



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

Date: July 17, 2015

Kevin R. Rogers
Renewable Texas Energy Regional Center, LLC
17300 N. Dallas Parkway, Suite 2020
Dallas, TX 75248

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

Applicant(s): Renewable Texas Energy Regional Center, LLC

Re: Request to Amend Regional Center Designation – Limited Decision
Renewable Texas Energy Regional Center, LLC
RCW1421351838 / ID1310651125

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 August 1, 2014. The Form I-924 application was filed to request approval of an amendment to a previously approved 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).

I. Executive Summary of Adjudication

Effective the date of this notice, USCIS approves, in a limited decision, the Form I-924 requesting specific industry categories, geographic regions, and multiple hypothetical projects to be identified for the Regional Center’s use.

II. Procedural History

On June 23, 2014, USCIS approved the Renewable Texas Energy Regional Center, LLC for participation in the Immigrant Investor Program as a designated regional center. Based on the initial designation, the Renewable Texas Energy Regional Center, LLC obtained approval for the following geographic area and industry categories.

Geographic Area		
State	Counties	Approval Date
Texas	Armstrong, Bailey, Borden, Briscoe, Castro, Crosby, Floyd, Garza, Glasscock, Hale, Howard, Lamb, Lubbock, Midland, Parmer, Randall, Scurry, Swisher	06/23/2014

Industry Categories		
NAICS	Industry Name	Approval Date
2362	Nonresidential Building Construction	06/23/2014
23713	Power and Communication Line and Related Structures Construction	
5413	Architectural, Engineering, and Related Services	
2211	Electric Power Generation, Transmission and Distribution	
33241	Power Boiler and Heat Exchanger Manufacturing	
333611	Turbine and Turbine Generator Set Units Manufacturing	
335311	Power, Distribution, and Specialty Transformer Manufacturing	

An amendment request is required if investment opportunities arise that are outside the previously approved geographic area and industry categories. If changes are found in subsequent Form I-526 or Form I-829 petitions, USCIS will review the new evidence to ensure compliance with EB-5 program requirements.

III. Regional Center Designation – Limited Decision¹

The applicant submitted its Form I-924 requesting specific industry categories, geographic regions, and multiple hypothetical projects to be identified for the Regional Center’s use.

Upon review of the record, USCIS has determined that not all of the requested geographic regions provided in the Form I-924 represent an appropriate application of a hypothetical project(s) to support the industry categories, and/or geographic regions acceptable for use by the Regional Center.

As such, USCIS has concluded that a limited decision is necessary in this case. Therefore, all requested, approved, and disallowed industry categories, geographic regions, and hypothetical projects have been identified below.

¹ 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.

A. Industry Categories and Geographic Regions Requested

The applicant has requested to focus, promote economic growth, and offer capital investment opportunities in the following geographic areas and industry categories:

1. Geographic Areas – Requested

State	Counties
Texas	The remaining 236 counties of the State of Texas

2. Industry Categories – Requested

NAICS	Industry Name
2361	Residential Building Construction
423	Merchant Wholesalers, Durable Goods
53111	Lessors of Residential Buildings and Dwellings
5416	Management, Scientific, and Technical Consulting Services
5418	Advertising, Public Relations, and Related Services
7211	Traveler Accommodation

B. Approved Industry Categories and/or Geographic Areas

The following industry categories and/or geographic areas have been determined to represent an appropriate application of a hypothetical project to support the industry categories and geographical regions acceptable for use by the Regional Center.

1. Geographic Areas - Approved

State	Counties
Texas	Callahan, Eastland, Jones, Nolan, Shackelford, Taylor

2. Industry Categories – Approved

NAICS	Industry Name
2361	Residential Building Construction
423	Merchant Wholesalers, Durable Goods
53111	Lessors of Residential Buildings and Dwellings
5416	Management, Scientific, and Technical Consulting Services
5418	Advertising, Public Relations, and Related Services
7211	Traveler Accommodation

C. Disallowed Industry Categories and/or Geographic Areas

The following industry categories and/or geographic areas have been disallowed because it has been determined that they do not represent an appropriate application of a hypothetical project to support the industry categories and geographical regions acceptable for use by the Regional Center.

