Re: GTA Project

From: "Mayorkas, Alejandro N" [redacted]>
Sent: 7/29/2010 12:03:44 PM +00:00
To: 1. "[redacted]
Subject: Re: GTA Project

Thank you, [redacted] As long as this case receives prompt, full, and fair consideration -- as we wish for all cases -- that is great. I would like to know of the decision only so that I may inform our colleague at DHS, as long as Dea concurs that is appropriate.
Thanks. Ali

----- Original Message -----
From: [redacted]
To: Mayorkas, Alejandro N; [redacted]
Sent: Wed Jul 28 16:38:43 2010
Subject: FW: GTA Project

Ali,

I remember looking into this before and that it was getting the proper attention and service. From the message below, it appears they responded to an RFE on July 19th. We are confirming with CSC that they received the response and will be adjudicating it soon. Do we owe anyone an update, or will rendering a decision suffice?

From: Mayorkas, Alejandro N
Sent: Wednesday, July 28, 2010 2:12 PM
To: [redacted]
Subject: FW: GTA Project

[redacted]

Douglas Smith, the Assistant Secretary for Private Sector in DHS, just forwarded to me the attached regarding an EB-5 petition (he called me in advance a minute ago and indicated that he would be doing so) I am copying [redacted] and [redacted] so that they have visibility. I want to make sure that we are providing customer service consistent with our standards but that we are not providing any preferential treatment. Please address as appropriate.

Thanks very much. Ali

Alejandro N. Mayorkas

Director

EM-0000001

United States Citizenship and Immigration Services

20 Massachusetts Avenue NW, Suite 5110

Washington, DC 20529

[redacted]

[redacted]

From: Smith, Douglas A [mailto[redacted]
Sent: Wednesday, July 28, 2010 2:08 PM
To: Mayorkas, Alejandro N
Subject: FW: GTA Project
Importance: High

A - Thanks! Looking forward to our dinner when you get back. Have a great vacation.

From: Terry McAuliffe [mailto:[redacted]]
Sent: Wednesday, July 28, 2010 1:31 PM
To: Smith, Douglas A
Subject: GTA Project

Doug:

It was great speaking with today. As I mentioned to you, I am the chairman of Greentech Automotive (GTA). GTA is a US-based company dedicated to developing and producing affordable, environment-friendly, and energy-efficient vehicles. We are committed to bringing "green" jobs to the U.S. GTA is partially funded by USCIS EB-5 program through Gulf Coast Funds Management (GCFM) regional center, which was initially approved in August 2008 to cover Mississippi and Louisiana. GCFM filed an Amendment Application in Jan 2010 to expand its operations to Virginia and Tennessee to support GTA's efforts.

I have been extremely frustrated by the USCIS approval process which has delayed our business plan and job creation efforts. The major delay was caused by incorrect information being given to us by USCIS officials regarding the extension process. You should be aware that Senator Warner and other Members of Congress have made inquiries on this project. I would greatly appreciate your attention to this matter as it is imperative to our country that we begin to get people back to work, especially in the manufacturing sector.

The following is GCFM's Amendment timeline:

- Aug 18, 2008: GCFM approved as Regional Center
- Jan 12, 2010: GCFM filed Amendment Application to USCIS - 1st try
- Feb 19, 2010: USCIS rejected on technical issue and GCFM refiled - 2nd try
- May 13, 2010: USCIS Request for Evidence (RFE) by Aug 3

EM-0000002

- Jul 19, 2010: GCFM filed answers to RFE - 3rd try

Attached:

1. Apr 28, 2010: Sussex County Board of Supervisors inquiry letter to Senator Warner
2. Jul 19, 2010: GCFM cover letter to USCIS RFE

Terry

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 [redacted] | [redacted] | [redacted] Website: www.wmgta.com
<http://www.wmgta.com/>

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PR_RIM_DELETED_BY_DEVICE: true

Re: Gulf Coast Funds: amendment denial

From: "Mayorkas, Alejandro N" [redacted]
Sent: 8/18/2010 12:58:44 AM +00:00
To: [redacted]
Subject: Re: Gulf Coast Funds: amendment denial

Ok.

----- Original Message -----
From: [redacted]gov>
To: Mayorkas, Alejandro N
Sent: Tue Aug 17 20:35:43 2010
Subject: Re: Gulf Coast Funds: amendment denial

Discuss tomorrow?

----- Original Message -----
From: Mayorkas, Alejandro N [redacted]
To: [redacted]
Sent: Tue Aug 17 19:54:17 2010
Subject: Fw: Gulf Coast Funds: amendment denial

----- Original Message -----
From: Smith, Douglas A [redacted]
To: Mayorkas, Alejandro N
Sent: Tue Aug 17 19:52:13 2010
Subject: Fw: Gulf Coast Funds: amendment denial

This is what I called you about. Unless I am missing something, this is just crazy.

Douglas A. Smith
Assistant Secretary
Office of the Private Sector
Department of Homeland Security
[redacted]

----- Original Message -----
From: Terry McAuliffe [redacted]
To: Douglas Smith [redacted]
Sent: Tue Aug 17 17:27:24 2010
Subject: FW: Gulf Coast Funds: amendment denial

-----Original Message-----
From: [redacted]]
Sent: Tuesday, August 17, 2010 2:35 PM
To: 'Terry McAuliffe'
Cc: '[redacted]
Subject: FW: Gulf Coast Funds: amendment denial

EM-0000019

Terry, This approval process becomes ridiculous. -Gary

-----Original Message-----
From: [redacted]]
Sent: Tuesday, August 17, 2010 1:37 PM
To: [redacted]; [redacted]
Subject: Gulf Coast Funds: amendment denial

[redacted] and [redacted]: Attached is a copy of the CSC's decision denying your amendment request, which we just received. The decision is poorly reasoned and wrong, in my opinion. However, I suggest you do NOT appeal to the Administrative Appeals Office, as you will just lose there.

I can explain more by phone, as well as discuss your various options. Let me know when you want to have a conf. call to discuss. [redacted]

[redacted]
Miller Mayer, LLP
[redacted]
Ithaca, New York 14850-5578
Also Adjunct Professor, Cornell Law School
Co-Author, Immigration Law & Procedure Treatise

[redacted]
WWW: http://www.millermayer.com/
Please note my new cell number: [redacted]

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PR_RIM_DELETED_BY_DEVICE:	true

FW: GCFM Cases

From: "Mayorkas, Alejandro N" [redacted]
(FYDIBOHF23SPDLT)/RECIPIENTS/ANMAYORK>

Sent: 9/19/2011 9:33:19 PM +00:00

To: 1. [redacted]

Subject: FW: GCFM Cases

Has SCOPS sent the e-mail on this yet? Where are we? Thank you.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]m]
Sent: Monday, September 19, 2011 4:38 PM
To: Mayorkas, Alejandro N
Subject: RE: GCFM Cases

Dear Ali,

Any update on this? Who should I contact, as I know that this is not something you can assist directly on?

Thanks, Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP [redacted] | Tysons Corner, VA 22102
[redacted]

[redacted] | www.gtlaw.com

EM-0000026

GT GreenbergTraurig

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From: Mayorkas, Alejandro N[redacted]
Sent: Tuesday, September 13, 2011 7:36 AM
To: Lurie, Dawn (Shld-TCO-Imm)
Subject: RE: GCFM Cases

Dawn,

Thank you for your message. We are aware of the time sensitivity in this matter.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]]
Sent: Monday, September 12, 2011 4:41 PM
To: Mayorkas, Alejandro N
Subject: FW: GCFM Cases

EM-0000027

Dear Ali,
I'm not sure if you received my messages but I think Terry has a call with the Secretary tonight and I would like to have a update to give him before COB?

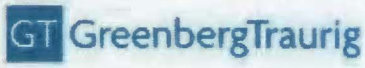
Is there any news?

On another note I will see you tomorrow for the "Conversation with the Director".

Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted]

[redacted] | www.gtlaw.com



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From: Lurie, Dawn (Shld-TCO-Imm)
Sent: Monday, September 12, 2011 3:17 PM
To: [redacted]
Subject: GCFM Cases

Dear [redacted]

I am sure at this point I appear to be somewhat of a stalker. My apologies but I am desperate for some sort of update:)

The cases we are concerned about include the following list and as you know the AAO issued their decision to remove the barriers on adjudication. Any news you could provide would be helpful.

Thanks, Dawn

[redacted]: WAC1090115055 - On May 31, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

[redacted] WAC1090166210 - On May 23, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

[redacted]: WAC1090138168 - On February 16, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

[redacted]: WAC1090108256 - On May 18, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

And here is the full list:

Name	Petition Receipt #	Received Date
[redacted]	WAC1090108256	6/1/2010
[redacted]	WAC1090112057	6/8/2010

EM-0000029

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From: Lurie, Dawn (Shld-TCO-Imm)
Sent: Monday, September 12, 2011 3:17 PM
To: [redacted]
Subject: GCFM Cases

Dear [redacted]

