

SUPPORTING STATEMENT FOR
Application for Regional Center under the Immigrant Investor Pilot Program and Supplement
OMB Control No.: 1615-0061
COLLECTION INSTRUMENT(S): I-924 and I-9214A

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.

Respondents to this collection may 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.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

- 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 October 22, 2014, USCIS published a 60-day notice in the *Federal Register* at 79 FR 63157 notifying the public that it was revising this information collection. The notice allowed for a 60-day public comment period on proposed revisions and USCIS received five comment submissions from four commenters.

USCIS is, however, postponing the implementation of the proposed revisions until later in 2015 to early 2016, after publishing new 60-day and 30-day notices. USCIS therefore requests to extend the current information collection without change at this time. USCIS will consider and address the public comments received in response to the 60-day revision notice published on October 22, 2014 on the proposed revisions, when it publishes the new 60-day and 30-day notice with the proposed revisions for implementation later in 2015 to early 2016.

For reasons described above, on January 27, 2015, USCIS published a 30-day notice in the *Federal Register* at 80 FR 4298 extending the current information collection without change. USCIS has not received any comments on the extension to date.

In the public comments received in response to the October 22, 2014 publication of a 60-day notice in the *Federal Register*, USCIS received seven comments from one commenter that were in response to proposed changes to the **I-924 Form and Instructions** and 4 comments that are applicable to the current version of the I-924 Form and instructions. Those applicable to the current versions are as follows:

- a. One commenter suggested that the I-924 instructions be modified to clarify that formal amendments are not required when a regional center changes its industries of focus, geographic boundaries, its business plans, or its economic methodologies. It was also suggested that the instructions expressly state that an I-924 Amendment is no longer required for a regional center to request additional NAICS industry codes. Additionally the commenter suggested that USCIS use the standard terminology to describe projects by their type: hypothetical, actual or actual with an I-526 exemplar.

As a result of the comment, USCIS intends the addition of language to clearly state that a separate I-924 amendment is not required for prior approval for changes in a regional center's industries of focus, geographic boundaries, business plans, or economic methodologies. Such changes may be submitted in an I-924 amendment requesting USCIS approval for an actual proposal or an actual proposal with an I-526 exemplar or when a proposal is presented to USCIS for approval in an individual's I-526 petition. Additionally, USCIS has added language indicating that changes in the organizational structure or administration, capital investment instruments, or offering memoranda of a previously added new commercial enterprise associated with the regional center may be reported by written correspondence with USCIS or when an I-924 amendment is filed for the required reporting of changes to the regional center's organizational structure, ownership, or administration. USCIS has also added language indicating that smaller changes, such as changes of address should be reported to USCIS in written correspondence and do not require an I-924 amendment.

USCIS also intends revisions to the form instructions that will omit the reference to NAICS industry codes as a reason to file an I-924 Amendment rather than expressly stating that an I-924 Amendment is no longer required for a regional center to request additional NAICS industry codes. These changes will be implemented when USCIS deploys comprehensive revisions in late 2015 to early 2016 as described above.

- b. One commenter suggested that USCIS allow Form I-924 (and other immigration forms) to be completed in either blue or black ink rather than only in black ink.

USCIS currently requires all forms to be filled out in black ink. USCIS can only accept black ink on its forms due to scanning and form publishing requirements. Blue ink does not scan consistently and cannot be read by the systems that we use to scan the forms.

- c. One commenter suggested that instructions pertaining to NAICS industry codes requested on the Form I-924 specify the number of digits required and that standard NAICS codes for residential and construction should be included as check boxes. It was further suggested that approval of NAICS codes for a regional center be made more flexible as NAICS codes are frequently requested in an I-526 visa petition pursuant to the Policy Memorandum (PM-602-0083) of May 30, 2013.

USCIS notes that there is no minimum requirement for the number of digits in the NAICS industry codes submitted for approval. The condition for approval of NAICS codes is that the NAICS codes used in the economic analysis accurately describe the industry sectors and or subsector(s) that are presented in the business plan so that the correct multipliers or other algorithms calculating job creation are used. Depending on the individual investment proposal, two digits may be satisfactory whereas another investment proposal may require four or more digits to adequately represent the investment proposal described in a business plan.

Regarding the suggestion that NAICS codes for a regional center be made more flexible as NAICS codes to reduce the incidence of additional specificity in an I-526 visa petition; USCIS notes that NAICS codes are used differently in the initial application for a regional center and when an actual investment proposal is actually submitted for USCIS approval. In an initial regional center application, the applicant submits NAICS codes supporting the type of proposal presented in the business plan. So an actual investment proposal will require a greater degree of specificity in the NAICS industry codes to support the actual proposal. When an actual investment proposal is approved and subsequently submitted in an I-526 petition, no refinement of the NAICS industry codes should be required.

If, however a regional center's initial application is supported by a hypothetical proposal, the degree of specificity of the business plan may not be at the stage where the appropriate NAICS industry codes are known. But when that hypothetical proposal is revised into an actual proposal and presented in an individual I-526 petition, the responsible party must refine the NAICS codes used in the economic analysis presented in an I-526 petition if they do not accurately reflect any changes from the hypothetical to the actual proposal.

