

January 26, 2023

Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave. NW,
Washington, DC 20529-2240

Submitted via www.regulations.gov

OMB Control No.: 1615-NEW

Docket ID: USCIS-2022-0010

Re: Agency Information Collection Activities; Form I-956G, Regional Center Annual Statement

Dear Ms. Deshommes:

Klasko Immigration Law Partners LLP (“Klasko,” or “KILP”) respectfully submits the following comments (collectively the “Comment”) to the above-referenced Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”) Agency Information Collection Activities: Form I-956G (OMB Control No.:1615-NEW; Docket ID: USCIS-2022-0010) (hereinafter “Form I-956G”) pursuant to a notice collection dated December 27, 2022. These comments are intended to supplement the October 28, 2022, comments submitted by plaintiffs on this form.

Klasko is the counsel for all plaintiffs in *EB5 Capital, et al. v. DHS, et al.*, (No. 3:22-cv-3948-VC (N.D. Cal.)), and plaintiff Invest in the USA (“IIUSA”) in *Behring Regional Center LLC vs. Alejandro Mayorkas et al.*, Case No. 3:22-cv-2487VC (ND Cal.). Klasko’s seasoned and renowned EB-5 immigration lawyers have helped thousands of foreign nationals successfully navigate the EB-5 investor program to obtain conditional and permanent residency in the United States. In addition, Klasko’s EB-5 team is adept at navigating the complexities of the EB-5 program for regional centers and developers. Klasko works with an accomplished network of securities lawyers, economists, business plan writers, and other professionals to structure projects that are EB-5 compliant.

The plaintiffs in *EB5 Capital, et al. v. DHS, et al.*, (No. 3:22-cv-3948-VC (N.D. Cal.)) are USA EB5 Immigration, LLC d/b/a EB5 Capital, CanAm Enterprises, LP, Civitas Capital Management, LLC, Golden State Renaissance Ventures, LLC d/b/a Golden Gate Global, and Pine State Regional Center, LLC.

EB5 Capital owns and operates five regional centers that serve 14 states. Since its founding in 2008, it has funded over \$900 million in EB-5 funds for 32 completed and current projects. It has a 100% project approval rate from USCIS. It is headquartered in Bethesda, Maryland.

CanAm Enterprises, LP owns and operates seven regional centers. In its thirty-five years of experience, it has raised over \$3 billion in EB-5 funds for 63 projects from more than 5,800 EB-5 investors. It has more than 5,000 I-526 petition approvals, and more than 2,500 I-829 petition approvals have been issued to its EB-5 investors. It has a 100% project approval rate from USCIS. It is headquartered in New York, NY.

Civitas Capital Management, LLC owns and operates several regional centers, including the Civitas Texas Regional Center. Since its founding in 2009, it has raised more than \$700 million in EB-5 investments. It has a 100% project approval rate from USCIS. It is headquartered in Dallas, Texas.

Golden State Renaissance Ventures, LLC d/b/a Golden Gate Global owns and operates several regional centers. Since its founding in 2011, it has raised over \$650 million in EB-5 funds, which account for over 22,000 jobs created. It has a 100% project approval rate by USCIS. It is headquartered in San Francisco, California.

Pine State Regional Center, LLC was designated by USCIS as an EB-5 regional center in 2014. With a focus on rural manufacturing EB-5 projects, Pine State provides financing to highly impactful job-creating projects, deploying over \$100 million of foreign investor capital to date. It is headquartered in Little Rock, Arkansas.

Invest in the USA (“IIUSA”) is the national membership-based 501(c)(6) non-profit trade association for the EB-5 Regional Center Program. IIUSA represents over a hundred regional center members serving forty-seven states and territories. Its mission is to advocate for EB-5 stakeholders, including its regional center members, to foster U.S. economic development and domestic job creation. It is headquartered in Washington, D.C.

Comments:

RIA Requirements Are Not Applicable to Pre-RIA Projects.

The instructions should clarify that certification and/or documentation for specific RIA requirements, such as separate accounts, fee disclosures, fund administrators, or annual audits, apply only to I-956F projects described in the Form I-956G. These limiting instructions, and the language within the form, should be specifically applicable to Attachment 1 #18 regarding fee disclosures, #26 regarding separate accounts, #27 regarding fund administrator, and #28 regarding investment advisor and broker-dealer control. In addition, Attachment 1 #27 should provide an opportunity to select annual audits instead of a fund administrator and provide certain information regarding those audits.

Winding Down Regional Centers

In addition, USCIS should clarify that regional centers that do not intend to do business under RIA and therefore do not file a Form I-956 (“Winding Down” regional centers) will not be terminated based solely on their failure to file a Form I-956, if those Winding Down regional centers file the Form I-956G annually.

Conclusion

We appreciate the opportunity to comment on the Form I-956G and look forward to a continuing dialogue with DHS on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Ronald Klasko". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

H. Ronald Klasko, Esq.

Klasko Immigration Law Partners, LLP