

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:

Future Resources, Inc.
Attn: Jung Jun Ma
3325 Wilshire Blvd., Suite 905
Los Angeles, CA 90010

DATE: June 29, 2018

Application: Form I-924

File Number: RCW1418351796

RCID: ID1418351796

NOTICE OF INTENT TO TERMINATE

This notice is in reference to the approved designation of Future Resources, Inc. (the "Regional Center"), as a regional center in the Immigrant Investor Program (the "Program"). The purpose of this notice is to notify the Regional Center that, pursuant to 8 C.F.R. § 204.6(m)(6), U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the participation of the Regional Center in the Program because it no longer serves the purpose of promoting economic growth.

(SEE ATTACHED)

Pursuant to 8 C.F.R. 204.6(m)(6), you are provided thirty (30) days from receipt of this notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged.

Failure to respond within the time allotted may result in the termination of your designation for participation as a regional center in the Immigrant Investor Program.

Your deadline for submitting a response is: **August 1, 2018**

Keep a photocopy of this notice for your records. If you otherwise write to us about your case, please provide a copy of this notice.

You will be notified separately about any other applications or petitions you have filed.

Please send your response to this address:

U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street, NE
Mailstop 2235
Washington, DC 20529

IMPORTANT: RETURN THIS ORIGINAL NOTICE ON TOP OF YOUR RESPONSE.

Future Resources, Inc. / ID1418351796

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cc: Peter Hwang
Law Offices of David Y. Kim
3550 Wilshire Blvd., Suite 640
Los Angeles, CA 90010

NOTICE OF INTENT TO TERMINATE

Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program Future Resources, Inc.

This notice is in reference to the approved designation of Future Resources, Inc. (the "Regional Center"), as a regional center in the Immigrant Investor Program (the "Program").¹ The purpose of this notice is to notify the Regional Center that, pursuant to 8 C.F.R. § 204.6(m)(6), U.S. Citizenship and Immigration Services ("USCIS") intends to terminate the designation of the Regional Center in the Program because:

- 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, and increased domestic capital investment.

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

¹ 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 (hereinafter "Appropriations Act").

(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

A. Initial Designation

On April 27, 2015, USCIS designated the Regional Center following approval of its application to participate in the Program (RCW1418351796). Based on the initial designation, the Regional Center obtained approval to promote economic growth under the Program in the following geographic regions:

Name of State	Counties
California	Entire state

B. Amendments

The Regional Center has not filed any amendments to its designation.

C. Regional Center Projects

USCIS has received no Forms I-526, Immigrant Petition by Alien Entrepreneur, associated with the Regional Center.

D. Annual Reports (Forms I-924A)

The Regional Center has filed 3 Forms I-924A, Annual Certification of Regional Center. The table below summarizes the information that the Regional Center provided to USCIS in those forms regarding the claimed aggregate amount of capital investment from EB-5 petitioners associated with the Regional Center and the new direct, indirect, and/or induced jobs created through the regional center per year.

Fiscal Year	Receipt No.	Date Received	Aggregate EB-5 Capital Investment	Aggregate Direct/ Indirect Job Creation	Aggregate Jobs Maintained
2015	RCW1534953651	12/15/15			
2016	RCW1636255054	12/20/16			
2017	RCW1733555648	12/1/17			

(b)(4)

II. Analysis**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. *See, e.g.*, 8 C.F.R. § 204.6(m)(6)(i)(A). 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 and may subvert a purpose of Section 610(a)-(b) of the Appropriations Act, which provides for regional centers as a vehicle to concentrate pooled investment in defined economic zones 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.

USCIS has considered all evidence provided “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 that the Regional Center no longer serves the purpose of promoting economic growth in compliance with the Program’s requirements.

1. Lack of Regional Center Activity

The Regional Center’s Form I-924A filings for fiscal years 2015, 2016, and 2017 do not report any EB-5 capital investment or job creation. In addition, although USCIS designated the Regional Center on April 27, 2015, the Regional Center’s 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. The Regional Center’s filings do not otherwise indicate that it has conducted activity that serves the purposes of the Program, including the “purpose of concentrating pooled investment” as required by section 610(a) of the Appropriations Act.² 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.