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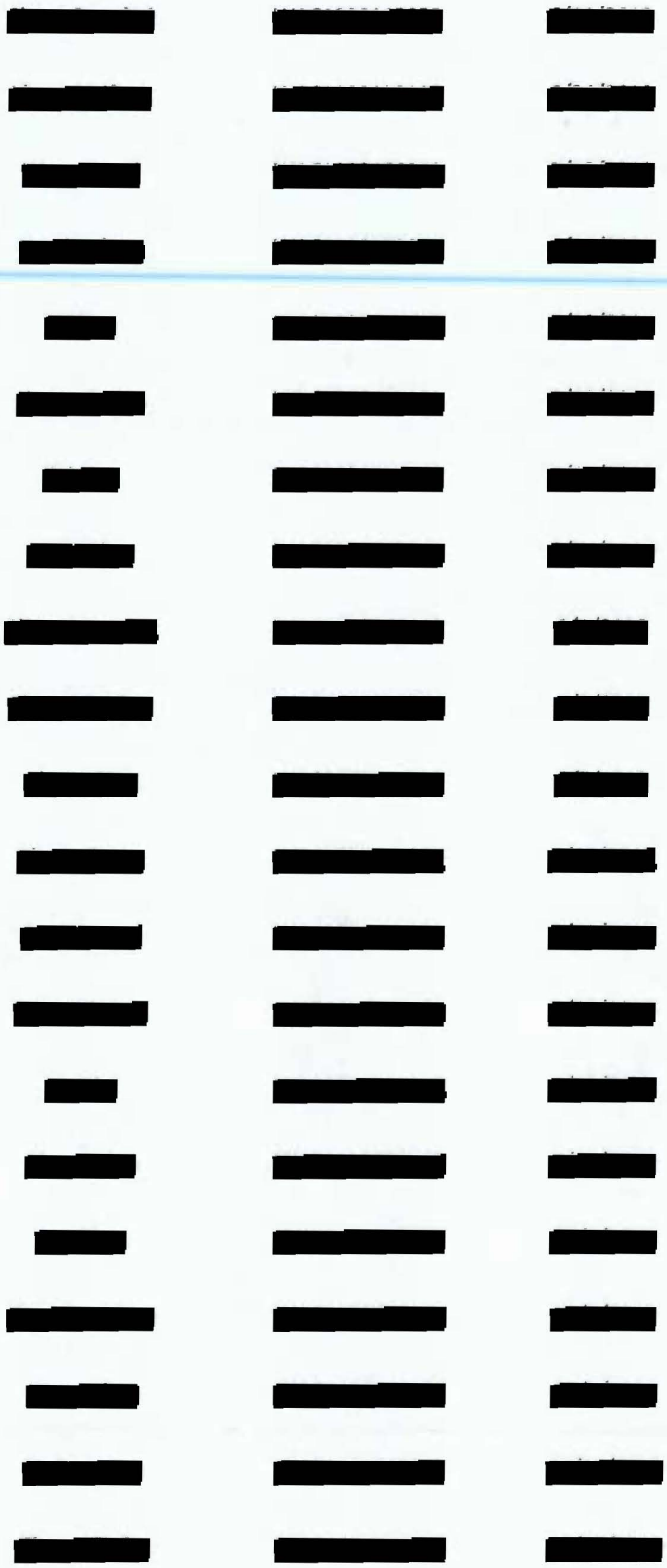
[redacted]	WAC1090108256	6/1/2010
[redacted]	WAC1090112057	6/8/2010

EM-0000029



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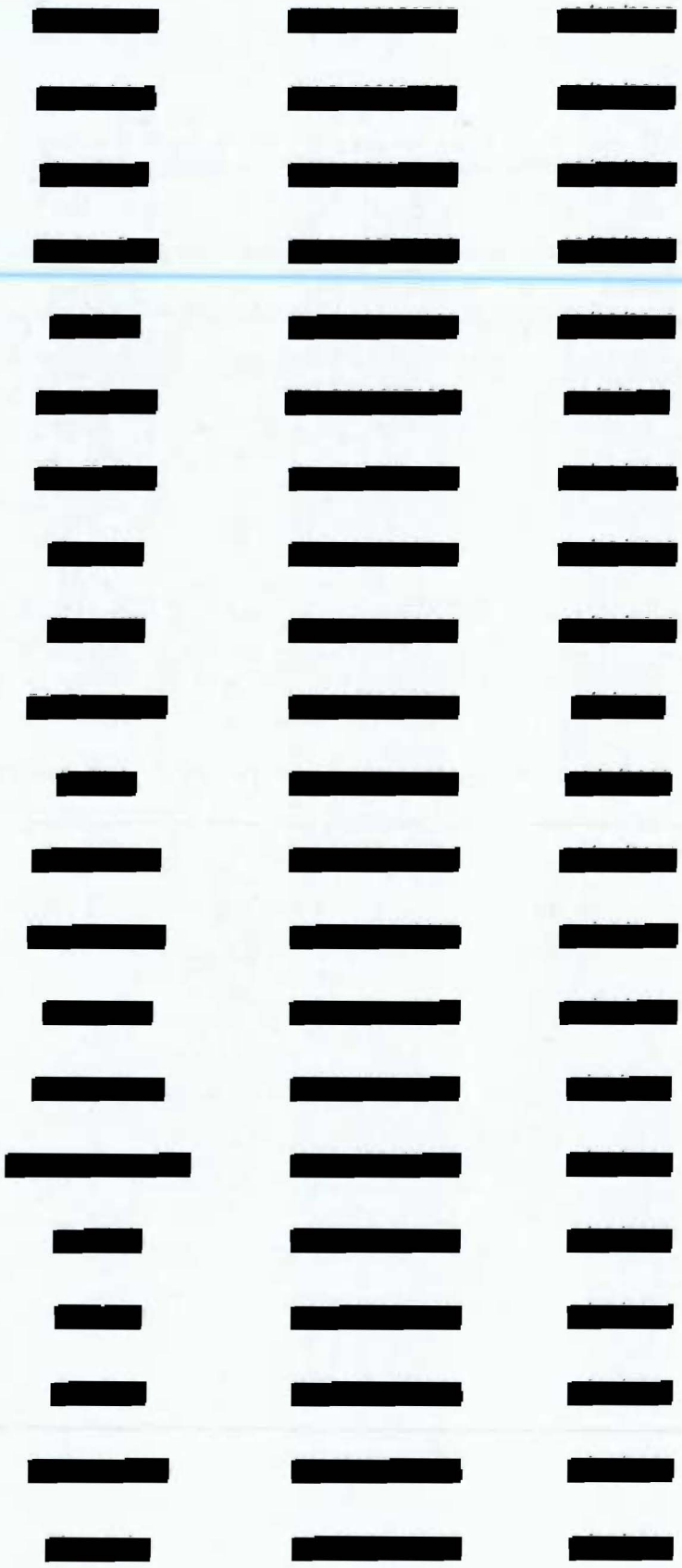

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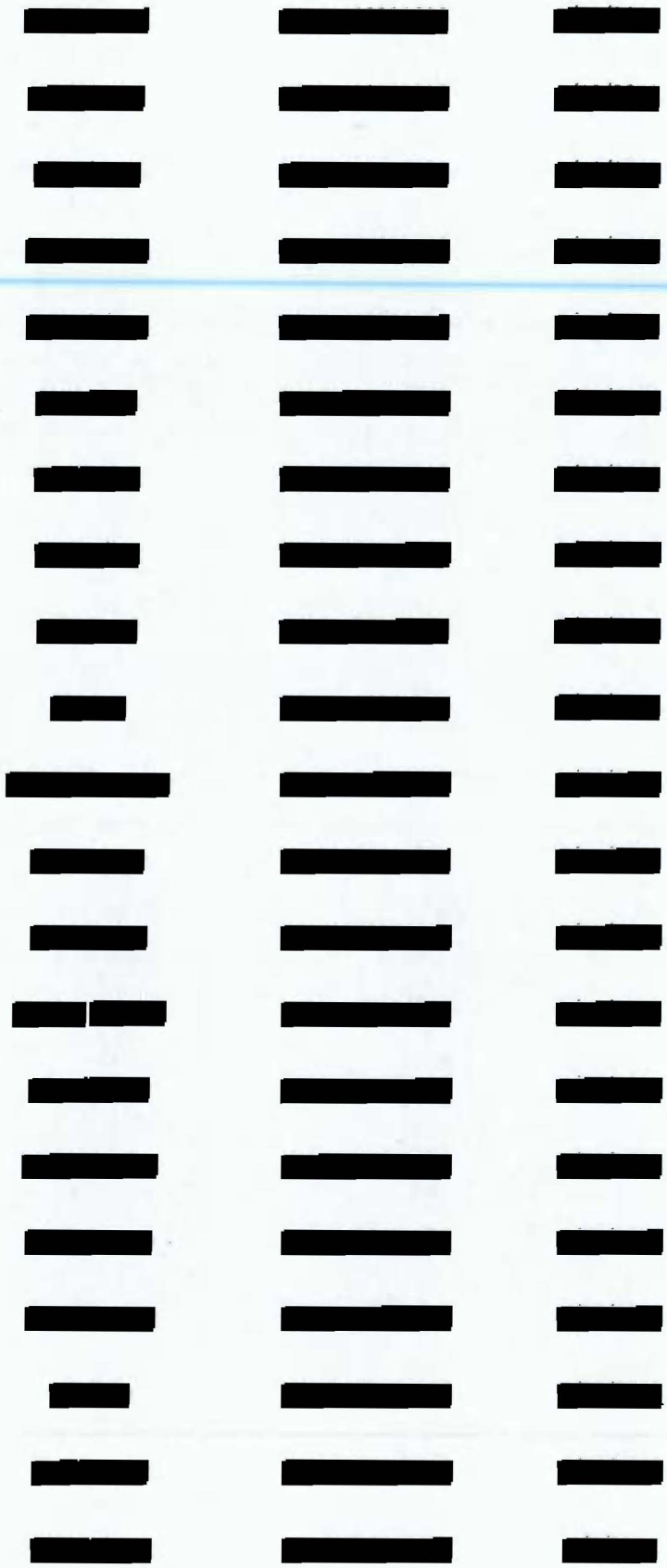

EM-0000032

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted] | [redacted]

[redacted] | www.gtlaw.com

EM-0000033

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EM-0000034

Re: GCFM

From: "Mayorkas, Alejandro N" <[redacted]

Sent: 9/21/2011 8:48:42 PM +00:00

To: 1. [redacted]

Subject: Re: GCFM

Will do.

From: [redacted]
Sent: Wednesday, September 21, 2011 04:47 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: Re: GCFM

You should not have been copied and should not respond.

