacted] has sponsored EB-5 projects that have resulted in job creation in [redacted] According to pages 4 through 6 of the August 2017 "Review of the EB-5 Program in [redacted], prepared by the [redacted] after its designation in 1997, the [redacted] sponsored its first EB-5 project in December 2006 when it executed a Memorandum of Understanding with [redacted] Lodge Project. The 2017 [redacted] Review states that "the [redacted] [EB-5] projects have resulted in the deployment of hundreds of millions of dollars in foreign capital in [redacted] and "the creation of at least 3,700 jobs as a result."[10] Additionally, the report provides that the [redacted] has sponsored projects that are unrelated to the [redacted] EB-5 Projects – which, as discussed, are involved in federal and state litigations – and that these projects have "completed construction, and are operating successfully."

[9] [redacted] Suites L.P. is one of the named corporate defendants in the 2016 SEC's civil lawsuit and its affairs are currently under receivership.

[10] The 2017 [redacted] Review explains that it derived the job creation figure by counting the number of individuals with approved Forms I-829 and assuming that each one of them had created at least 10 jobs. *See supra* note 2.

On appeal, the Appellant names two projects that are unrelated to the EB-5 Projects. They are Resort and Lodge, and they involve three new commercial enterprises: Group 1 L.P.; Group 2 L.P.; and L.P. The Appellant claims that "[t]he success of [these projects] is strong evidence that significant economic growth and job creation was achieved and is continuing as a result of the EB-5 program." an examiner in the 's securities division provides in an August 2018 affidavit that the Resort is using EB-5 funds to complete two projects: the Project, the construction of which "is complete or substantially complete"; and the Lodge Project, which is "currently under construction." USCIS records concerning Form I-526 approvals show that Group 1 L.P. and Group 2 L.P. raised approximately $44,500,000 and $4,500,000, respectively, in EB-5 capital.

In addition, on appeal, the Appellant indicates that the construction phase of the Lodge has been completed. The executive vice-president of Lodge provides in an August 2018 letter that the business's use of EB-5 funds led to "the successful construction [and operation] of [an] expanded brewery and [a] new Austrian-style beer hall restaurant." He states that the Lodge has preserved and created jobs, and has "had a substantial and positive impact on the economy of both and for the U.S. economy as a whole." USCIS records concerning Form I-526 approval show that L.P. raised approximately $17,000,000 in EB-5 funds.

Another positive factor relates to the Appellant's attempt to oversee the EB-5 Projects and its efforts in ensuring that the projects and their offering documents were in compliance with the applicable securities laws. Specifically, on appeal, the Appellant submits letters that the sent to between July and December 2014, which raised concerns over the projects, primarily, whether their offering documents were in compliance with securities laws. The also appeared to have concerns over the financial status of the projects. For example, in two November 2014 letters, the 's general counsel requested to complete "an independent audit of all EB-5 Projects" and provide "a certified statement" explaining whether there had been commingling of EB-5 and non-EB-5 funds. When did not adequately address these concerns, the Appellant asked them to stop soliciting EB-5 capital for one of the projects – the Project, which is associated with the new commercial enterprise L.P.[11] The 2017 Review explains that, in part, because of the 's concerns, in December 2014, the "became formally involved in the" and "immediately began to investigate the financial aspects of the EB-5] Projects."

The record includes evidence that the has extended its oversight efforts to projects that are unrelated to the EB-5 Projects. On appeal, the Appellant submits an August 2018 affidavit from , the deputy commissioner in the 's securities division, stating that there is "a robust financial review process of the existing EB-5 [projects]" that "consist[s] of reviewing financial documents provided by the projects" and "conducting on-site visits of the projects." In addition, the requires projects to complete "a questionnaire" and submit it "along with the

[11] Park L.P. is one of the named corporate defendants in the 2016 SEC's civil lawsuit and its affairs are currently under receivership. According to page 9 of the 2017 Review, the allowed Park L.P. to again solicit EB-5 funds in April 2015.

requisite financial information." [redacted] August 2018 affidavit details additional information on how the [redacted] performs financial reviews of EB-5 projects.