- d. One commenter suggested that the "Application Type" listed in Part 2 of the current Form I-924 should be the stated as the first item on the form to avoid confusion.

USCIS believes that the best structure for the Form I-924 Application begins with a description of the ownership and control of the regional center entity.

In the public comments received in response to the October 22, 2014 publication of a 60-day notice in the *Federal Register*; USCIS received 4 comments that were in response to

proposed changes to the **I-924A Form and Instructions** and 2 comments that are applicable to the current version of the I-924A Form and instructions. Those applicable to the current versions are as follows:

- a. One commenter suggested that the description of the "fiscal year" reporting period for regional centers in Part 2 of the current Form I-924A should be amended to read "federal fiscal year" for clarification.

USCIS agrees and will add the work "federal" to the description of the fiscal year reporting period.

- b. One commenter suggested that USCIS not require prior approval of changes in ownership through a filing of an I-924 amendment. The commenter further suggested that a checkbox be added to Part 4 of the I-924A allowing the applicant to indicate that there has been no change in ownership since the last reporting period.

As previously stated in the Form I-924 instructions, prior approval of the ownership and control of regional centers is necessary to ensure the integrity of the EB-5 program. USCIS initially approves a regional center only after completing background investigations of regional center principals. Changes to the ownership, administration or organizational structure of a regional center require USCIS to confirm the continuing eligibility of the regional center to serve the purpose of promoting economic growth within that region. To avoid delay in processing, USCIS has changed the Form I-924 so that the applicant indicates the specific type of filing and thus allow USCIS to order work flow to achieve efficient processing. This change will be implemented when USCIS deploys comprehensive revisions in late 2015 to early 2016 as described above.

The comments from the commenter received applicable to the currently approved version of the form has been submitted in ROCIS with yellow highlights to easily identify the comments that relate to the currently approved version of the form. All others comments related to proposed revisions will be addressed when USCIS publishes the new 60-day revision notice based on the postponement described above.

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

USCIS does not provide any payment for 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 [DHS/USCIS/ICE/CBP-001 – Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864](#); and [DHS/USCIS-007 - Benefits Information System September 29, 2008 73 FR 56596](#). The privacy impact assessment associated with this information collection is iCLAIMS PIA currently under agency clearance.

- 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 persons from 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 hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

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	Application for Regional	207	1	40	8,280	* \$31.26	\$258,833

local governments	Center Under the Immigrant Investor Program (Form I-924)						
Private sector and state and local governments	Application for Regional Center Under the Immigrant Investor Program Amendment (Form I-924 Amendment)	104	1	40	4,160	\$31.26	\$130,042
Private sector and state and local governments	Supplement to Form I-924 (Form I-924A)	380	1	3	1,140	\$31.26	\$35,636
Total		691			13,580		\$424,511

* The above Average Hourly Wage Rate is the [May 2013 Bureau of Labor Statistics](#) average wage for “All Occupations” of \$22.33 times the wage rate benefit multiplier of 1.4 (to account for fringe benefits) equaling \$31.26. The selection of “All Occupations” (for example) was chosen as the expected respondents for this collection could be expected to be from any occupation.

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).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory**

impact analysis associated with the rulemaking containing the information collection, as appropriate.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

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.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Many respondents may incur expenses to obtain, legal documents confirming their establishment as a legal entity, state business license forms or other records or corporate establishment records. For form preparation, legal services, translators, and document search and generation, USCIS estimates the average cost of this information collection may vary widely, from as little as \$200 to \$2,000 per respondent. USCIS estimates that the average cost for these activities is \$1,341 and that an average of 92% of the total respondent population may incur this cost. The total cost to respondents would be as follows: 691 respondents x 92% of the population = 636 respondents and 636 respondents x the average estimated cost per response of \$1,341 = **\$852,876.**

- 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	\$ \$1,935,828
c. Total Annual Cost to Government	\$ \$1,937,530

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 (311) 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.

Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Form I-924 (Initial Filings)				7,680	8,280	600
Form I-924 (Amendment Filings)				3,440	4,160	720
Form I-924A				576	1,140	564
Total(s)				11,696	13,580	1,884

There has been an increase of 1,884 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 to 691 from 470. The increase in the total number of respondents is based on updated statistical data and the resulting adjustment in agency estimates. There is no change in the information being collected.

Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Form I-924 (Initial Filings)				\$0	\$520,254	\$520,254
Form I-924 (Amendment Filings)				\$0	\$255,863	\$255,863
Form I-924A				\$0	\$76,759	\$76,759
Total(s)				\$0	\$852,876	\$852,876

There is an increase of **852,876** in the estimated total annual cost burden associated with this information collection. This increase is the result of accounting for out-of-pocket costs that respondents may incur as described under item 13 above.

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 intends 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 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 OMB approval of 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.

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

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.

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