From: Mayorkas, Alejandro N
Sent: Wednesday, September 21, 2011 04:16 PM
To: [redacted]
Subject: Fw: GCFM

I am cc'd on this message. Should I respond or not, and if so, with what message? Thank you. Ali

---

From: luried@[redacted]
Sent: Wednesday, September 21, 2011 03:57 PM
To: A[redacted]
Cc: Mayorkas, Alejandro N <[redacted]>
Subject: FW: GCFM

[redacted]

Once again your e-mail correspondence was much appreciated. I have received a call from GCFM stating that you spoke to [redacted] this morning. Please confirm receipt of my e-mails and ensure that our response is forwarded to the correct individuals. I cannot stress how important a review of these applications are. That said if there are any further questions on the overall structure of the fund please have your team reach out to us to ensure there is clarity on the fund structure.

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted] | [redacted] | www.gtlaw.com

EM-0000035

Re:

From: "Mayorkas, Alejandro N" <[redacted]

Sent: 6/20/2011 9:17:42 PM +00:00

To: "Kroloff, Noah" <[redacted]

Subject: Re:

I will check tomorrow. I won't get into a back and forth at this point. Thanks.

From: Kroloff, Noah [mailto[redacted]]
Sent: Monday, June 20, 2011 05:17 PM
To: Mayorkas, Alejandro N <[redacted]>
Subject: Fw:

Do you know what's going on with this?

From: Kroloff, Noah
Sent: Monday, June 20, 2011 05:16 PM
To: 'Terry.McAuliffe@[redacted]
Subject: Re:

Sure. But let me take a quick look. Was under the impression that this had moved.

From: Terry McAuliffe [mailto:[redacted]
Sent: Monday, June 20, 2011 04:10 PM
To: Kroloff, Noah <[redacted]>
Subject:

Noah:

Unfortunately, we have heard **nothing** from USCIS since our meeting 4 months ago. At that meeting, we were promised by the Director that our application would receive an expedited review, due to the fact that we had been given erroneous information by the USCIS. We re-filed our application on April 28th and to date have heard nothing. It has now been a total of 17 months that we have been waiting for approval to build a green manufacturing plant in an economically depressed area that will create thousands of jobs.

I would like to request another meeting to ascertain the status of our application. President Obama's goal is to get Americans back to work-we want to help!

Best regards,

Terence R. McAuliffe

Chairman

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 | [redacted] | Website: www.wmgta.com

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PR_RIM_MSG_FOLDER_ID: -5

RE: Fw:

From: "Mayorkas, Alejandro N"[redacted]>
Sent: 6/21/2011 6:37:01 PM +00:00
To: "Kroloff, Noah" <[redacted]
Subject: RE: Fw:

Noah,

Apparently the application was submitted in a different name and we were not informed of that fact, nor were we informed that it was a resubmission. That being said, we are on top of the case. I just learned that a request for evidence was issued on June 17, but I am having someone assess that RFE to confirm that it was appropriate. We are considering this matter with urgency given the history, including a communications shortfall on our part in the earlier chapter.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]@[redacted]

From: Kroloff, Noah [mailto:[redacted]
Sent: Monday, June 20, 2011 5:17 PM
To: Mayorkas, Alejandro N
Subject: Fw:

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From: Kroloff, Noah
Sent: Monday, June 20, 2011 05:16 PM
To: 'Terry.McAuliffe@[redacted]
Subject: Re:

Sure. But let me take a quick look. Was under the impression that this had moved.

From: Terry McAuliffe [mailto:T[redacted]
Sent: Monday, June 20, 2011 04:10 PM

[redacted]

RE: Fw:

To: Kroloff, Noah <[redacted]
Subject:

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Terence R. McAuliffe

Chairman

WM GreenTech Automotive Corp [redacted], McLean, VA 22102 | [redacted]
Email: [redacted] Website: www.wmgta.com

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PR_RIM_INTERNET_MESSAGE_ID:	<05661EAD2B418E459B644834588E850A09937826FE@DC2-EXMB-C1-05.cis1.cisr.uscis.dhs.gov>

[redacted]

RE: Fw:

From: "Mayorkas, Alejandro N" <[redacted]>
Sent: 6/22/2011 1:29:57 PM +00:00
To: "Kroloff, Noah" <[redacted]>
Subject: RE: Fw:

We are on top of this case.

They changed their name and did not inform us of this fact, so when we received it we had no way of knowing without a file review that it was a resubmission of an earlier proposal (poor work on the attorney's part, in my opinion). We conducted a prompt review and issued a request for evidence on June 17. I was informed yesterday that the apparent deficiencies are easily curable.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Kroloff, Noah [mailto:[redacted]]
Sent: Monday, June 20, 2011 5:17 PM
To: Mayorkas, Alejandro N
Subject: Fw:

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From: Kroloff, Noah
Sent: Monday, June 20, 2011 05:16 PM
To: 'Terry.McAuliffe@[redacted]
Subject: Re:

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From: Terry McAuliffe [mailto:[redacted]]
Sent: Monday, June 20, 2011 04:10 PM
To: Kroloff, Noah <[redacted]>
Subject:

[redacted]

RE: Fw:

Noah:

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Best regards,

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Chairman

WM GreenTech Automotive Corp | [redacted] th Floor, McLean, VA 22102 | [redacted] |
Email: [redacted] | Website: www.wmgta.com

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[redacted]

RE: GCFM

From: "Mayorkas, Alejandro N" [redacted]

Sent: 9/14/2011 12:09:32 PM +00:00

To: 1. [redacted]

Subject: RE: GCFM

I will make myself available today for this review. Thanks.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, September 13, 2011 4:50 PM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: GCFM

All of the pending I-526s need some form of individual review before decisions can be rendered. After clarifying issues with the AAO yesterday related to their recent decision, our team has been working on a "roadmap" to share with adjudicators laying out how these cases should be reviewed in light of the AAO decision. That roadmap should be completed tomorrow and we can share that with you if you like before sending it to CSC. We can begin adjudicating cases this week if we are able to issue this guidance tomorrow or Thursday.

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PR_RIM_INTERNET_MESSAGE_ID: <05661EAD2B418E459B644834588E850A09937843B0@DC2-EXMB-C1-05.cis1.cisr.uscis.dhs.gov>

FW: EB-5 crisis

From: "Mayorkas, Alejandro N" [redacted]
Sent: 9/22/2011 7:04:49 PM +00:00
To: [redacted]
Subject: FW: EB-5 crisis

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Thursday, September 22, 2011 3:05 PM
To: [redacted]'
Subject: RE: EB-5 crisis

[redacted]

Thank you for your e-mail. I will forward your e-mail as appropriate.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

EM-0000061

From: [redacted] [mailto[redacted]
Sent: Thursday, September 22, 2011 2:47 PM
To: alejandro.mayorkas[redacted]
Subject: EB-5 crisis

Hello, Ali -

I wouldn't attempt to contact you directly, but I believe this is truly urgent.

I am sure you are aware of great frustration with the EB5 program in general, and I believe you are familiar in particular with the Gulf Coast Funds Regional Center. That Regional Center has approximately 100 I-526s pending for investments in the Gulf Coast Automotive Fund to build electric, hybrid or other fuel efficient cars at GreenTech Automotive. Many petitions have been pending over a year, a few were approved. I do not represent any of the individual investors or the Gulf Coast Funds Regional Center. I have, however, been consulting with GreenTech Automotive regarding structuring future EB5 investments and a new Regional Center to partially fund another automotive plant in southern Virginia. All of the information above is in the public domain as the principals of GreenTech have been interviewed frequently on the projects.

Today, [redacted], the CEO of GreenTech advised me that they are considering withdrawing from the EB5 program. He said that CSC has made it so difficult for those attempting to create jobs that if their cases are not resolved in the next few days, they will conclude that the EB5 program is not a viable financing tool. His colorful description was, "It seems to us that the California Service Center may not work the way he [referring to you] wishes. The service center has been trying so hard to find chicken bones in an egg, then ask people to explain why egg white is not a bone." $50,000,000 is already either in escrow or invested, and many potential investors are waiting for the first offering to be approved so that the next can be structured. Clearly, thousands if not 10s of thousands of US jobs will be significantly delayed or lost if the initial I-526s are not approved, and they decide to pull the plug on future offerings.

But that isn't even the worst of it, if GreenTech Automotive pulls out of the program as not viable, that information will be all over China in minutes and Chinese investments in any EB-5 program are likely to dry up.

[redacted]
Head, Immigration Practice
Dickstein Shapiro LLP
1825 Eye Street NW | Washington, DC 20006
[redacted] [redacted]
[redacted]

EM-0000062

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www.dicksteinshapiro.com

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EM-0000063

RE: GCFM Cases

From: [redacted]m
Sent: 9/19/2011 8:38:05 PM +00:00
To: "Mayorkas, Alejandro N" <[redacted]>
Subject: RE: GCFM Cases

Dear Ali,
Any update on this? Who should I contact, as I know that this is not something you can assist directly on?

Thanks, Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted] | www.gtlaw.com

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From: Mayorkas, Alejandro N [mailto:[redacted]]
Sent: Tuesday, September 13, 2011 7:36 AM
To: Lurie, Dawn (Shld-TCO-Imm)
Subject: RE: GCFM Cases

Dawn,

Thank you for your message. We are aware of the time sensitivity in this matter.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

EM-0000064

[redacted]

[redacted]

From: luried@[redacted]
Sent: Monday, September 12, 2011 4:41 PM
To: Mayorkas, Alejandro N
Subject: FW: GCFM Cases

Dear Ali,
I'm not sure if you received my messages but I think Terry has a call with the Secretary tonight and I would like to have a update to give him before COB?

Is there any news?

On another note I will see you tomorrow for the "Conversation with the Director".

Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] Tysons Corner, VA 22102
[redacted]

[redacted] | www.gtlaw.com

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From: Lurie, Dawn (Shld-TCO-Imm)
Sent: Monday, September 12, 2011 3:17 PM
To: [redacted]
Subject: GCFM Cases

Dear [redacted]

I am sure at this point I appear to be somewhat of a stalker. My apologies but I am desperate for some sort of update:)

The cases we are concerned about include the following list and as you know the AAO issued their decision to remove the barriers on adjudication. Any news you could provide would be helpful.

