

**SUPPORTING STATEMENT APPENDIX A COMMENT SUMMARY FOR
APPLICATION FOR REGIONAL CENTER DESIGNATION UNDER THE IMMIGRANT
INVESTOR PROGRAM,**

AND ANNUAL CERTIFICATION OF REGIONAL CENTER

OMB Control No.: 1615-0061

COLLECTION INSTRUMENT(S): I-924 and I-924A

Summary of Changes Form I-924 and Form I-924 Instructions –

The revision to the Form I-924 reordered information on the form to group similar types of information within the same area of the form. There is also additional information requested in order to provide for more efficient adjudication and enhanced protection against fraud including the collection of social security numbers and government issued photo-identity documents for all principals of regional centers. All new collections of information are summarized and noted with an explanation of the need for the additional information. The new information is described in the section of the proposed Form I-924 in which it occurs. The Instructions for the Form I-924 have been revised to follow the same order of presentation as the form.

Changes to Form I-924 Instructions:

Under “*What is the Purpose of Form I-924?*”, we have distinguished between the types of changes to the regional center which require an I-924 Amendment versus those that make the filing of an I-924 Amendment voluntary. We have also added a clarifying note to inform applicants that an I-924 Amendment is not required to report changes of address, contact information, a change of duties among the regional center principal(s), changes to non-principal managing companies, contracting agents or similar changes, or information described in section (2)(B) of the instructions. We have also clarified that regional centers must notify USCIS within 30 days of such changes via the EB-5 Program mailbox at: USCIS. ImmigrantInvestorProgram@dhs.gov . We have also provided notice that USCIS will review any changes submitted by email and may require the regional center to file an I-924 Amendment if such changes are determined to be significant.

Changes to Part 1:

Note: Part 1 is now *Information About the Regional Center* rather than *Information About Principal of the Regional Center*.

This reordering was made to reflect that the application references a business entity (the regional center) rather than an individual.

Changes to Part 2:

Note: Part 2 is now *Information About Managing Company or Agency (if different from regional center entity)* rather than *Application Type*.

The new form will provide instructions and additional space to accommodate more than one Managing Company or Agency that acts in that capacity for the regional center. The addition of this new material

will provide USCIS with additional information for background information to detect fraud or national security concerns.

Changes to Part 3:

Note: Part 3 is now *Application Type* rather than *Information about the Regional Center*.

The form will now provide for a greater differentiation as to the application type by having the applicant select from listed choices on the form. This will save processing time by identifying the objective of the application such as: an initial application for designation versus an amendment to an approved regional center or to add a new commercial enterprise associated with the regional center. Amendments will be differentiated into categories including changes to:

- regional center's name, ownership, organizational structure or administration that affect the oversight and reporting responsibilities of the regional center, or to add or remove any of the regional center's principals;
- modify the geographic area for the regional center;
- modify the approved industries of focus for the regional center;
- add a new commercial enterprise associated with the regional center and/or seek a preliminary determination of EB-5 compliance for an exemplar Form I-526, Immigrant Petition by Entrepreneur, for that new commercial enterprise, before individual entrepreneurs file their petitions; or
- notify USCIS of changes in the name, organizational structure or administration, capital investment instruments, or offering memoranda (including changes in the economic analysis and underlying business plan used to estimate job creation) for a previously added new commercial enterprise associated with the regional center.

The form now asks what type of project supports the regional center application. This additional information will eliminate the ambiguity in how an application is processed in the event the applicant fails to note the project type in the attorney letter or business plan.

Changes to Part 4:

Note: Part 4 is now *Information about the Organizational Structure, Ownership, and Control of Regional Center Entity* rather than *Applicant Signature*.

This section of the form expands the collection of information to include all principals of the regional center whether they are owner-principals or non-owning principals and whether the principals in either category are persons (individual human beings) or legal entities and organizations. The current form only collects information on the lead principal acting as the authorized individual of the regional center. This expanded collection is necessary to counter instances where individuals with criminal backgrounds have sought control or influence over a regional center by not listing themselves as the authorized principal. Additionally the need to determine ultimate ownership of any controlling entities of the regional center is necessary for the prevention of fraud within the program. USCIS is also requiring entities that control a regional center either as owners or non-owners to provide their Federal Employer Identification Number. Aliases and "DBA" information is also required. New information not required on the current form, by category, includes:

Information About Principal Owners of the Regional Center Entity

1. Information About the Owners of the Regional Center Entity

- Family Name (Last Name)

- Given Name (First Name)
 - Middle Name
 - Date of Birth (mm/dd/yyyy)
 - Social Security Number
 - Country of Birth
 - Percentage of Ownership in Regional Center Entity ____%
 - Position Held within Regional Center Entity (if any)
 - Entity Name (for an owner of the Regional Center Entity that is an entity or organization)
 - Federal Employer Identification Number (for an owner of the Regional Center Entity that is an entity or organization)
 - A list of all person(s) having ownership, control or beneficial interest in the entity listed as the owner of the regional center and their date of birth; country of birth; percentage of ownership in the entity listed in this section
2. *Other Names Used By Owner of the Regional Center Entity (if applicable):*
 - Family Name (Last Name)
 - Given Name (First Name)
 - Middle Name
 - Trade Name (“DBA” if any) (for an entity or organization)
 3. *Other Names Used By the Principal Owner of the Regional Center Entity (if applicable)*
 4. *Mailing Address For Principal Owner of the Regional Center Entity*
 5. *Contact Information For the Principal Owner of the Regional Center Entity*
 6. *All Principal Owners of a Regional Center are required to provide a copy of a valid government-issued photo identification document.*

