



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

July 13, 2016

Tat Chan

Victoria Chan, Esq.

HARRIS REAL ESTATE FUND LLC FORMERLY US FEDERAL INVESTMENT IMMIGRATION  
FUND - **Designation Terminated**

PO Box 1880

San Gabriel CA 91778

### **NOTICE OF TERMINATION**

This letter shall serve as notification that U.S. Citizenship and Immigration Services (USCIS) has terminated the designation of Harris Real Estate Fund LLC formerly US Federal Investment Immigration Fund (“the Regional Center”) as a regional center under the Immigrant Investor Program (the Program),<sup>1</sup> pursuant to Title 8 of the Code of Federal Regulations (8 C.F.R.) section 204.6(m)(6), because it no longer serves the purpose of promoting economic growth.

The regulation at 8 C.F.R. § 204.6(m)(6) provides:

*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

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<sup>1</sup> Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, 106 Stat. 1828 (1992), as amended by section 116 of Pub. L. No. 105-119, 111 Stat. 2440 (1997); section 402 of Pub. L. No. 106-396, 114 Stat. 1637 (2000); section 11037 of Pub. L. No. 107-273, 116 Stat. 1758 (2002); section 4 of Pub. L. No. 108-156, 117 Stat. 1944 (2003); section 1 of Pub. L. No. 112-176, 126 Stat. 1325 (2012); and section 575 of Pub.L. No. 114-113 (2015) (hereinafter the “Appropriations Act”); *see also* section 131 of Pub. L. No. 114-53, 129 Stat. 502 (2015).

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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 C.F.R. 103.3, the regional center may appeal the decision to USCIS within 30 days after the service of notice.

On April 5, 2016, USCIS issued a Notice of Intent to Terminate (NOIT), which provided the Regional Center 30 days from receipt of the notice to address the bases for termination stated in the NOIT. In the NOIT, USCIS stated that it intended to terminate the Regional Center due to failure to promote economic growth.

On May 9, 2016, USCIS received a one page response to the NOIT sent by the Regional Center's counsel.<sup>2</sup> In the response, the Regional Center concedes it has not fulfilled its designated purpose but request an extension to demonstrate economic growth. After reviewing the response and the evidence submitted, USCIS has determined that the Regional Center has not overcome the deficiencies raised in the NOIT for the reasons stated below.

### **Reasons for Termination**

#### **A. Failure to Demonstrate Promotion of Economic Growth**

Under 8 C.F.R. § 204.6(m)(6), "USCIS will issue a notice of intent to terminate . . . 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."

As stated in the NOIT, USCIS intends to terminate the Regional Center's participation as a regional center in the Program because it no longer serves the purpose of promoting economic growth. The Regional Center's I-924A filings do not report any EB-5 capital investment or job creation for fiscal years 2013, 2014, or 2015. In addition, although USCIS designated the Regional Center as a regional center on July 19, 2013, the I-924A filings do not report any approved Form I-526s, Immigrant Petitions by Alien Entrepreneurs, or I-829s, Petition by Entrepreneur to Remove Conditions, for petitioners who have made or are actively in the process of making investments associated with the Regional Center. Moreover, as of the date of this notice, USCIS records indicate that no I-526 or I-829 petitions are pending for investments associated with the Regional Center.

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<sup>2</sup> USCIS notes that counsel recently informed USCIS via U.S. mail and email on March 14, 2016, that counsel was adding herself as principal to the Regional Center effective March 14, 2016.

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On May 9, 2016, USCIS received a one page response to the NOIT sent by the Regional Center’s counsel.<sup>3</sup> In the letter, counsel states that, despite the fact that “the Regional Center’s I-924A filings for 2013, 2014, and 2015 do not report any EB-5 capital investment or job creation for fiscal years 2013 to 2015” the Regional Center requests a “6 to 12-month extension” “to bring the regional center to serve its designated purpose.” In the alternative, counsel requests voluntarily withdraw from the program.

Along with the letter requesting an extension, counsel provided no evidence to demonstrate that the Regional Center will promote economic growth in six months, in twelve months or at any time in the future. Further, the Regional Center has offered no evidence in opposition to the grounds alleged in the NOIT. Additionally, USCIS notes counsel’s request to withdrawn from the program. The mechanism to end a regional center’s designation, whether initiated by the regional center or USCIS, is termination of the designation.

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, and the Regional Center’s participation in the Program is terminated.

**Procedure to Appeal the Decision to Terminate**

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 completed Form I-290B and supporting documentation with the appropriate filing fee should be sent to:

<b>If using U.S Postal Service</b>	<b>If using USPS Express Mail/Courier</b>
USCIS P.O. Box 660168 Dallas, TX 75266	USCIS Attn: I-290B 2501 S. State Highway 121 Business Suite 400 Lewisville, TX 75067

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<sup>3</sup> USCIS notes that counsel recently informed USCIS via U.S. mail and email on March 14, 2016, that counsel was adding herself as principal to the Regional Center effective March 14, 2016.

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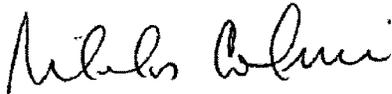
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For an appeal, the Regional Center may request additional time to submit a brief within 30 calendar days of filing the appeal. Any brief, written statement, or evidence in support of an appeal that is not filed with Form I-290B must be directly sent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

DHS/USCIS  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., 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

Enclosures: (1) Form I-290B with instructions  
(2) Notice of Intent to Terminate issued on April 5, 2016

cc: Victoria Chan, Attorney at Law  
Harris Law Group USA  
PO Box 1880  
San Gabriel CA 91778