On appeal, the Appellant submits evidence showing that the [redacted] has terminated its sponsorship of EB-5 projects that did not comply with the terms of the parties' Memoranda of Understanding. For example, in 2013, the [redacted] terminated its sponsorship of EB-5 [redacted]'s project, because the entity did not "perform its obligations . . . honestly, consistently and fairly in furtherance of its efforts to assist [redacted] with the oversight and management of the Regional Center."

Finally, USCIS records show that the Appellant has complied with its annual filing requirements by timely submitting the Form I-924A, Annual Certification of Regional Center. In its appellate brief, the Appellant asserts that it "has consistently made comprehensive and accurate representations in its annual filings and in response to direct USCIS inquiries" and "has consistently represented the data it had accurately to USCIS in annual filings and in response to inquiries."

2. Negative Factors

While the record contains positive indicia of the [redacted]s efforts to serve the purpose of the EB-5 program, it also contains numerous and significant negative factors demonstrating the limitations on its ability to continue to promote economic growth. Upon a close review, we conclude that the negative factors outweigh the positive ones. Since 2006, the Appellant has sponsored the [redacted] EB-5 Projects that the SEC alleges have allowed [redacted] to engage in "an ongoing, massive eight-year fraudulent scheme" that "systematically looted more than $50 million" and "misused more than $200 million" EB-5 funds.[12] In addition, the evidence the Appellant offers on appeal shows that in [redacted] 2019, the U.S. Attorney's Office announced criminal charges, including fraud and conspiracy, against [redacted] and other individuals based on the scheme described in the 2016 SEC action. The federal grand jury indictment, on pages 5 and 6, states that "[b]y 2011, the defendants knew that [redacted]s EB-5 projects faced financial problems resulting from the use of EB-5 funds raised for a particular project for purposes unrelated to that project, including . . . [redacted]' The document alleges that the individuals raised approximately $85,000,000 in EB-5 capital for the [redacted] the "[proposed] facility, however, was never constructed."[13] In [redacted] 2019, [redacted] filed a complaint in federal court, asserting on page 15 of the pleading that "[a]n accountant for the SEC testified that he documented repeated instances in which funds from each of the [redacted] EB-5 projects were commingled with funds from other [redacted] EB-5 projects" and that "[a]ll told, the SEC documented commingling of more than $350 million of [project] funds."

The Appellant has not challenged the allegations relating to [redacted] and other individuals' misuse and misappropriation of a substantial sum of EB-5 capital during an extended period. Indeed, [redacted] also brought a lawsuit against [redacted] alleging that they had "orchestrated a large-scale investment scheme to defraud investors participating in the EB-5

[12] *See supra* note 6.

[13] We again note that these criminal proceedings are ongoing.

Program."[14] While [redacted] stated in a September 2017 letter that he had recouped some of the diverted funds, the record does not show that he and the affected new commercial enterprises have been able to recover the rest of the misused and misappropriated funds, funds that the Appellant claimed would be used to promote economic growth. Misuse and misappropriation of EB-5 capital, as well as fraud perpetrated by individuals managing the [redacted] EB-5 Projects and associated businesses, diminish the [redacted]'s ability to promote economic growth, and constitute a weighty negative consideration.

In addition, although the Appellant has offered evidence on the [redacted]s efforts to promote economic growth, the record shows that most of the purported capital raised and jobs created were linked to the [redacted] EB-5 Projects, which, according to federal and state authorities, were part of a large-scale fraudulent scheme. The 2017 [redacted] Review confirms that the [redacted]s non-[redacted] EB-5 Projects – including [redacted] Resort and [redacted] Lodge – account for approximately 20% or $109,000,000 of the total EB-5 capital the [redacted] helped raised, while the [redacted] EB-5 Projects account for the remaining approximately 80% or $423,000,000.

