



U.S. Citizenship  
and Immigration  
Services

DATE: 02/20/2014

Edward Chen  
Texas Golden Pacific, LLC  
2275 Huntington Dr., # 338  
San Marino, CA 91108

Application: Form I-924, Application for Regional Center under the Immigrant Investor Pilot Program

Applicant(s): Texas Golden Pacific, LLC

Re: Initial Regional Center Designation  
Texas Golden Pacific, LLC  
RCW1224950751 / RC ID1224950751

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on 09/05/2012. The Form I-924 application was filed to request approval of initial regional center designation under the Immigrant Investor Program. The Immigrant Investor Program was established under § 610 of the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874).

In addition to the Form I-924, the applicant is seeking USCIS review and approval of an actual project supported by a comprehensive business plan as contemplated in Matter of Ho, 22 I. & N. Dec. 206 (Assoc. Comm'r 1998).

**I. Executive Summary of Adjudication**

Effective the date of this notice, USCIS approves the Form I-924 request to designate Texas Golden Pacific, LLC as a qualifying participant in the Immigrant Investor Program.

1. Effective the date of this notice, USCIS approves the TXGP CLA I, LP project based on the evidence submitted for an actual project.

**II. Regional Center Designation<sup>1</sup>**

USCIS approves the applicant's request to focus, promote economic growth, and offer capital investment opportunities in the following geographic area and industry categories:

**A. Geographic Area**

State	Counties
Texas	Harris, Fort Bend, Montgomery, Galveston, Waller, Chambers and Brazoria

**B. Industry Categories**

NAICS	Industry Name
236	Nonresidential Building Construction
6244	Child Day Care Services

**III. The Project**

Effective the date of this notice, USCIS approves the applicant's request to include the following actual capital investment project.

Project	Type of Project	Project Documents	Date of Document
TXGP CLA I, LP Geographic Location: Houston Metropolitan Area and Brazoria County  Focus of Investment: EB 5 loan and Developer's equity	Actual	Business Plan	Submitted 09/05/2012
		Economic Analysis	Submitted 09/05/2012

Note: If changes to these project documents are found in subsequent Form I-924 Amendments, Form I-526 or Form I-829 petitions, USCIS will review the supporting documents once more to ensure compliance with EB-5 program requirements.

<sup>1</sup> USCIS issued a Policy Memorandum (PM-602-0083) on the subject of "EB-5 Adjudication Policy," dated May 30, 2013, stating that formal amendments to the regional center designation are no longer required when a regional center changes its industries of focus or geographic boundaries. A regional center may still elect to pursue a formal amendment by filing Form I-924 if it seeks certainty in advance that changes in the industries or the geographic area will be permissible prior to filing Form I-526 petitions.

Texas Golden Pacific(TXGP), LLC plans to utilize EB-5 funding through the developer CLA Projects, LP, to develop and manage six to eight state licensed education and childcare centers – Children's Learning Adventure (CLA) in the State of Texas. The total development budget is projected a [redacted] of which [redacted] will be from EB-5 investors and [redacted] developer's equity. The final number of centers will depend on the total capital raised through investors.

To construct and operate each CLA Center would require [redacted] Construction will take less than two years and will occur in two different areas: Houston Metropolitan Area and Brazoria County. Each CLA Project will have a maximum capacity of 466 students. Average annual charge of [redacted] per child will generate total revenue of [redacted] at [redacted] percent occupancy rate. The operation of each CLA would generate [redacted] permanent new jobs in six-county Houston area and [redacted] jobs in Brazoria County.

The proposal identifies the new commercial enterprise ("NCE") of the project as TXGP CLA I, LP, which was formed in the State of Texas on 05/08/2012. The proposed locations of the projects are (i) Atascosita Road and Atascostia Oaks, (ii) Cinco Ranch Blvd and Spring Green, (iii) Highway 59 and University (Telfair), (iv) Riverstone Blvd. and HWY 6, (v) Fry Road and Mound Road, (vi) HWY 59 and North Park (vii) HWY 96 and FM270 in the City of Houston, Texas. [redacted] mmigrant investors will subscribe to the NCE as limited partners in exchange for capital contributions of \$500,000 each and an aggregate of [redacted]

The NCE will loan the [redacted] of EB-5 capital to a third-party entity, CLA Projects, LP. The EB-5 capital loan proceeds will be used to build and manage six to eight Children's Learning Adventure facilities in Houston Metropolitan Area and Brazoria County, Texas. The development involves the construction of the Children's Learning Adventure in approximately 25,000 square feet of space. The projected total cost of the project is [redacted]. Each project will take less than two (2) years to complete and, if all 8 projects are funded, the investment will generate approximately [redacted]

**A. Job Creation**

USCIS approves the geographic area and industry categories noted above based on the economic impact analysis presented and reviewed in conjunction with the adjudication of this capital investment project. The job creation methodology presented in the economic impact analysis and underlying business plan is found to be reasonable based on the following inputs, when applying the RIMS II economic model:

NAICS	Industry Name	Input (\$Millions)	Multiplier	Jobs
	Houston Metropolitan Area for 6 Counties	[redacted]		
2362	Construction of Nonresidential Buildings			
6244	Operation of Child Day Care Services			

(b)(4)

	Total for one CLA facility
	Total for 6 CLA Facilities
	Brazoria County
2362	Construction of Nonresidential Buildings
6244	Operation of Child Day Care Services
	Total for Brazoria County
	Grand Total



The approval of this Form I-924 application supported by an actual project is based upon the assumptions and estimates used as inputs in the business plan for job creation. Please refer to the input and multiplier analysis table above.