2. Factors Impacting Regional Center’s Ability to Serve the Purpose of Promoting Economic Growth

USCIS has determined, based on the evidence detailed below, that the Regional Center may no longer be able to serve the purpose of promoting economic growth in compliance with the Program.

In reviewing the Regional Center’s I-924A filing for fiscal year 2016 (RCW1636255054), USCIS discovered that Future Resources, Inc.’s website³ mentions a “payment guarantee” for prospective EB-5 immigrant investors. On August 8, 2017, USCIS issued a Request for Clarification (“RFC”) to the Regional Center which afforded the Regional Center 10 days to demonstrate that the Regional Center website does not contain a guarantee of return of immigrant investor capital. To date, USCIS has not received a response from the Regional Center to the issue alleged in the RFC.

A requirement of the Program is that EB-5 capital must be placed at risk for the purpose of generating a return. *Matter of Izummi* held that guaranteed returns to an investor do not qualify for the purpose of

² *Id.*

³ <http://fureinc.com/?module=Html&action=SiteComp&sSubNo=5>, last accessed June 29, 2018.

being at risk under applicable regulations. 22 I&N Dec. at 180-184. Thus, if an immigrant investor is guaranteed the return of a portion of his or her investment, or is guaranteed a rate of return on a portion of his or her investment, then the amount of such guaranteed return is not at risk. Similarly, if the investor is individually guaranteed the right to eventual ownership or use of a particular asset in consideration of the investor's contribution of capital into a new commercial enterprise, such as a home (or other real estate interest) or item of personal property, the expected present value of the guaranteed ownership or use of such asset does not count toward the total amount of the investor's capital contribution in determining how much money was truly placed at risk.

The Regional Center's website continues to imply that all selected EB-5 projects will have only positive expectancy without exposure to market risk and that the return of EB-5 immigrant investor capital is guaranteed. Therefore, any Regional Center project would not comply with the requirement that EB-5 investments be placed "at risk" and, therefore, would not be a viable project for EB-5 investors.

The issues outlined above call into question the ability of the Regional Center to continue to serve the purpose of promoting economic growth in compliance with the Program, especially given its administration and oversight responsibilities as detailed in the Form I-924 Instructions and the Regional Center's letter of designation describing the oversight functions of a designated regional center. The Form I-924 Instructions state that, "The approval notice will provide information about the responsibilities and obligations of your USCIS designated regional center. It will also list the evidence to submit in support of regional center-associated individual EB-5 petitions, as well as details on the reporting and oversight requirements for regional centers." The Regional Center's letter of designation, dated April 27, 2015, specifically stated:

Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with all laws and regulations related to such investment offerings and activities may result in the issuance by USCIS of a notice of intent to terminate the Regional Center designation.

Based on the evidence detailed above, it appears that the Regional Center has failed to properly engage in management, monitoring and oversight as required by the Program. Additionally, because of the Regional Center's continued claim of a guaranteed return of investor capital, the Regional Center will not be able to sponsor viable projects that comply with EB-5 Program requirements in the future. Thus, USCIS has determined, by a preponderance of the evidence, that the Regional Center no longer serves the purpose of promoting economic growth.

III. Conclusion

USCIS has determined that the Regional Center does not serve the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased

domestic capital investment. Therefore, USCIS intends to terminate the designation of the Regional Center in the Program.

In accordance with 8 C.F.R. § 204.6(m)(6)(iv), the Regional Center will be provided 30 days from receipt of this notice to rebut the grounds alleged above. Failure to respond to this notice of intent to terminate will result in termination of the regional center designation based on the above stated reasons.

Please mail any evidence you wish to provide in opposition to the grounds alleged in this notice of intent to terminate to the address noted below and include a copy of this letter on top of your submission.

U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street NE, Mailstop 2235
Washington, DC 20529