Information About Principal Non-Owners of the Regional Center Entity

1. *Information About Principal Non-Owner of the Regional Center Entity*
 - Family Name (Last Name)
 - Given Name (First Name)
 - Middle Name
 - Date of Birth (mm/dd/yyyy)
 - Social Security Number
 - Country of Birth
 - Position Held Within the Regional Center Entity
 - Entity Name (for a principal of the Regional Center Entity that is an entity or organization)
 - Federal Employer Identification Number (for a principal of the Regional Center Entity that is an entity or organization)
 - A list of all person(s) having ownership, control or beneficial interest in the entity that is a non-owning principal and their date of birth, country of birth, percentage of ownership in the entity listed in this section.
2. *Other Names Used By the Principal Non-Owner of the Regional Center Entity (if applicable)*
3. *Mailing Address For the Principal Non-Owner of the Regional Center Entity*

4. *Contact Information For the Principal Non-Owner of the Regional Center Entity*
5. *All Principal Non-Owners of a Regional Center are required to provide a copy of a valid government-issued photo identification document.*

Information About the Regional Center

1. State or Territory Where Regional Center Entity Was Formed
2. *Geographic area*

The form has new requirements regarding the geographic area of a regional center. The applicant will be required to provide a listing of the geographic components (states, counties census tracts, etc.) that comprise the limited and contiguous geographic area of the regional center. The applicant will be required to demonstrate that: the regional center focuses on a limited, contiguous geographical area of the United States and that the boundaries are reasonable based on evidence that the proposed area is contributing significantly to the supply chain and labor pool of the proposed new commercial enterprise(s). Furthermore, a change to the regional center's approved geographic area will now require that an amendment be filed and approved before any Form I-526 petitioners may apply for participation in a project in the new area. This requirement was necessary to correct an ambiguity in current policy in which regional center investors were applying for projects in areas not previously approved thus rendering them ineligible at the time of filing.

3. *Documentary Evidence of Regional Center Ownership, Structure, Control and Administration, Oversight and Management Functions*

The applicant will be required to indicate the type of supporting documentation being submitted to establish the ownership, structure, control and administration, and oversight and management functions of the regional center, such as:

- Equity Ledger and/or Capitalization Table
- Organizational Chart
- Articles or Certificates of Formation
- Partnership Agreement, Operating Agreement, or Other Governing Documents
- Meeting Minutes or Written Consents
- Annual Report.
- Equity Certificates
- Evidence that the regional center as a unit of an Agency or Municipality of a U.S. State or Territory
- Other

4. *Plan of Operation*

The applicant will be required to indicate the Plan of Operation for the regional center including details on how EB-5 investors will be recruited, the methods by which the capital investment opportunities will be offered, and how potential investors will subscribe or commit to the investment.

Changes to Part 5:

Part 5 is now *Information About the Industries That Will Be the Focus of EB-5 Capital Investments Sponsored Through the Regional Center* rather than *Signature of Person Preparing this Form, If Other Than Above* so all information in Part 5 has changed accordingly. All of the information in this section relating to the industries of focus of the regional center is located in Part 3 Question 7 of the current form.

Part 6:

Part 6 is a new section entitled: *Organizational Structure, Ownership, and Control of All New Commercial Enterprises In Which Investors Have Made or Will Make Their Capital Investments*. This section better delineates information previously collected in Part 3, Question 8 of the current form. New information not on the current form includes a listing of ownership and documentary evidence for each new commercial enterprise including information on ownership of the new commercial enterprise.

The applicant will be required to provide a listing of all persons, entities or organizations that own or have a percentage of ownership, their personal and contact information, documentary evidence on the establishment of the commercial enterprise and its supervision and management functions; information on whether the regional center or any of its principals or agents have an equity stake in the new commercial enterprises; and information on whether the regional center or any of its principals, managing companies, or agents receive fees, profits, surcharges, or other remittances through EB-5 capital investment activities from any current or prospective new commercial enterprise or any current or prospective EB-5 investor (beyond the minimum capital investment threshold required of the EB-5 investors. Applicants are also required to indicate the U.S. state or territory where the new commercial enterprise was or will be formed.

Part 7:

Part 7 is a new section: *Authorized Individual's Statement, Contact Information, Certification, and Signature*, which expands the information previously collected in Part 4 of the current form, *Applicant Signature*. The changes to this section make it consistent with the attestations submitted in other USCIS forms.

The attestation establishes that the authorized individual can read and understand English or has an interpreter (named in Part 8) who has read all questions and instructions on this application to the authorized individual in a language in which the authorized individual is fluent. Within this section, the authorized individual also lists their contact information and certifies all information and documentation and any documents submitted with this application is complete, true, and correct and confirms that they are empowered to act as the authorized individual by the regional center entity.

Part 8:

Part 8 is a new section: *Interpreter's Contact Information, Certification, and Signature*, which does not have a counterpart in the current form. This additional information collection makes the proposed Form I-924 consistent with other USCIS forms by requiring information on the interpreter including name and contact information; a certification of their fluency in the language of the authorized person of the regional center a certification that the interpreter has read all questions, instructions and the authorized individual's responses to the authorized individual of the regional center; and the signature of the interpreter.

Part 9:

Part 9 is a new section: *Contact Information, Statement, Certification, and Signature of the Person Preparing this Application, If Other Than the Authorized Individual of the Regional Center*, which expands the information previously collected in Part 5 of the current form, *Signature of the Person Preparing this Form, If Other than Above*. The additional information collected makes this section consistent with the attestations submitted in other USCIS forms and includes: the preparer's name and contact information; a statement of the relationship of the preparer (whether they are an attorney or accredited representative); and a certification that the preparer completed this application based only on responses from the authorized individual of the regional center and has verified each of the responses to the authorized individual; and the dated signature of the preparer.

Part 10. Additional Information

Part 10 is a new section providing the applicant with the extra space needed for any additional information submitted within this application.