When an actual project is specifically named in this notice and the critical inputs remain materially unchanged, USCIS will give deference to the job creation methodology when adjudicating Forms I-526 associated with the named project. The same business plan and the same reasonable job creation methodology and projected inputs must be submitted when the individual investor's Form I-526 is filed in order to receive deference.

It will be the responsibility of the individual investor to demonstrate that the assumptions and estimates presented as inputs to the job creation methodology remain materially unchanged when he or she files a Form I-526. When filing Form I-829 for removal of conditional status, the individual investor has the burden of demonstrating that the assumptions and estimates presented as inputs to the job creation methodology have not materially changed and have been realized (or can be expected to be realized within a reasonable time).

If the job creation estimated in the business plan materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **IV. According Deference to Subsequent Filings Based on an Approved Project**

##### **A. TXGP CLA I, LP**

Each CLA Project is projected to take 18 months to complete and there will be up to 8 CLA Projects depending up on the availability of EB funds. Based on this timeline, USCIS will grant deference to the business plan, dated 09/05/2012, and the economic analysis, dated 09/05/2012. Please note that the qualifying critical assumptions, inputs, and resulting job creation estimates in the economic analysis are based on the project being completed in 18 months. It should also be noted that each investor petition must establish that the requisite job creation is likely to occur within 2.5 years from the adjudication of the Form I-526 petition. As such, each petition should be prepared to identify the phase of school(s) that will be developed with their investment funds and the timeline for that phase of construction. If the timeline for completion of the project changes, such that the economic

analysis on which this approval is based is no longer consistent or valid based on the changes in the construction timeline, USCIS is likely to conclude that there has been a material change and, in that event, the petitioners should be prepared to submit an updated and revised economic analysis when filing the Form I-526 showing that the requisite job creation is likely to occur within 2.5 years of petition approval.

When an actual (Matter of Ho compliant) project is specifically named in this notice and the critical inputs remain materially unchanged, USCIS will give deference to the job creation methodology when adjudicating Forms I-526 associated with the named project. The same business plan and the same reasonable job creation methodology and projected inputs must be submitted when the individual investor's Form I-526 is filed in order to receive deference.

It is the responsibility of the individual investor to demonstrate that the assumptions and estimates presented as inputs to the job creation methodology remain materially unchanged when he or she files a Form I-526. When filing Form I-829 for removal of conditional status, the individual investor has the burden of demonstrating that the assumptions and estimates presented as inputs to the job creation methodology have not materially changed and have been realized (or can be expected to be realized within a reasonable time).

If the job creation estimated in the business plan materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **V. Designee's Responsibilities in the Operations of the Regional Center**

As provided in 8 CFR § 204.6 (m)(6), to ensure that the regional center continues to meet the requirements of section 610(a) of the Appropriations Act, a regional center must provide USCIS with updated information to demonstrate the regional center is continuing to promote economic growth, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis or as otherwise requested by USCIS. The applicant must monitor all investment activities under the sponsorship of the regional center and to maintain records in order to provide the information required on the Form I-924A Supplement to Form I-924. Form I-924A, Supplement to Form I-924 Application is available in the "Forms" section on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30<sup>th</sup> of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29<sup>th</sup> of the same calendar year.

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 Program will result in the issuance of an intent to terminate the participation of the regional center

in the Immigrant Investor Program, which may ultimately result in the termination of the designation of the regional center.

The regional center designation is non-transferable.

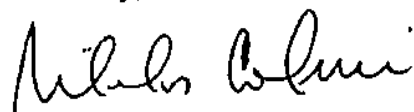
**VI. Legal Notice**

This approval and designation of a Regional Center under the Immigrant Investor Program does not constitute or imply an endorsement or recommendation by USCIS, the United States Government or any instrumentality thereof, of the investment opportunities, projects or other business activities related to or undertaken by such Regional Center. Except as expressly set forth in this approval and designation, USCIS has not reviewed any information provided in connection with or otherwise related to the Regional Center for compliance with relevant securities laws or any other laws unrelated to eligibility for designation as a Regional Center. Accordingly USCIS makes no determination or representation whatsoever regarding the compliance of either the Regional Center or associated New Commercial Enterprises with such laws.

Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with all laws and regulations related to such investment offerings and activities may result in the issuance by USCIS of a notice of intent to terminate the Regional Center designation.

If the applicant has any questions concerning the regional center designation under the Immigrant Investor Program, please contact the USCIS by email at [USCIS.ImmigrantInvestorProgram@uscis.dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@uscis.dhs.gov).

Sincerely,



Nicholas Colucci  
Chief, Immigrant Investor Program

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