Thanks, Dawn

[redacted] WAC1090115055 - On May 31, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

[redacted] WAC1090166210 - On May 23, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

[redacted] WAC1090138168 - On February 16, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

EM-0000066

[redacted]: WAC1090108256 - On May 18, 2011, we received your response to our request for evidence. This case is being processed at our CALIFORNIA SERVICE CENTER location.

And here is the full list:

Name	Petition Receipt #	Received Date
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
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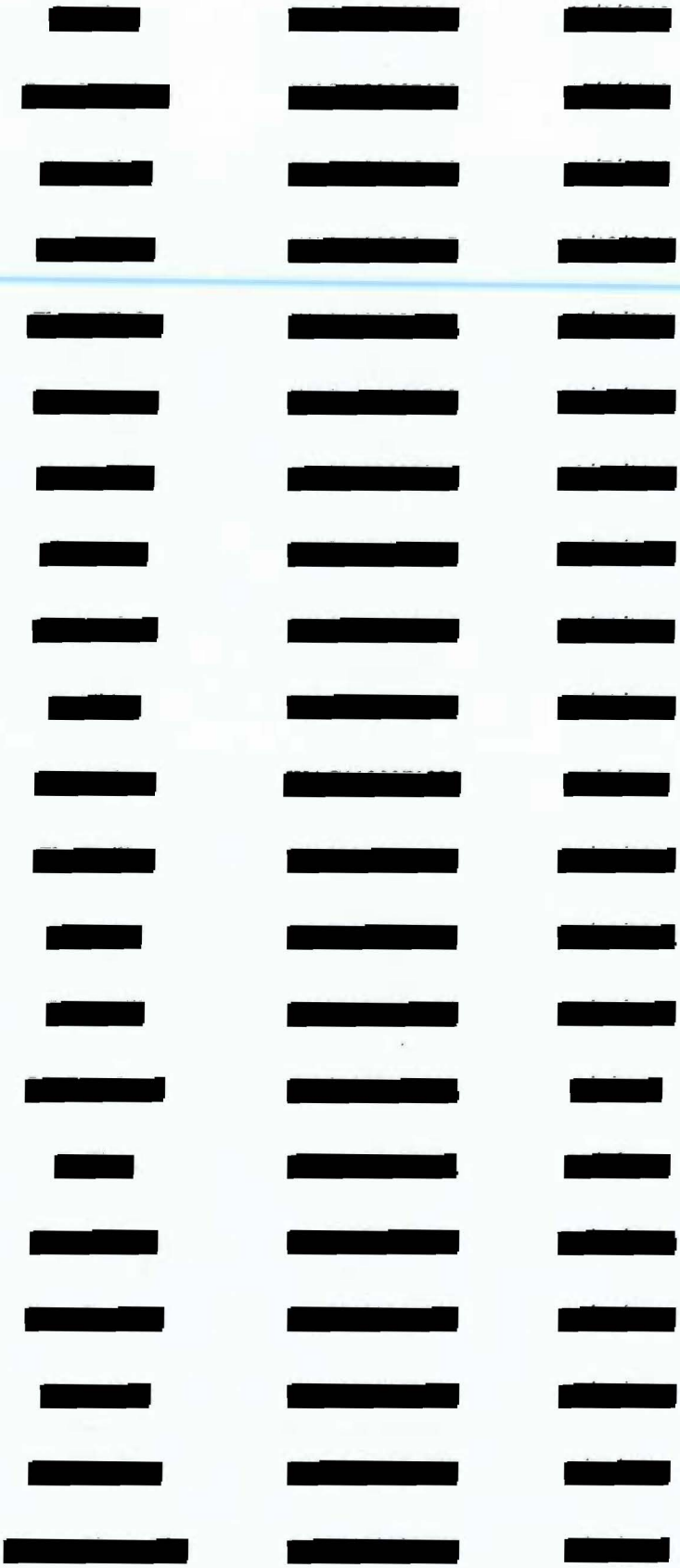
EM-0000067



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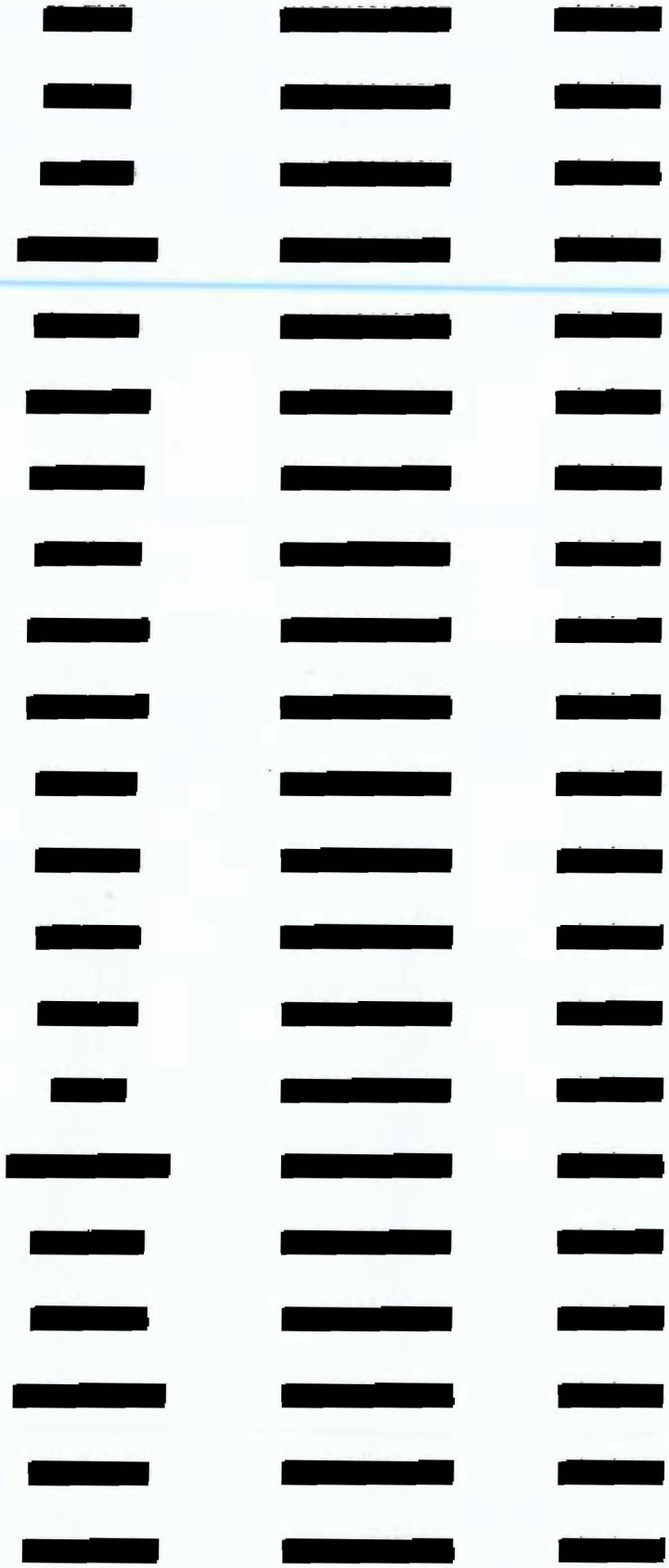

EM-0000069

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted] | [redacted]
[redacted]

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Message Headers:

[redacted]
[redacted]unknown [10.7.
mail182-va3.bigfish.com (Postfix) with ESMTP id C1FD19I

EM-0000070

RE: RFE Response Filed

From: "Mayorkas, Alejandro N" <[redacted]>
Sent: 8/30/2011 9:34:06 PM +00:00
To: "Smith, Douglas A" <[redacted]>
Subject: RE: RFE Response Filed

This case is proceeding through the normal channel and receiving due attention.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Smith, Douglas A [mailto[redacted]]
Sent: Tuesday, August 30, 2011 3:20 PM
To: Mayorkas, Alejandro N
Subject: FW: RFE Response Filed

See below. Wanted to make sue you had visibility on all this.

From: terry@[redacted]
Sent: Tuesday, August 30, 2011 2:59 PM
To: Douglas A Smith
Subject: Fw: RFE Response Filed

From: terry@[redacted]

Sent: Tuesday, August 30, 2011 2:57 PM

EM-0000076

To: Noah Kroloff

Subject: Fw: RFE Response Filed

Noah,

Yesterday we filed the RFE response. As you can read from my attorney's comments below, the USCIS continues to ask questions that have no relevance to our structure. It seems they do not have the requisite expertise to handle some very basic corporate structures. I only hope that this is the final request for information. A two minute face to face meeting would have cleared up any of their questions over 14 months ago. Yesterday, we were informed that 3 more investors have requested their money back, this agency is doing a great disservice to our country.

Sent: Monday, August 29, 2011 9:24 PM

To: Terry McAuliffe (External)

Subject: RFE Response Filed

Terry,

The RFE response was filed today. The specific RFEs fell into three general categories: 1) requests for information that we had previously provided, 2) requests that demonstrated the AAO's inability to understand the transactions involved, and 3) requests for information on portions of the transactions that are completely immaterial to evaluating the documents from an EB-5 perspective. Since so many of the requests were duplicative to previous requests, we added a section on the history of the transactions in addition to responding to their specific RFEs. We have also included powerpoint charts to try to find another way to describe our transactions. I hope this is the last RFE as we are running out of ways to describe the same set of transactions.

Let me know if you have any questions.

Best Regards,

[redacted]

General Counsel

GreenTech Automotive

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 | Tel: 703-666-900[redacted] Website: www.wmgta.com

GreenTech Automotive, Inc. | [redacted], Tunica, MS 38676 | [redacted] Website: www.wmgta.com

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Re: RFE Response Filed

From: "Mayorkas, Alejandro N" <[redacted]

Sent: 9/2/2011 7:35:54 PM +00:00

To: "Kroloff, Noah" <[redacted]

Subject: Re: RFE Response Filed

Asap. I do not wish to, as I am focused on programmatic improvements and not specific cases.

