



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

TO:

USFC-Texas, LLC
Attn. Stanley K. Bradshaw III
15851 Dallas Pkwy
Suite 1220
Addison, TX 75001

DATE: September 18, 2018

Application: Form I-924

File Number: RCW1229850791

RCID: ID1229850791

NOTICE OF TERMINATION

This letter shall serve as notification that U.S. Citizenship and Immigration Services ("USCIS") has terminated the designation of USFC-Texas, 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
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW, MS 2090
Washington, DC 20529-2090

USFC-Texas, LLC – **Designation Terminated**
ID (formerly ID1229850791)
RCW1229850791
Page 2

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.

Sincerely,

A handwritten signature in black ink, appearing to read "SMKendall", written in a cursive style.

Sarah M. Kendall
Chief, Immigrant Investor Program

Enclosure: (1) Form I-290B with instructions
(2) Notice of Intent to Terminate issued on August 1, 2018

cc: Noor Jiddou
US Freedom Capital LLC
15851 Dallas Pkwy
Suite 1220
Addison, TX 75001

NOTICE OF TERMINATION
Termination of Regional Center Designation Under the Immigrant Investor Program
USFC-Texas, 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 September 9, 2013, USCIS designated and authorized the Regional Center's participation in the Program. On August 1, 2018, USCIS issued a Notice of Intent to Terminate ("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 September 4, 2018, USCIS received a response to the NOIT (the "NOIT Response"), which did not sufficiently address 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 NOIT, the Regional Center’s Form I-924A filings for fiscal years 2013, 2014, 2015, 2016, and 2017 do not report any EB-5 capital investment or job creation. In addition, although USCIS designated the Regional Center on September 9, 2013, 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. 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.¹

In the NOIT Response, the Regional Center provided the following evidence:

- Letter from Stan Bradshaw, Regional Center Principal, dated August 29, 2018;
- Exhibit A – Copy of NOIT dated August 1, 2018;
- Exhibit B – Designation Letter issued by USCIS on September 9, 2013;
- Exhibit C – Regional Center ownership summary and passport copies of individual owners;
- Exhibit D – Regional Center financial statements for 2014 through 2018.

In response to the lack of Regional Center activity, Mr. Bradshaw stated in his August 29, 2018 letter that the Regional Center “began to move forward with a skilled nursing center in Austin, Texas...and [was] actively working on plan revisions in order to have the final plan prepared by January of 2017.” This project

¹ USCIS Policy Manual, Volume 6, Part 6, Chapter 3.

was described in the Regional Center's response to a previous NOIT from June 14, 2016. However, as of the date of this notice, no I-526 petitions have been filed with USCIS, and the Regional Center has not submitted any new evidence to show that this project has progressed beyond the planning phases originally described in the Regional Center's prior NOIT response. In fact, as described in Mr. Bradshaw's letter, the land for this project was sold in January 2018, and the Regional Center is "working on securing land...in order to revive this project." The site plan permit issued in July 2016 by the City of Austin was issued specifically for the address of the land that has now been sold. The Regional Center has not found a new plot of land in the same zip code, which would allow it to keep the license for the skilled nursing facility.

The Regional Center has not provided a business plan or other project-related documents as evidence to demonstrate that any progress has been made on this or any other project sponsored by the Regional Center since 2016. The development agreement and the agreement for the business plan and economic impact report referenced in Mr. Bradshaw's letter were provided in the previous NOIT response and were executed in 2015. The utilities paid on the property were paid in October 2016. In his letter, Mr. Bradshaw referenced two other projects that were to be sponsored by the Regional Center in 2013 and 2014 that did not move forward beyond the planning phase. Additionally, as of the date of this notice, no I-526 petitions related to this or any other project sponsored by the Regional Center have been filed with USCIS. Overall, the record lacks evidence to demonstrate that any actual progress on this project has been made or that it is likely to occur in the future. As of the date of this notice, the Regional Center has not submitted any new evidence to show that this project has progressed beyond the planning and conceptual phases. Further, the Regional Center has not filed any amendments with USCIS for this project.

These issues cast doubt on the Regional Center's ability to identify and sponsor viable projects in the furtherance of job creation and economic growth within its respective geographic area. The Regional Center has failed to raise any EB-5 capital or receive any interest from potential EB-5 petitioners for this project. Additionally, the lack of evidence of progress made in sponsoring any projects in the 26 months since the Regional Center's previous NOIT Response casts doubt on the likelihood of the Regional Center promoting economic growth and job creation in the future.

Based on the evidence submitted, the Regional Center failed to demonstrate that any of its projects have advanced past the preliminary planning phases such that it is more likely than not to result in job creation and economic growth. Absent any independent objective evidence in support, USCIS considers the aspirational statements about this project contained in the letter to be of limited probative value as evidence of the Regional Center's future ability to serve the purpose of promoting economic growth.

Simply conducting due diligence on possible projects or entering into negotiations for a project are not sufficient evidence for demonstrating the Regional Center's ability to develop viable projects. The Regional Center's filings indicate that it has not conducted activity that serves the purposes of the Program, and the lack of verifiable evidence of progress made in sponsoring any projects since receiving its designation in 2013, casts doubt on the likelihood of the Regional Center promoting economic growth and job creation in the future.

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 Center no longer serves the purpose of promoting economic growth and 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.

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
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.