Moreover, although the 2017 [redacted] Review states that "the [redacted] affiliated [EB-5] projects have resulted in . . . the creation of at least 3,700 jobs," the record includes evidence that casts doubt on this figure. For example, according to page 14 of the [redacted] 2019 indictment against [redacted] and other individuals, the job creation figure of the [redacted] came from an economist's analysis that "was based directly on inflated hiring and financial projections formulated by the defendants to achieve the required number for EB-5 approval," and that "[t]he defendants created deceptions about both construction jobs and operational jobs" that the project would create. The indictment further states on pages 14 and 15 that "[t]he defendants inflated projected jobs from the construction phase" and "inflated projected jobs and supplies expenses from the operations of the business." The job creation projections of other [redacted] EB-5 Projects similarly were calculated, in part, from EB-5 capital each project raised. In light of the allegations of misuse and misappropriation of EB-5 funds, which the Appellant does not dispute, the Appellant has not sufficiently demonstrated that the 3,700 jobs figure – most of the jobs are purportedly from [redacted] EB-5 Projects – or the [redacted]s alleged success in its promotion of economic growth inferred by that figure, is accurate.

As previously discussed, one positive factor is that the Appellant has taken steps to oversee and monitor EB-5 projects under its sponsorship. It maintains on appeal that USCIS should not terminate the [redacted]s regional center designation because it has engaged in a sufficient level of oversight and monitoring, and that the regulation "does not . . . impose specific obligations on a regional center to administer, oversee, or manage any of its associated commercial enterprises . . . ." The multiple lawsuits involving [redacted] and the [redacted] EB-5 Projects, alleging misuse and misappropriation of a large sum of EB-5 funds over many years, however, do not support the Appellant's contention that its oversight and monitoring efforts were sufficient. *See* 8 C.F.R. § 204.6(m)(6)(i), (ii); *see also* 6 *USCIS Policy Manual* G.3(A), https://www.uscis.gov/policymanual/HTML/PolicyManual.html (requiring a regional center to explain how it "[w]ill oversee all investment activities affiliated with, through, or under the sponsorship of the proposed regional center"). In addition, although the Appellant did timely file the required annual Forms I-924A, its representations in these filings – as relating to specific amounts of

[14] *See supra* note 7.

EB-5 funds being deployed in qualifying projects and used to create jobs – have turned out to be inaccurate according to both federal and state authorities.

Furthermore, the Appellant's insufficient level of oversight of the EB-5 Projects has led to loss of investor confidence, which does not serve the purpose of the EB-5 program of promoting economic growth. *See* 8 C.F.R. § 204.6(m)(6)(i), (ii). The record includes an April 2018 letter from an attorney representing a group of foreign national investors who sued [15] The investors claimed that the had "for years . . . ignor[ed] investor complaints" when they raised concerns over the wrongdoing of in their management of the EB-5 Projects. provided printouts from the 's website that read: "[the] monitors all EB-5 projects for compliance with USCIS EB-5 regulations and policy guidance." asserted that many investors invested in the EB-5 Projects because they had believed in the 's statements on oversight and monitoring. According to an October 2017 affidavit of one of the named plaintiffs in the investors' civil lawsuit against "[he] specifically chose the due to its representations of strict oversight over the EB-5 project at and the express representation of officials representing such oversight." The Appellant's oversight and monitoring efforts, however, had been insufficient to prevent, or timely recognize, misuse and misappropriation of EB-5 capital discussed in federal and state actions.

The record includes other evidence of loss of confidence in the According to a September 2017 letter from , who is also affiliated with the , which was once sponsored by the he supports the termination of the designation based, in part, on its insufficient oversight and monitoring of its sponsored EB-5 projects. In addition, in 2017 after federal and state authorities accused of EB-5 investment fraud, which is involved with the Resort, formed its own regional center in Regional Center – that will sponsor future EB-5 projects.[16] The lack of confidence in the 's oversight and monitoring capabilities on part of the investors and businesses diminishes the 's ability to promote economic growth.