From: Kroloff, Noah [mailto:[redacted]
Sent: Friday, September 02, 2011 03:18 PM
To: Mayorkas, Alejandro N <A[redacted]
Subject: RE: RFE Response Filed

When today? I think you should call him personally to communicate it if that is permissible

From: Mayorkas, Alejandro N [mailto:A[redacted]
Sent: Friday, September 02, 2011 2:38 PM
To: Kroloff, Noah
Subject: Re: RFE Response Filed

I am told favorable decision will be communicated today.

Very significant program reforms, including new business expertise, to be implemented in next 2 weeks.

From: Kroloff, Noah [mailto[redacted]
Sent: Friday, September 02, 2011 02:27 PM
To: Mayorkas, Alejandro N <[redacted]
Subject: FW: RFE Response Filed

From: terry@[redacted]
Sent: Friday, September 02, 2011 11:11 AM
To: Noah Kroloff
Subject: Fw: RFE Response Filed

2 more withdrawals arrived today, 3 yesterday. If there is not immediate action by USCIS, they will be responsible for the end of this great project.

From: terry@[redacted]

Sent: Tuesday, August 30, 2011 2:57 PM

To: Noah Kroloff

Subject: Fw: RFE Response Filed

Noah,

Yesterday we filed the RFE response. As you can read from my attorney's comments below, the USCIS continues to ask questions that have no relevance to our structure. It seems they do not have the requisite expertise to handle some very basic corporate structures. I only hope that this is the final request for information. A two minute face to face meeting would have cleared up any of their questions over 14 months ago. Yesterday, we were informed that 3 more investors have requested their money back, this agency is doing a great disservice to our country.

Sent: Monday, August 29, 2011 9:24 PM

To: Terry McAuliffe (External)

Subject: RFE Response Filed

Terry,

The RFE response was filed today. The specific RFEs fell into three general categories: 1) requests for information that we had previously provided, 2) requests that demonstrated the AAO's inability to understand the transactions involved, and 3) requests for information on portions of the transactions that are completely immaterial to evaluating the documents from an EB-5 perspective. Since so many of the requests were duplicative to previous requests, we added a section on the history of the transactions in addition to responding to their specific RFEs. We have also included powerpoint charts

to try to find another way to describe our transactions. I hope this is the last RFE as we are running out of ways to describe the same set of transactions.

Let me know if you have any questions.

Best Regards,

[redacted]

[redacted]

General Counsel

GreenTech Automotive

WM GreenTech Automotive Corp | [redacted] McLean, VA 22102 [redacted] | [redacted] | Website: www.wmgta.com

GreenTech Automotive, Inc. [redacted], Tunica, MS 38676 | [redacted] | Website: www.wmgta.com

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Re: Urgent status update requested

From: "Mayorkas, Alejandro N" <[redacted]>
Sent: 9/2/2011 7:24:27 PM +00:00
To: [redacted]
Subject: Re: Urgent status update requested

Please let me know when decision transmitted (by email, I presume). Thanks.

----- Original Message -----
From: [redacted]
Sent: Friday, September 02, 2011 03:16 PM
To: 'Mayorkas, Alejandro N' <[redacted]>'
[redacted]
Subject: RE: Urgent status update requested

I've reached out to [redacted] and [redacted] and asked that they send the decision to her electronically.

I'm reading it now.

-----Original Message-----
From: Mayorkas, Alejandro N [redacted]]
Sent: Friday, September 02, 2011 2:23 PM
To: [redacted]
Subject: Fw: Urgent status update requested

Do we have a response to provide?
If so, we should do so asap, I would think. Thanks.

----- Original Message -----
From: [redacted]
Sent: Friday, September 02, 2011 01:59 PM
To: Mayorkas, Alejandro N [redacted]
Subject: Urgent status update requested

Dear Director Mayorkas,
Would you be so kind as to update us on the GCFM AAO case and the RFEs? More investors are pulling out and apparently there is discussion of publicizing the delay issue. I'm at a loss in terms of asking them to be patient. Could you call my cell? [redacted]?

Thanks,
Dawn

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Re: Following up

From: "Mayorkas, Alejandro N" [redacted]>

Sent: 8/10/2011 10:59:42 PM +00:00

To: 1. [redacted]

Subject: Re: Following up

Thanks. This is, I believe about the 526s. But, where is that decision?

From: [redacted]
Sent: Wednesday, August 10, 2011 06:35 PM
To: 'Alejandro.Mayorkas@[redacted]
Subject: Re: Following up

There is a draft decision that they were still editing. I'll ask [redacted] to check in with AAO.

From: Mayorkas, Alejandro N [mailto:[redacted]]
Sent: Wednesday, August 10, 2011 01:39 PM
To: [redacted]
Subject: FW: Following up

For handling as deemed appropriate.

Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Wednesday, August 10, 2011 12:27 PM
To: Mayorkas, Alejandro N
Subject: Following up

EM-0000101

Dear Director Mayorkas,

I hope all is well with you. I just wanted to check on the status of the Gulf cases and RFEs. We are in the process of returning funds to the initial investors who have requested to be pulled out of the project due to the delays. Any news on your end would be great as I need to call Terry back to update him.

Thanks so much.

Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | McLean, VA 22102
[redacted]

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Fw: EB5 meeting

From: "Mayorkas, Alejandro N" [redacted]

Sent: 8/11/2011 8:45:55 AM +00:00

To: 1. [redacted]

Subject: Fw: EB5 meeting

I don't understand the message below. Just fyi.

----- Original Message -----
From: luried@[redacted]
Sent: Wednesday, August 10, 2011 10:53 PM
To: Mayorkas, Alejandro N [redacted]>
Subject: Re: EB5 meeting

Of course! I did not even think of that. I had sent some agenda questions over.

Ok. I'm going to explain again- big picture- what we are waiting for and will also reiterate how helpful your office has been in reviewing this matter, flagging it due to the delay, and resolving it within the limitations the law and regulations place on the Service in general.

Patience and politics are not generally found in the same sentence.

Thanks again.
Dawn

----- Original Message -----
From: Mayorkas, Alejandro N [redacted]
To: Lurie, Dawn (Shld-TCO-Imm)
Sent: Wed Aug 10 22:44:34 2011
Subject: Re: EB5 meeting

Dawn,
I would not be in a position to comment on internal meetings. In any event, USCIS met with the AILA EB-5 committee today.
We will be posting minutes of the meeting most likely next week.
Ali

----- Original Message -----
From: luried@[redacted]
Sent: Wednesday, August 10, 2011 10:41 PM
To: Mayorkas, Alejandro N [redacted]
Subject: EB5 meeting

Dear Ali,

Sorry to bother you again but I have a question: was there some EB-5 related meeting this morning internally with DHS?

I'm feeling some pressure on my end and I want to make sure I have my facts straight before I "manage expectations" and explain where things stand.

Thanks so much.

I hope all is well.

Dawn

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[redacted]

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http://www.gtlaw.com/

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PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_FOLDER_ID:	-5

[redacted]

FW: GCFM Pending I-526 Petitions for GTA project

From: "Mayorkas, Alejandro N" [redacted]
Sent: 8/15/2011 3:28:19 PM +00:00
To: [redacted]
Subject: FW: GCFM Pending I-526 Petitions for GTA project
Attachments: Filed cases list (approved +pending).xlsx

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Smith, Douglas A [redacted]]
Sent: Monday, August 15, 2011 11:09 AM
To: Mayorkas, Alejandro N
Subject: Fw: GCFM Pending I-526 Petitions for GTA project
Importance: High

Thoughts on this? Thanks!

Douglas A. Smith
Assistant Secretary
Office of the Private Sector
Department of Homeland Security
[redacted]

From: [redacted] [mailto:[redacted]
Sent: Wednesday, August 10, 2011 03:37 PM
To: douglas.a.smith@[redacted]

EM-0000107

June 2010 – July 2010	13-14 months	7	4 of the 7 have been issued RFEs. Responses were filed.
August 2010 – October 2010	10-12 months	21	
November 2010 – February 2011	6-9 months	36	
April 2011 – July 2011	1-5 months	19	
		83 Pending Petitions	

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PR_RIM_PAGER_TX_FLAG: true
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PR_RIM_MSG_ON_DEVICE_3_6: true
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PR_RIM_INTERNET_MESSAGE_ID: <05661EAD2B418E459B644834588E850A0993783B00@DC2-EXMB-C1-05.cis1.cisr.uscis.dhs.gov>

EM-0000108

Gulf Coast Funds Management - Regional Center Pending Cases
As of 8/10/2011

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Re: EB-5 Pending Cases & Processing Times

From: "Mayorkas, Alejandro N" [redacted]
[redacted]>
Sent: 8/22/2011 9:25:12 PM +00:00
To: "Kroloff, Noah" [redacted]
[redacted]
Subject: Re: EB-5 Pending Cases & Processing Times

I just tried you. I am on my cell. Thanks.

From: Kroloff, Noah [redacted]
Sent: Monday, August 22, 2011 03:47 PM
To: Mayorkas, Alejandro N [redacted]>
Subject: FW: EB-5 Pending Cases & Processing Times

Where are we on these

From: Terry McAuliffe [mailto:[redacted]]
Sent: Monday, August 22, 2011 3:31 PM
To: Kroloff, Noah
Subject: FW: EB-5 Pending Cases & Processing Times

Dear Noah,

I would formally like to request another meeting with the Secretary and the USCIS Director. We are at a critical stage and beyond the point of frustration. We currently have 83 petitions pending that as the attached chart indicates, some have been pending for more than 1 year! This means $41.5 million in stranded capital that should have been invested long ago in Tunica, MS, and would have already created 830 jobs. Many of these applications have been pending far beyond the USCIS stated processing goal of 5 months. In addition, 4 qualified investors ($2 million/40 jobs) just withdrew their funds due to the long delay and chose to invest in a Canadian immigration investor program. A big loss to America and Mississippi. We are concerned that this could start a stampede of investors asking for their money back and investing in other countries. I know that President Obama recently challenged the Cabinet Secretaries to get to work creating jobs, and it is unfortunate that the USCIS is killing jobs and sending investors to other countries.

