

SUPPORTING STATEMENT
Application for Regional Center under the Immigrant Investor Pilot Program
Form I-924 and Form I-924A
OMB No. 1615-0061

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Immigrant Investor Pilot Program (commonly known as the “regional center” Pilot Program”) was created by section 610 of Public Law 102-395 (October 6, 1992). A regional center is defined as any economic unit, public or private, engaged in the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment. Alien entrepreneurs (“EB-5 alien investors”) admitted to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA) may meet the job creation requirements under INA section 203(b)(5)(A)(ii) through the creation of indirect jobs through capital investments made in commercial enterprises that are affiliated with regional centers that are designated for participation in the pilot program. Notably, an alien investing in a new commercial enterprise that is not affiliated with a regional center may only satisfy the job creation requirements through the creation of direct jobs. The requirements for obtaining the regional center designation for participation in the pilot program are in 8 CFR 204.6(m)(3).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new Collection indicate the actual use the agency has made of the information received from the current collection.

Currently the information collected is contained in 8 CFR 204.6(m)(3) and each proposal must:

- a. Clearly describe how the center focuses on a geographical region of the United States, and how it will promote economic growth through increased regional productivity, job creation, and increased domestic capital investment (and if contained within the business plan, export sales);
- b. Provide in verifiable detail how jobs will be created indirectly through increased exports;
- c. Provide a detailed statement regarding the amount and source of capital which has been committed to the regional center, as well as a description of the promotional efforts taken and planned by the sponsors of the regional center;
- d. Contain a detailed prediction regarding the manner in which the center will have a positive impact on the regional or national economy in general, as reflected by such factors as increased household earnings, greater demand for business services, utilities, maintenance and repair construction within the regional center; and
- e. Be supported by economically or statistically valid forecasting tools, including, but not limited to, feasibility studies, analyses of foreign and domestic markets for the goods or services to be exported, and/or multiplier tables.

U.S. Citizenship and Immigration Services (USCIS) created Form I-924 to collect the data. This is necessary to clarify requirements for a regional center document, improve the quality of applications,

better document eligibility for the Pilot Program, alleviate content inconsistencies among applicants' submissions, and support a more efficient process for adjudication of applications. The data collected on Form I-924 is used by USCIS to determine eligibility for an entity to be designated as a regional center under the Immigrant Investor Pilot Program. In addition, 8 CFR 204.6(m)(6) provides procedures for the termination of a regional center's designated under the pilot program if the regional center no longer serves the purpose of the program, which is to promote economic growth, improved regional productivity, job creation and increased domestic capital investment within the geographic area of the regional center. As a result, a Form I-924A must also be used for designated regional centers to use to provide information regarding the capital investment and job creation activities conducted through EB-5 capital investments in commercial enterprises affiliated each fiscal year.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The use of this form will provide the most efficient means for collecting and processing the required data. Forms I-924 and I-924A are available on the USCIS Web site at www.uscis.gov/i-924. This form can be completed electronically but cannot be e-filed at this time. Due to partial GPEA compliance, USCIS respectfully requests a 2-year approval.

Respondents to this collection may now submit the supporting documentation via an electronic document library that is available through the ELIS electronic submission system. The I-924 form itself must still be filed as stated above until work is completed to allow for ELIS filing of the form.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

A review of the USCIS Forms Inventory Report revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose. In addition, USCIS has examined whether the information is collected by other DHS components or Federal agencies from which USCIS could obtain the information, and no viable source was found.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The use of this form affects small businesses. USCIS, however, has minimized the amount of information collected from the affected small businesses to reduce the burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the collection of information is not conducted, USCIS will not have a standardized means to collect information to be able to determine if eligibility requirements for the designation of a regional center under the pilot program have been met.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years; in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; requiring the use of a statistical data classification that has not been reviewed and approved by OMB; that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On May 10, 2012, at 77 FR 27473, USCIS published a notice in the *Federal Register* for this information collection, allowing for a 60-day public comment period. USCIS received one submission from one commenter in response to the 60-day notice. The comments focused on the evidentiary requirements of the Form I-924. USCIS is presently working on substantive revisions to the Application for Regional Center under the Immigrant Investor Pilot Program, Form I-924. The concerns presented by the commenter will be retained by USCIS and will be given full consideration during the substantive revision of Form I-924.

On August 21, 2012, USCIS published a 30-day notice in the Federal Register at 77 FR 50520. USCIS received comments from three respondents in response to the 30-day notice. A synopsis of the comments

and USCIS’s response follows.