Additionally, the record shows the Appellant had learned that and other individuals may have engaged in wrongdoing concerning the EB-5 Projects, but did not share such information with USCIS until 2016, after SEC initiated its action. Page 8 of the 2017 Review states that as early as in 2012, the learned that "the principal of a commercial entity that had been soliciting investors on behalf of the EB-5] Projects stated publicly that he had lost confidence in the projects." The report provides that around the same time, the "began having significant concerns about whether all material information about the Projects . . . had been disclosed to investors." Documentation from shows that of USAdvisors sent email correspondence to the in November 2011, raising concerns over the 's level of oversight and monitoring of the EB-5 Projects, and in February 2012,

[15] 2018) (Appellants' Br.); *see also* 2018) (Appellees' Br.).

[16] *Owner Gets EB-5 Regional Center Approval,* 2017), https://www.-owner-gets-eb-5-regional-center-approval, accessed on July 23, 2019, a copy of the article has been incorporated into the record of proceedings.

sharing that [redacted] Inc., terminated its relationship with the projects, because it had lost confidence in the accuracy of the projects' financial status and disclosures. Likewise, page 21 of [redacted]'s [redacted]019 complaint alleges that the [redacted] began having concerns over "the security of investor funds" in 2014. While the Appellant took actions attempting to address these concerns, it did not communicate the concerns with USCIS in its annual Form I-924A filings or supplemental filings for fiscal years 2012 through 2016. This inaction and the omission or inaccurate reporting of relevant and material facts resulted in USCIS approving Forms I-526 and Forms I-829 associated with the [redacted] EB-5 Projects that, based on pleadings in the federal and state cases, should not have been approved because, in part, the job creation figures might have been inflated, and thus inaccurate.

Finally, the evidence confirms that if we were to preserve the [redacted]'s regional center designation, it would unlikely promote economic growth. 8 C.F.R. § 204.6(m)(6)(ii)(B). [redacted] has indicated that it does not intend to solicit additional EB-5 capital or sponsor new EB-5 projects. It concedes on page 16 of the 2017 [redacted] Review that "operating a regional center is not a function that is best performed by the [redacted] and the need for a [redacted] regional center has passed." The [redacted]s express intent to not seek out new EB-5 funds or projects does not support a finding that it "is continuing to promote economic growth." 8 C.F.R. § 204.6(m)(6)(i)(B).

As discussed above, there are both positive and negative considerations concerning whether the [redacted] "serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment." 8 C.F.R. § 204.6(m)(6)(ii)(B). Upon a close examination of the totality of the circumstances and the factors, we determine that the negative indicia here outweigh the positive. Accordingly, we conclude that the [redacted] no longer continues to promote economic growth and does not warrant the preservation of its regional center designation.

C. Relating to Investors' Concerns

Some foreign national investors who have invested in the [redacted] sponsored EB-5 projects oppose the termination of its regional center designation. For example, according to a September 2017 letter from some [redacted] EB-5 Projects investors, they are concerned about their immigration petitions upon the termination of the [redacted] designation. The termination of a regional center designation and the adjudication of foreign national investors' petitions are separate proceedings that focus on different facts as applied to their applicable legal frameworks. While we sympathize with the investors' situation, in the instant termination proceeding, we must decide whether the [redacted] serves the purpose of promoting economic growth. *See* Section 610(a) of the Appropriations Act; 8 C.F.R. § 204.6(m)(6)(i), (ii). As we have explained above, upon a consideration of the totality of the circumstances as well as the positive and negative factors, we conclude that the Appellant has not sufficiently shown that the [redacted] serves the purpose of promoting economic growth.

IV. CONCLUSION

The Appellant has not submitted sufficient evidence demonstrating that the [redacted] continues to serve the purpose of promoting economic growth. Accordingly, we find the Chief properly terminated the [redacted]s regional center designation.

ORDER: The appeal is dismissed.

Cite as *Matter of V-A-O-C-A-C-D-R-C-*, ID# 1982072 (AAO Sept. 25, 2019)