Below is a more detailed outline of the petition timeframes, all info is current as of August 22nd:

Filing timeframe	Number of Months Pending	Total Petitions
June 2010 – July 2010	13-14 months	7
August 2010 – October 2010	10-12 months	21
November 2010 – February 2011	6-9 months	36
April 2011 – July 2011	1-5 months	19
		83 Pending Petitions

Best regards,

Terence R. McAuliffe

Chairman

WM GreenTech Automotive Corp [redacted] McLean, VA 22102 | Tel: [redacted] | Website: www.wmgta.com

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PR_RIM_MSG_FOLDER_ID:	-5

Re: EB-5 Pending Cases & Processing Times

From: "Mayorkas, Alejandro N" <[redacted]

Sent: 8/23/2011 3:34:28 AM +00:00

To: "Kroloff, Noah" <[redacted]

Subject: Re: EB-5 Pending Cases & Processing Times

The attorney will be receiving tomorrow, via email, an analysis of the perceived deficiency (a single issue) and an opportunity to address it.

From: Kroloff, Noah [mailto:[redacted]
Sent: Monday, August 22, 2011 03:47 PM
To: Mayorkas, Alejandro N [redacted]v>
Subject: FW: EB-5 Pending Cases & Processing Times

Where are we on these

From: Terry McAuliffe [mailto[redacted]]
Sent: Monday, August 22, 2011 3:31 PM
To: Kroloff, Noah
Subject: FW: EB-5 Pending Cases & Processing Times

Dear Noah,

I would formally like to request another meeting with the Secretary and the USCIS Director. We are at a critical stage and beyond the point of frustration. We currently have 83 petitions pending that as the attached chart indicates, some have been pending for more than 1 year! This means $41.5 million in stranded capital that should have been invested long ago in Tunica, MS, and would have already created 830 jobs. Many of these applications have been pending far beyond the USCIS stated processing goal of 5 months. In addition, 4 qualified investors ($2 million/40 jobs) just withdrew their funds due to the long delay and chose to invest in a Canadian immigration investor program. A big loss to America and Mississippi. We are concerned that this could start a stampede of investors asking for their money back and investing in other countries. I know that President Obama recently challenged the Cabinet Secretaries to get to work creating jobs, and it is unfortunate that the USCIS is killing jobs and sending investors to other countries.

Below is a more detailed outline of the petition timeframes, all info is current as of August 22nd:

EM-0000119

Filing timeframe	Number of Months Pending	Total Petitions
June 2010 – July 2010	13-14 months	7
August 2010 – October 2010	10-12 months	21
November 2010 – February 2011	6-9 months	36
April 2011 – July 2011	1-5 months	19
		83 Pending Petitions

Best regards,

Terence R. McAuliffe

Chairman

WM GreenTech Automotive Corp [redacted], McLean, VA 22102 | [redacted] | Website: www.wmgta.com

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RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

From: "Mayorkas, Alejandro N" [redacted]

Sent: 7/20/2011 9:18:28 PM +00:00

To: luried[redacted]

Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

If you have a moment, can you call me at [redacted]?
Thank you, Dawn. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Wednesday, July 20, 2011 5:05 PM
To: Mayorkas, Alejandro N
Subject: Re: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you. Terry has requested a meeting with you and the Secretary.

Right now the fund is in the process of returning the first of the monies to investors who "want out". The entire project and the associated job creation is in jeopardy. So, as you can imagine tensions are running high.

I will ask that he delay this until we hear back from you.

Looking forward to hearing from you.

Dawn

From: Mayorkas, Alejandro N [redacted]
To: Lurie, Dawn (Shld-TCO-Imm)

EM-0000150

Sent: Wed Jul 20 16:34:51 2011
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Dawn,

I will be addressing your concerns with my colleagues tomorrow afternoon. I look forward to being in touch after then.

Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Wednesday, July 20, 2011 9:12 AM
To: Mayorkas, Alejandro N
Subject: Re: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you very much. I spoke with Terry last night and learned that we now have two investors who have requested funds to be returned (over 1.1 million dollars). In addition we are expecting a mass exodus and possible suit due to what the immigration firms in china, and our investors, perceive as some act of bad faith on GCFM/GTA's part. The current processing time still remains at 5 months according to USCIS. Our petitions have reached a year and the ones with RFEs are well over that time.

The State of Mississippi is also concerned as they know they are going to lose many jobs if this project folds. Therefore the Governor as well as Senate offices may be calling DHS this week.

These delays combined with the ongoing uncertainty dealing with the program is making the EB-5 program increasingly difficult to navigate.

Whatever you can do would be much appreciated.

Finally, Terry asked me to remind you that we have not heard back on the VA Center's certification yet. Many thanks,

Dawn

From: Mayorkas, Alejandro N <[redacted]
To: Lurie, Dawn (Shld-TCO-Imm)

Sent: Wed Jul 20 08:06:56 2011
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Dawn,

Good morning. I am back in the office and am following up right away.

Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Tuesday, July 19, 2011 5:04 PM
To: Mayorkas, Alejandro N
Subject: Re: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Dear Director Mayorkas,
I am just following up on these cases listed below as well as the Regional Center Request for VA.

I hope all is well.

Dawn

From: Mayorkas, Alejandro N [redacted]
To: Lurie, Dawn (Shld-TCO-Imm)
Sent: Thu Jul 07 17:03:30 2011
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you, Dawn.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: luried@[redacted]
Sent: Thursday, July 07, 2011 4:42 PM
To: Mayorkas, Alejandro N
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you for your quick response. I am including below the updated chart that highlights the two errors I mentioned on the name and WAC.

Dawn

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[redacted]

To: Lurie, Dawn (Shld-TCO-Imm); Mayorkas, Alejandro N
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Dawn,

Thank you for your e-mail below, which you and I just discussed by telephone. I will follow up.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

20 Massachusetts Ave., N.W.

Washington, DC 20529

[redacted]

From: luried@[redacted]
Sent: Thursday, July 07, 2011 4:09 PM
To: Mayorkas, Alejandro[redacted]
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)
Importance: High

Dear Director Mayorkas,

The Regional Center notified me earlier this week that they have received word of a possible lawsuit being filed against them for the delays associated with the I-526 petitions. I had not wanted to bother you with the concerns but feel the sense of urgency has escalated and requires your attention. Today they received word that investors are requesting refunds of their funds.

Please see quotes below from their offices in China:

"Have you got any positive news after the meeting with USCIS?? When do we expect to see the next I526, we ran out of excuses already.

Because of the slow issuance of the I526, we are facing many unhappy agents"

...we are facing extreme pressure fr agents and clients. I am afraid if the I-526 situation cannot ratify in the very near future, clients will WD fr the program. Since the government had made announcement the fast processing of shelve ready project, five month I-526 and one month RFEs, why can't we take affirmative action base on this?

Is there anything we can do to have the RFE's adjudicated and direction provided on the remaining cases? The first RFE response was received on February 16, 2011 by the Service. The petitions that have not received RFE's are pending as far out as one year.

The framework of the entire EB-5 programcould be threatened if there is a report of unrest combined with legal action taken against the Center and the GTA project. We want to avoid this and move forward on creating jobs while making green cars in the U.S.

Thank you for your time.

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP [redacted] | Tysons Corner, VA 22102
[redacted] | [redacted]

[redacted] | www.gtlaw.com

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STRATEGIC ALLIANCES WITH INDEPENDENT LAW FIRMS
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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: Mayorkas, Alejandro N [mailto:[redacted]]
Sent: Tuesday, June 28, 2011 5:30 PM
To: Lurie, Dawn (Shld-TCO-Imm)
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you, Dawn. We will follow up on this.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 10:13 AM
To: Mayorkas, Alejandro N
Cc: l[redacted]
Subject: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)
Importance: High

Dear Director Mayorkas:

I very much appreciate the opportunity to write to you today to bring my concerns to your attention. The EB-5 program is a wonderful opportunity for the United States and for foreign investors looking to invest in America. That being said when I-526 petitions are delayed indefinitely and USCIS processing times are inaccurate the investors begin to doubt the integrity of the individual investment as well as the Eb-5 program itself. GCFM is investing in the GreenTech Automotive project which is a United States automobile company committed to the advancement of clean automobile technology. GTA is developing vehicles that are energy-efficient, affordable, and built in the United States by American workers. Led by Terry McAuliffe, an international leader in politics, business, and promoting green energy, GTA was established to carry out his vision that "no green technology is truly green unless it is affordably green." Most importantly GTA is bringing jobs to the U.S. rather than sending jobs abroad.

GTA received 15 I-526 approvals on the project and during the time the issues were being addressed on the original amendment to the GCFM Regional Center, the adjudications came to an abrupt halt. Then earlier in 2011, the four investors received requests for additional evidence. Investor's counsel responded to the initial RFE and then moved to supplement each of the other pending petitions with additional information. The GCFM Regional Center worked directly with our office in responding to the remaining 3 RFEs. Once the responses were submitted, I contacted the Service to determine if they wished us to supplement the other petitions to avoid any further RFEs (aside from investor based ones) To date I have not received a response.

GCFM has petitions that will reach a one year anniversary mark on July 13, 2011. The investors are upset and threatening to withdraw their investments. Reputation is critical in this industry and our branding is being hurt as you can imagine. The USCIS processing time states five (5) months for I-526 processing at the California Service Center. This is inaccurate and causes serious concern. Any assistance you can provide would be much appreciated.