Category	Comment Summary	USCIS Response
General Comments	Current form and instructions require or allude to the provision of specific documents. However, certain documents may not be required when seeking a general regional center designation. A checklist would be helpful as well as greater specificity regarding the documentation to provide with Form I-924.	USCIS is in the process of revising Form I-924 and instructions to provide greater detail regarding the specific documents to provide when seeking a general regional center designation and/or a regional center designation that includes a specific approval of a capital investment project through the filing of a Form I-526 Exemplar petition as part of the Form I-924 application submission. The revised Form I-924 and instruction will also implement a standardized application format for the submission of evidence which will promote a more uniform application submission to streamline application submission and agency review.
General Comments	May a designated regional center use a structure of ownership and control different than the one proposed in its application?	USCIS will clarify the circumstances under which a designated regional center must file an amended application due to a change in structure and/or ownership and control that differs from the structure and/or ownership and control that was approved in the application.
General Comments	Secure electronic submissions and communications should be incorporated in all aspects of the application, request for evidence and adjudication stages of the Form I-924.	USCIS is actively engaged in the transformation of its paper-based application filing and adjudication processes to an electronic, “paperless” process for all agency application and petitions. The Form I-924 will be incorporated into this new application environment in the future.
Form Instructions, Initial Evidence	The examples of “Industry Categories” do not correspond	USCIS will clarify the definition of “industrial category” in the

Requirements, Item 3.	to NAICS codes. Please clarify the definition of “industrial category” and clarify the level of NAICS codes required for approval of an industrial category.	forthcoming form revision and the level of specificity required for the approval of an industrial category for inclusion in the regional center designation.
Form Instructions, Initial Evidence Requirements, Item 3.	Business plans are to identify remittances that will be paid to the regional center or any of its principals or agents through EB-5 capital investment activities. Please clarify the fees that must be identified	USCIS will clarify the fees that must be identified in regional center-associated business plans in the forthcoming form revision.
Form Instructions, Initial Evidence, Item 5.	Predictions of the regional or national economic impacts of the regional center must be provided. Please explain the significance of including national economic impacts.	See 8 CFR 204.6(m)(3)(iv), which provides the option to demonstrate eligibility for the regional center designation based in part upon the national impacts of the regional center.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality. The system of record notice associated with this information collection is United States Citizenship and Immigration Services Benefits Information System (DHS/USCIS-007), which was published in the Federal Register on September 29, 2008, at 73 FR 56596. The privacy impact assessment associated with this information collection is USCIS Benefits Processing of Applicants Other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to person’s form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the annual hour burden of the collection of information.

Type of Respondent	Form Name (Form Number)	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Private sector and state and local governments.	Application for Regional Center Under the Immigrant Investor Pilot Program (Form I-924)	192	1	40	7,680	* \$30.44	\$233,779
Private sector and state and local governments.	Application for Regional Center Under the Immigrant Investor Pilot Program Amendment (Form I-924 Amendment)	86	1	40	3,440	* \$30.44	\$104,714
Private sector and state and local governments.	Supplement to Form I-924 (Form I-924A)	192	1	3	576	* \$30.44	\$17,533
Total		470			11,696		\$356,026

* The above Average Hourly Wage Rate is calculated from [the U.S. Department of Labor, Bureau of Labor Statistics, May 2011 Average Wage for "All Occupations"](#) of \$21.74 times the wage rate benefit multiplier of 1.4 equaling \$30.44.

The current Change Request is for the ability to file the supporting documentation via the ELIS system. USCIS is not currently projecting any change in burden to the process but will study the effect of electronic submission and report on any burden savings in a future PRA submission of this form.

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in question 14. However, there is a fee charge of \$6,230 associated with filing Form I-924. There is no fee for filing the Form I-924A.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Annualized Cost Analysis:

a. Printing Cost	\$ 1,702
b. Collecting and Processing	\$ 1,730,238
c. Total Annual Cost to Government	\$ 1,731,940

Government Cost

The estimated cost of the program to the Government is calculated by multiplying the estimated number of Form I-924 initial and amendment respondents (278) x (\$ 6,230) fee charge which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits, plus the estimated overhead cost for printing, stocking, distributing and processing of this form.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

There has been an increase of 7,268 annual burden hours previously reported for this information collection. This increase can be attributed to the increase in the total number of respondents for Form I-924 from 248 to 470. The increase in the total number of respondents is based on updated FY2011 statistical data and the resulting adjustment in agency estimates, and also due to having separated out ROCIS burden calculations for each information collection instrument (i.e., Form I-924 initial filings, Form I-924 amendment filings, and Form I-924A filings) to properly distinguish and account for each of the collection instruments' burden. There is no change to the information being collected.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

USCIS does intend to employ the use of statistics or the publication thereof for this information obtained on the Form I-924 supplement. USCIS will publish an aggregation of the data provided each year by all designated regional centers. Attributes of the regional center affiliated capital investments, such as the geographic areas and industry categories receiving investment capital, the volume of regional center affiliated capital invested, and the number of jobs created or maintained as a result of the capital investments will be summarized and published on the USCIS Web site for each fiscal year. However, data that specifically identifies individual regional centers, commercial enterprises, or individuals involved in the pilot program will not be published¹. USCIS plans to publish this summarized data in

1. USCIS currently maintains a list of designated regional centers that includes regional center contact information on the USCIS website at www.uscis.gov/eb-5centers. The source of this information is the information collected to make determinations of eligibility for regional center designation under the pilot program filed by applicants (Form I-924) and/or

order to be responsive to requests for this information from a broad spectrum of USCIS's external stakeholders, to include members of Congress, other federal agencies, state agencies, and major media outlets.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

USCIS will display the expiration date for this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

The USCIS does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods. Not Applicable.

contact information provided by regional center principals to USCIS subsequent to the regional center's designation for participation under the pilot program.