



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

Date: **JUN 29 2011**

Benjamin S. Miller
WestMill Mid-Atlantic Regional Center, LLC
2122 P Street, N.W., Suite 303
Washington, DC 20037

Application: Request for Designation as a Regional Center
Applicant(s): Benjamin S. Miller

Re: WestMill Mid-Atlantic Regional Center
RCW1033650029/(Formerly W09003180)

Pursuant to Section 610 of the Appropriations Act of 1993, on November 19, 2010, Benjamin S. Miller submitted a proposal seeking approval and designation by U.S. Citizenship and Immigration Services (USCIS) of the WestMill Mid-Atlantic Regional Center

USCIS hereby designates WestMill Mid-Atlantic Regional Center as a Regional Center within the Immigrant Investor Pilot Program and approves the request as described below:

GEOGRAPHIC AREA:

The WestMill Mid-Atlantic Regional Center shall have a geographic scope that includes Washington, DC-Baltimore-Northern Virginia Consolidated Statistical Area (CSA) and the Richmond, Virginia Metropolitan Statistical Area (MSA).

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: financing, developing, leasing, and operating retail and mixed-use real estate in the Mid-Atlantic region.

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 categories:

1. Retail

NAICS 44

2. Technical & Trade Schools	NAICS 6115
3. Accommodations	NAICS 721
4. Food & Drinking Establishments	NAICS 722
5. Professional Services	NAICS 541
6. Construction	NAICS 23
7. Real Estate, Rental & Leasing	NAICS 53

Note: If any investment opportunities arise that are beyond the scope of the approved industry categories, then an I-924 amendment application would be required to add that category.

Aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file individual petitions with USCIS for capital investments in new commercial enterprises located within and affiliated with the approved Regional Center area.

The geographic focus of the regional center may contain an area that is ultimately determined to qualify as a Targeted Employment Area (TEA), either as a rural area or an area of high unemployment as defined in 8 CFR 204.6(e). The area must qualify as a TEA at the time of the individual alien investor's capital investment or at the time of filing of his or her Form I-526 petition. TEA determinations are part of the adjudication of the individual Form I-526 petition, not in the adjudication of regional center applications.

The minimum capital investment threshold for any EB-5 capital 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

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. The approved econometric model is REDYN.



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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 economic 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 such as revenue generated by businesses occupying space and estimated project expenditures costs, needs to be supported by evidence showing the space is occupied by such businesses and that the funds were expended in the job-creating activity. 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)

Each individual petition, in order to demonstrate that it is associated with the Regional Center, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain as supporting evidence relating to this Regional Center designation, the following:

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. If the approval of the plan for capital investments in a given industry economic category is based upon an exemplar capital investment project, then the immigrant investor petition must also be supported by an analysis and evidence that shows that the actual capital investment in the Form I-526 petition comports to the exemplar capital investment project approved in the regional center designation and that it is otherwise EB-5 compliant.
4. A legally executed copy of the USCIS approved documents:
 - a. Operating Agreement Submission date November 19, 2010
 - b. Confidential Private Offering Memorandum Submission date November 19, 2010
 - c. Subscription Agreement Submission date November 19, 2010
 - d. Escrow Agreement Submission date November 19, 2010

Note: Each petition must also include any other evidence that is relevant to a proposed investment project, such as, licenses and permits, building contracts, feasibility studies, project timelines, advisory opinions, partnership agreements, etc.

DESIGNEE'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.

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.

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.

Sincerely,



Rosemary Langley Melville
Director
California Service Center

cc: Stephen C. Trow, Esq.