Name	Petition Receipt #	Received Date	I-526 Petition Approval Date
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FW: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

From: "Mayorkas, Alejandro N" <[redacted]>
Sent: 6/29/2011 12:09:59 AM +00:00
To: 1. "[redacted]>
Subject: FW: Virginia Center for Foreign Investment and Job Creation RWC 1111850202
Attachments: image001.jpg

Dawn's reply to my response to her. Thanks.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]@[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 6:39 PM
To: Mayorkas, Alejandro N
Subject: RE: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

Thank you for your email. I am embarrassed and apologize for paraphrasing your words incorrectly. I acknowledge what you note below is exactly what you said to me. Indeed a series of unrelated RFE requests create uncertainty and make it difficult to navigate the Eb-5 program. At the same time I understand that, occasionally, information provided in an initial RFE response opens another avenue of queries.

Once again we very much appreciate your time in this matter and most importantly your active involvement in the improving the Eb-5 program as a whole.

Best,

Dawn

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted]

[redacted] | www.gtlaw.com

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MILAN · ROME

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: Mayorkas, Alejandro N [mailto:A[redacted]
Sent: Tuesday, June 28, 2011 5:25 PM
To: Lurie, Dawn (Shld-TCO-Imm)
Subject: RE: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

Dawn,

I appreciated our call yesterday and the time you took to express your position in response to the RFE your client received. The efficient processing of EB-5 petitions and applications is very important to our agency.

I do not believe I represented that there will be "no additional requests outside the scope of this [pending] RFE." I have not analyzed the case file. What I did express is my general view that the serial issuance of RFEs does not seem fair unless everyone understands at the outset that outstanding issues or deficiencies are being addressed in serial fashion.

I will forward your e-mail as appropriate, and I will ask whether there are any other issues to be addressed. If the response is other than "no," we can discuss the equities of the situation that creates.

Thank you again. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 9:44 AM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: Virginia Center for Foreign Investment and Job Creation RWC 1111850202
Importance: High

Dear Director Mayorkas,

It was a pleasure speaking with you today. As we discussed, the VA Center very much appreciates the opportunity to respond to the Request for Additional Evidence (RFE). Based on our conversation, it appears we agree that the Service has presented my client with the following two choices:

A.. Provide an updated business plan for GTA including information on the specific location of the GreenTech Automotive Plant in Virginia, a proposed start and end date, as well as a proposed construction dates inclusive of various construction phases. (The RFE also requests a clarification on the timeline for construction, citing an alleged inconsistency in the Exhibits); or

B. Withdraw the request for review of the actual investment plan and present the current plan as an exemplar with a more high-level prospective construction timeline.

I further understand that there will be no additional requests outside the scope of this RFE. The Center will be approved with either a written withdrawal of the actual investment plan request (i.e. nothing at all further needed for such approval) OR my client will supplement the Regional Center application with the information requested in bullet point A above.

Thank you also for the opportunity to discuss the additional concerns I noted.

- The Service appears to use the term "exemplar" differently throughout the RFE. In the past we understood an "exemplar" project approval to be the equivalent of what you recently termed a "shovel-ready" project approval. The alternative to a "exemplar"/"shovel ready" project being provided as part of an initial Regional Center application was to include a set of "hypothetical" documents to support the Center application.
    - On Page 2 of the RFE the Service acknowledges this and states: A request for initial designation as a Regional Center (RC) may involve:
        - .A request for review of an exemplar Form I-526 for review of an exemplar Form I-526...prior to the filing of Form I-526 by individual alien entrepreneurs with USCIS and/or:
        - In the case of a RC amendment request....(not applicable to the VA Center)

The Service determined the VA Center was requesting an initial designation as a RC to include a review of a specific investment project, and a a review of an exemplar Form I-526.

My first point of clarification surrounds this sentence, is review of an specific investment project and a review of an exemplar Form I-526 not one in the same?

Isn't the alternative to request designation of the Regional Center only providing a set of the hypothetical documents and receiving a designation only. The RC may then file an amendment to receive the exemplar/shovel ready project approval or file individual I-526 petitions without the project approval. It seems encouraging the former would save the Service an enormous amount of resources but of course the lengthy delays in amendments deter RCs from such filings.

The Service states on Page 2 that an "actual business or investment plan must meet all of the criteria of Matter of HO, otherwise it is only a highly detailed **exemplar** (emphasis added) plan". The use of the word **exemplar** here is confusing.

This paragraph further notes that "the plan presented does not include an actual start date or end date for the project and also does not identify the specific location of the automotive plant".

The summary request of the VA Center found on page 4 states : "withdraw the request for review of the *actual investment plan* and present the current plan as an *exemplar* with a more high-level prospective construction timeline.

Hopefully my confusion is illustrated in the summary request, the word Exemplar appears to have different meanings and this causes confusion for a layperson.

Other points noted in the RFE that we will address in the response but that you should be aware of:

- On Page 3 of the RFE states that the record states **"In this case the record includes contradictory evidence relating to the length of construction."**
    - Unfortunately it appears that the adjudicator did not fully review and analyze the business plan.
    - There is no discrepancy between the data and information identified in the business plan (exhibit III-A) versus the economic report (exhibit III-B). Both documents reference a *possible* 18 or 24 month construction timeline and [redacted] purposefully provides two separate sets of data describing the job

creation for either time frame. This is intended to avoid issues later on at the I-829 stage for individual investors.

- The RFE also implies that the business plan did not meet the criteria following Matter of Ho and specifically mentions a deficiency on the timeline for construction. For the record the VA Center business plan included the following:
  - Market analysis - *provided at pages 27-33*
  - Description of target market/prospective enterprise - *provided at pages 5-10*
  - Describe Manufacturing or production process, material required, and supply sources - *provided at pages 8-10*
  - Detail any contracts executed for the supply of materials and/or distribution of products - *too premature in development stage to have these items*
  - Marketing Strategy - *provided at pages 34-35*
  - Organizational structure and personnel experience - *provided at pages 37-39*
  - Staffing requirements and timetable for hiring and job description for all positions - *not applicable given the RIMS II Revenue/Expenditure economic model being used to show job creation.*
  - Sales, cost and income projections - *provided at pages 41-42*

  Aside from the construction issue no other deficiency is identified, and we will accept this at fact value and assume the language was provided as general background only.

- The RFE implies that the construction timeframe is deficient.
  - We understands the need to provide more details within each phase identifying specific steps and correlating expenditures where possible and plan to do so in the response.
  - However the business plan did provide the timeline below. It is not clear whether the Service requiring a specific month, day and year for each phase? With the delays in adjudication of both the Regional Center application and individual I-526 petitions (and thus funding) by the USCIS combined with the sheer magnitude of the construction of a manufacturing plant of this scale, specific dates are not feasible.
  - Therefore estimated dates will provided. However it is critical that the Service understand the realities of business and that such changes to the timeline could be affected by the incentive negotiations with the Commonwealth, the permitting process as well as environmental or weather delays and other variables that are common to similar projects, will not be considered a material change. The timeline previously included is illustrativef below.

Thank you again for your time in this matter.

Dawn M. Lurie
Shareholder
Greenberg Traurig LLP | [redacted] | McLean, VA 22102
Tel [redacted]

[redacted] www.gtlaw.com

GT GreenbergTraurig

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FW: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

From: "Mayorkas, Alejandro N" <[redacted]>

Sent: 7/7/2011 8:33:19 PM +00:00

To: 1. "[redacted]

Subject: FW: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Please address with appropriate urgency. Thank you.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Mayorkas, Alejandro N[redacted]]
Sent: Thursday, July 07, 2011 4:32 PM
To: luri[redacted]
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Dawn,

Thank you for your e-mail below, which you and I just discussed by telephone. I will follow up.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

EM-0000175

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Thursday, July 07, 2011 4:09 PM
To: Mayorkas, Alejandro [redacted]
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)
Importance: High

Dear Director Mayorkas,

The Regional Center notified me earlier this week that they have received word of a possible lawsuit being filed against them for the delays associated with the I-526 petitions. I had not wanted to bother you with the concerns but feel the sense of urgency has escalated and requires your attention. Today they received word that investors are requesting refunds of their funds.

Please see quotes below from their offices in China:

"Have you got any positive news after the meeting with USCIS?? When do we expect to see the next I526, we ran out of excuses already.

Because of the slow issuance of the I526, we are facing many unhappy agents"

...we are facing extreme pressure fr agents and clients. I am afraid if the I-526 situation cannot ratify in the very near future, clients will WD fr the program. Since the government had made announcement the fast processing of shelve ready project, five month I-526 and one month RFEs, why can't we take affirmative action base on this?

Is there anything we can do to have the RFE's adjudicated and direction provided on the remaining cases? The first RFE response was received on February 16, 2011 by the Service. The petitions that have not received RFE's are pending as far out as one year.

The framework of the entire EB-5 programcould be threatened if there is a report of unrest combined with legal action taken against the Center and the GTA project. We want to avoid this and move forward on creating jobs while making green cars in the U.S.

Thank you for your time.

Dawn M. Lurie
Shareholder

Greenberg Traurig LLP | [redacted] | Tysons Corner, VA 22102
[redacted]

[redacted] | www.gtlaw.com

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From: Mayorkas, Alejandro N [mailto:[redacted]]
Sent: Tuesday, June 28, 2011 5:30 PM
To: Lurie, Dawn (Shld-TCO-Imm)
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you, Dawn. We will follow up on this.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 10:13 AM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)
Importance: High

Dear Director Mayorkas:

I very much appreciate the opportunity to write to you today to bring my concerns to your attention. The EB-5 program is a wonderful opportunity for the United States and for foreign investors looking to invest in America. That being said when I-526 petitions are delayed indefinitely and USCIS processing times are inaccurate the investors begin to doubt the integrity of the individual investment as well as the Eb-5 program itself. GCFM is investing in the GreenTech Automotive project which is a United States automobile company committed to the advancement of clean automobile technology. GTA is developing vehicles that are energy-efficient, affordable, and built in the United States by American workers. Led by Terry McAuliffe, an international leader in politics, business, and promoting green energy, GTA was established to carry out his vision that "no green technology is truly green unless it is affordably green." Most importantly GTA is bringing jobs to the U.S. rather than sending jobs abroad.

