

U.S. Department of Homeland Security  
24000 Avila Road, 2<sup>nd</sup> Floor  
Laguna Niguel, CA 92677



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

Date: **JUL 25 2011**

Agnes Yen  
American Franchise Regional Center, LLC  
80 W. Sierra Madre Blvd., Unit #238  
Sierra Madre, CA 91024

Application: Request for Designation as a Regional Center  
Applicant(s): Agnes Yen

Re: American Franchise Regional Center  
RCW1034350087 / (Formerly W09003540)

Pursuant to Section 610 of the Appropriations Act of 1993, on November 22, 2010, Agnes Yen submitted a proposal seeking approval and designation by U.S. Citizenship and Immigration Services (USCIS) of the American Franchise Regional Center.

USCIS hereby designates American Franchise Regional Center as a Regional Center within the Immigrant Investor Pilot Program and approves the request as described below:

**FOCUS OF INVESTMENT ACTIVITY:**

As depicted in the economic model, the general proposal, business plan and associated economic analysis, the Regional Center will engage in the following economic activities: construction and development of infrastructures in the Regional Center.

The Regional Center shall focus on offering EB-5 compliant capital investment opportunities into new commercial enterprises or a mix of commercial enterprises in the following target industry economic clusters:

1. NAICS 623 Nursing and Residential Care Facilities
2. NAICS 722210 Food Services & Drinking Places
3. NAICS 541 Professional, Scientific and Technical
4. NAICS 44-45 Retail
5. NAICS 33122 Metal Fabrication
6. NAICS 323110 Printing
7. NAICS 332710 Machine Shop
7. NAICS 23 Construction

**www.uscis.gov**

If any investment opportunities arise that are beyond the scope of the approved industry clusters, then an amendment would be required to add that cluster.

**GEOGRAPHIC AREA:**

The American Franchise Regional Center shall have a geographic scope to include the California Counties of Imperial, Los Angeles, Orange, Ventura, Riverside and San Bernardino.

The geographic focus of this area may contain some High Unemployment Targeted Employment Areas (TEAs) as designated by the State of California and rural TEAs, as defined in 8 CFR 204.6(e). Therefore, the minimum capital investment threshold for any individual immigrant investment into an approved commercial enterprise throughout the Regional Center shall be not less than \$500,000, if the investment target is located within a TEA or \$1,000,000 if it is located outside of a TEA. No debt arrangement will be acceptable unless it is secured by assets owned by the alien entrepreneur. A full capital investment must be made and placed at risk.

For any alien requesting the reduced threshold of \$500,000 based upon an investment in a Targeted Employment area, the alien must establish at the time of filing of the I-526 petition that either the investment will be made in a TEA designated area or was in a TEA designated area at the time of the alien's initial investment into the enterprise.

**EMPLOYMENT CREATION**

The econometric model is IMPLAN. Immigrant investors who file petitions for capital investments in new commercial enterprises located within and affiliated with the Regional Center area must fulfill all of the requirements set forth in INA 203(b)(5), 8 CFR 204.6, and 8 CFR 216.6, except that the petition need not show that the new commercial enterprises created ten new jobs directly as a result of the immigrant investor's investment. The determination whether the alien investor has met the job creation requirements will be established by a review of the required initial evidence at 8 CFR 204.6(j) and 8 CFR 216.6(a)(4) for the Form I-526 and Form I-829 petitions, respectively. The capital investment and job creation activities outlined in the individual petitions must fall within the bounds of the final economic analysis that is contained as part of the approved Regional Center proposal and its indirect job creation model and multipliers contained within the final approved Regional Center application package. The immigrant investor must show at the time of removal of conditions that they performed the activities described in Form I-526 petition, and the activities must be based on the approved regional center methodology for demonstrating job creation.

In addition, where job creation is claimed based on multipliers rooted in revenue generated by businesses occupying space and estimated project costs expenditures, the immigrant investor's individual I-526 petition affiliated with your Regional Center, should include as supporting evidence:

- A comprehensive detailed business plan with supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of indirect and/or induced jobs to be achieved/realized within two years pursuant to 8 CFR 204.6(j)(4)(B) and reasonable methodologies pursuant to 8 CFR 204.6(m)(7)(ii).

An alien investor's I-829 petition to remove the conditions which was based on an I-526 petition approval that involved the creation of new indirect jobs based on multipliers tied to job creation inputs as enumerated above, needs to be supported by evidence. Such evidence may include reasonable methodologies like multiplier tables, feasibility studies, and other economically or statistically valid forecasting devices which indicate the likelihood that the alien's investment has resulted in increased employment.

**Additional Guidelines for individual Immigrant Investors Visa Petition (I-526)**

Based upon the review of your proposal, the hypothetical projects consisting of a nursing home, general office building, a restaurant, a manufacturing facility and a retail shopping center are approved as Capital Investment Projects for your regional center. To demonstrate that an individual alien investor is associated with this project and your regional center, each alien entrepreneur petition, in conjunction with addressing all the requirements for that petition, shall contain supporting evidence relating to this project and the regional center designation, as follows:

1. A copy of this letter, the Regional Center approval and designation.
2. A copy of the USCIS approved Regional Center narrative proposal and business plan.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the final Regional Center economic analysis which has been approved by USCIS, which reflects that investment by an individual immigrant investor will create not fewer than ten (10) full-time employment positions, either directly or indirectly, per immigrant investor.
4. A legally executed copy of the USCIS approved documents:
  - a. Confidential Private Placement Memorandum      Samples/Drafts dated November 22, 2010
  - b. Subscription Agreement                              Samples/Drafts dated November 22, 2010
  - c. Escrow Agreement                                      Samples/Drafts dated November 22, 2010
  - d. Limited Partnership Agreement                      Samples/Drafts dated November 22, 2010

**DESIGNER'S RESPONSIBILITIES INHERENT IN CONDUCT OF THE REGIONAL CENTER:**

The law, as reflected in the regulations at 8 CFR 204.6(m)(6), requires that an approved Regional Center in order to maintain the validity of its approval and designation must continue to meet the statutory requirements of the Immigrant Investor Pilot Program by serving the purpose of promoting economic growth, including increased export sales (where applicable), improved regional productivity, job creation, and increased domestic capital investment. Therefore, in order for USCIS to determine whether your Regional Center is in compliance with the above cited regulation, and in order to continue to operate as a USCIS approved and designated Regional Center, your administration, oversight, and management of your Regional Center shall be such as to monitor all investment activities under the sponsorship of your Regional Center and to maintain records, data and information in order to provide the information required on the Form I-924A supplement. Form I-924A, Supplement to Form I-924 is available in the "Forms" section on the USCIS website at [www.uscis.gov](http://www.uscis.gov). Effective November 23, 2010, the failure to timely file a Form I-924A Supplement for each fiscal year in which the regional center has been designated for participation in the Immigrant Investor Pilot Program will result in the issuance of an intent to terminate the participation of the regional center in the Pilot Program, which may ultimately result in the termination of the approval and designation of the regional center.

American Franchise Regional Center/RCW1034350087/(Formerly W09003540)

Page 4

Note: The requirement for the filing of Form I-924A Supplement commences in fiscal year 2011. Each regional center that remains designated for participation in the pilot program as of September 30, 2011 must submit the Form I-924A Supplement with the required supporting documentation on or before December 29, 2011.

If you have any questions concerning the Regional Center approval and designation under the Immigrant Investor Pilot Program, please contact the USCIS by Email at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov).

Sincerely,



Rosemary Langley Melville  
Director  
California Service Center

cc: Daqin Zhang, Esq.



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Rosemary Langley Melville  
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