State	Counties
Texas	All other Texas counties not mentioned above

(b)(4)



² Under "Initial Evidence Requirements" listed in the Form I-924 Instructions, point 2 reads, "The Regional Center must focus on a geographical area. This area must be contiguous and clearly identified in the application by providing a detailed map of the proposed geographic area of the Regional Center."

(b)(4)

3. Hypothetical Projects - Disallowed

The applicant requests to include a hotel project and five multi-family projects across the state of Texas, located in the cities of Austin, Corpus Christi, Dallas-Fort Worth, El Paso, Houston, and San Antonio as new hypothetical investments. For the reasons noted above, these hypothetical projects are disallowed. The applicant's own economic impact reports assign and estimate economic benefits only within the relevant localized impact for each project. None of these localized areas are contiguous with the Regional Center's current geographical area (see footnote #2, above).

USCIS will not give deference to the business plan and the economic analysis that derived the job creation estimates with any subsequently filed individual immigrant investors' Form I-526s pertaining to the above project. USCIS will review the business plan and/or economic analysis when the Form I-526s are filed to determine if it meets EB-5 requirements.

4. Conclusion - Decision to Disallow

(b)(4)

The decision to disallow the industry categories, geographic areas, and hypothetical projects identified above does not preclude the filing of Form I-526 petitions related to a subsequent project using the disallowed industry categories, geographic areas, and/or hypothetical project(s). Any future petitions will be adjudicated on their own merit.

There is no appeal to this decision to disallow the specified industry categories and/or geographic scope explained above. However, pursuant to 8 CFR 103.5, a motion can be filed on Form I-290B. Such motion must be accompanied by the proper fee and filed within 30 days of this notice. Form I-290B, Notice of Appeal or Motion, is available in the "Forms" section on the USCIS website at www.uscis.gov.

Please note that if the I-924 applicant elects to timely file a motion with USCIS and if said motion is granted the application will be reopened and/or reconsidered and a new decision rendered. If the applicant's proposal submitted in support of its motion meets the regulatory requirements at 8 C.F.R. § 204.6 the geographic areas, industry categories, and hypothetical projects that meet EB-5 requirements will be included in a corrected approval notice. If no motion is filed within the time allowed this decision is final.

V. Guidelines for Filing Form I-526 Petitions

Each individual petition, in order to demonstrate that it is affiliated with the Renewable Texas Energy Regional Center, LLC, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain the following:

1. A copy of this regional center approval notice and designation letter including all subsequent amendment approval letters (if applicable).
2. An economic impact analysis which reflects a job creation methodology required at 8 CFR § 204.6 (j)(4)(iii) and shows how the capital investment by an individual immigrant investor will create not fewer than ten (10) indirect jobs for each immigrant investor.
3. A comprehensive, detailed and credible business plan for an actual project that contains the factual details necessary to be in compliance with the requirements described in Matter of Ho, 22 I&N Dec. 206 (Assoc. Comm'r 1998).
4. Legally executed organizational documents of the commercial enterprise.

Note: The project reviewed with this Form I-924 application is a hypothetical project. Organizational and transactional documents associated with the new commercial enterprise (NCE) submitted with this Form I-924 have not been reviewed to determine compliance with program requirements since these documents will receive de novo review in subsequent filings (e.g., an amended Form I-924 application with a Form I-526 exemplar or the first Form I-526 petition filed by an investor under the regional center project).

VI. 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

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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.

Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30th 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 29th 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.

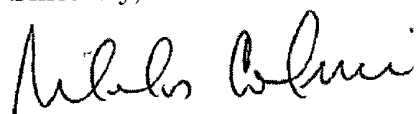
VII. Legal Notice

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.

Sincerely,



Nicholas Colucci
Chief, Immigrant Investor Program

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