GTA received 15 I-526 approvals on the project and during the time the issues were being addressed on the original amendment to the GCFM Regional Center, the adjudications came to an abrupt halt. Then earlier in 2011, the four investors received requests for additional evidence. Investor's counsel responded to the initial RFE and then moved to supplement each of the other pending petitions with additional information. The GCFM Regional Center worked directly with our office in responding to the remaining 3 RFEs. Once the responses were submitted, I contacted the Service to determine if they wished us to supplement the other petitions to avoid any further RFEs (aside from investor based ones) To date I have not received a response.

GCFM has petitions that will reach a one year anniversary mark on July 13, 2011. The investors are upset and threatening to withdraw their investments. Reputation is critical in this industry and our branding is being hurt as you can imagine. The USCIS processing time states five (5) months for I-526 processing at the California Service Center. This is inaccurate and causes serious concern. Any assistance you can provide would be much appreciated.

Name	Petition Receipt #	Received Date	I-526 Petition Approval Date
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EM-0000184

FW: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

From: "Mayorkas, Alejandro N" [redacted]
[redacted]>
Sent: 6/28/2011 9:30:54 PM +00:00
To: [redacted]
Subject: FW: Virginia Center for Foreign Investment and Job Creation RWC 1111850202
Attachments: image001.jpg

Fyi. I neglected to copy you.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, June 28, 2011 5:29 PM
To: [redacted]
Subject: FW: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

[redacted]

I understand that [redacted] has spoken with you about the fact that Dawn Lurie contacted me about the Virginia EB-5 case.

I am forwarding to you now her follow-up email to me, along with my brief response. I defer to you as to what should or should not be shared with SCOPS, as we are all mindful of the need to ensure that our adjudicators do not feel any pressure in their adjudication of these (or any) cases.

I will forward to you another e-mail from Dawn that I received this morning as well.

Thank you very much. Ali

EM-0000187

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, June 28, 2011 5:25 PM
To: luried[redacted]
Subject: RE: Virginia Center for Foreign Investment and Job Creation RWC 1111850202

Dawn,

I appreciated our call yesterday and the time you took to express your position in response to the RFE your client received. The efficient processing of EB-5 petitions and applications is very important to our agency.

I do not believe I represented that there will be "no additional requests outside the scope of this [pending] RFE." I have not analyzed the case file. What I did express is my general view that the serial issuance of RFEs does not seem fair unless everyone understands at the outset that outstanding issues or deficiencies are being addressed in serial fashion.

I will forward your e-mail as appropriate, and I will ask whether there are any other issues to be addressed. If the response is other than "no," we can discuss the equities of the situation that creates.

Thank you again. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 9:44 AM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: Virginia Center for Foreign Investment and Job Creation RWC 1111850202
Importance: High

Dear Director Mayorkas,

It was a pleasure speaking with you today. As we discussed, the VA Center very much appreciates the opportunity to respond to the Request for Additional Evidence (RFE). Based on our conversation, it appears we agree that the Service has presented my client with the following two choices:

A.. Provide an updated business plan for GTA including information on the specific location of the GreenTech Automotive Plant in Virginia, a proposed start and end date, as well as a proposed construction dates inclusive of various construction phases. (The RFE also requests a clarification on the timeline for construction, citing an alleged inconsistency in the Exhibits); or

B. Withdraw the request for review of the actual investment plan and present the current plan as an exemplar with a more high-level prospective construction timeline.

I further understand that there will be no additional requests outside the scope of this RFE. The Center will be approved with either a written withdrawal of the actual investment plan request (i.e. nothing at all further needed for such approval) OR my client will supplement the Regional Center application with the information requested in bullet point A above.

Thank you also for the opportunity to discuss the additional concerns I noted.

- The Service appears to use the term "exemplar" differently throughout the RFE. In the past we understood an "exemplar" project approval to be the equivalent of what you recently termed a "shovel-ready" project approval. The alternative to a "exemplar"/"shovel ready" project being provided as part of an initial Regional Center application was to include a set of "hypothetical" documents to support the Center application.
    - On Page 2 of the RFE the Service acknowledges this and states: A request for initial designation as a Regional Center (RC) may involve:
        - .A request for review of an exemplar Form I-526 for review of an exemplar Form I-526...prior to the filing of Form I-526 by individual alien entrepreneurs with USCIS and/or:
        - In the case of a RC amendment request....(not applicable to the VA Center)

EM-0000189

The Service determined the VA Center was requesting an initial designation as a RC to include a review of a specific investment project, and a a review of an exemplar Form I-526.

My first point of clarification surrounds this sentence, is review of an specific investment project and a review of an exemplar Form I-526 not one in the same?

Isn't the alternative to request designation of the Regional Center only providing a set of the hypothetical documents and receiving a designation only. The RC may then file an amendment to receive the exemplar/shovel ready project approval or file individual I-526 petitions without the project approval. It seems encouraging the former would save the Service an enormous amount of resources but of course the lengthy delays in amendments deter RCs from such filings.

> The Service states on Page 2 that an "actual business or investment plan must meet all of the criteria of Matter of HO, otherwise it is only a highly detailed **exemplar** (emphasis added) plan". The use of the word **exemplar** here is confusing.
>
> This paragraph further notes that "the plan presented does not include an actual start date or end date for the project and also does not identify the specific location of the automotive plant".
>
> The summary request of the VA Center found on page 4 states : "withdraw the request for review of the *actual investment plan* and present the current plan as an *exemplar* with a more high-level prospective construction timeline.

Hopefully my confusion is illustrated in the summary request, the word Exemplar appears to have different meanings and this causes confusion for a layperson.

Other points noted in the RFE that we will address in the response but that you should be aware of:

- On Page 3 of the RFE states that the record states **"In this case the record includes contradictory evidence relating to the length of construction."**
  - Unfortunately it appears that the adjudicator did not fully review and analyze the business plan.
  - There is no discrepancy between the data and information identified in the business plan (exhibit III-A) versus the economic report (exhibit III-B). Both documents reference a *possible* 18 or 24 month construction timeline and Dr. Evans purposefully provides two separate sets of data describing the job creation for either time frame. This is intended to avoid issues later on at the I-829 stage for individual investors.

- The RFE also implies that the business plan did not meet the criteria following Matter of Ho and specifically mentions a deficiency on the timeline for construction. For the record the VA Center business plan included the following:
  - Market analysis - *provided at pages 27-33*
  - Description of target market/prospective enterprise - *provided at pages 5-10*
  - Describe Manufacturing or production process, material required, and supply sources - *provided at pages 8-10*
  - Detail any contracts executed for the supply of materials and/or distribution of products - *too premature in development stage to have these items*

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*OPERATES AS GREENBERG TRAURIG MAHER LLP

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Re: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

From: "[redacted]

Sent: 6/29/2011 9:50:54 AM +00:00

To: "Mayorkas, Alejandro N" <[redacted]

CC: [redacted]

Subject: Re: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Ali,

I will need to double check with SCOPS, but I believe that the 15 approvals related to projects that were within the scope of the already approved Gulf Coast Regional Center and not dependent on the amendment that was filed. As I recall, the others were dependent upon the regional center amendments that were denied and resulted, at least in part, in the new Virginia filing currently before USCIS.

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, June 28, 2011 05:30 PM
To: [redacted]
Subject: FW: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

As indicated. Thank you.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, June 28, 2011 5:30 PM
To: 'luried@[redacted]
Subject: RE: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)

Thank you, Dawn. We will follow up on this.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: luried@[redacted]
Sent: Tuesday, June 28, 2011 10:13 AM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: GULF COAST FUNDS MANAGEMENT REGIONAL CENTER (GCFM)
Importance: High

Dear Director Mayorkas:

I very much appreciate the opportunity to write to you today to bring my concerns to your attention. The EB-5 program is a wonderful opportunity for the United States and for foreign investors looking to invest in America. That being said when I-526 petitions are delayed indefinitely and USCIS processing times are inaccurate the investors begin to doubt the integrity of the individual investment as well as the Eb-5 program itself. GCFM is investing in the GreenTech Automotive project which is a United States automobile company committed to the advancement of clean automobile technology. GTA is developing vehicles that are energy-efficient, affordable, and built in the United States by American workers. Led by Terry McAuliffe, an international leader in politics, business, and promoting green energy, GTA was established to carry out his vision that "no green technology is truly green unless it is affordably green." Most importantly GTA is bringing jobs to the U.S. rather than sending jobs abroad.

GTA received 15 I-526 approvals on the project and during the time the issues were being addressed on the original amendment to the GCFM Regional Center, the adjudications came to an abrupt halt. Then earlier in 2011, the four investors received requests for additional evidence. Investor's counsel responded to the initial RFE and then moved to supplement each of the other pending petitions with additional information. The GCFM Regional Center worked directly with our office in responding to the remaining 3 RFEs. Once the responses were submitted, I contacted the Service to determine if they wished us to supplement the other petitions to avoid any further RFEs (aside from investor based ones) To date I have not received a response.

GCFM has petitions that will reach a one year anniversary mark on July 13, 2011. The investors are upset and threatening to withdraw their investments. Reputation is critical in this industry and our branding is being hurt as you can imagine. The USCIS processing time states five (5) months for I-526 processing at the California Service Center. This is inaccurate and causes serious concern. Any assistance you can provide would be much appreciated.

Name	Petition Receipt #	Received Date	I-526 Petition Approval Date
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
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EM-0000197

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EM-0000198

[redacted]

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FW: EB5 check

From: "[redacted]

Sent: 6/17/2011 10:10:56 PM +00:00

To: 1. "Mayorkas, Alejandro N"[redacted]

2. [redacted]

[redacted]

Subject: FW: EB5 check

Attachments: VA RC 061711.pdf

Hello,

An RFE was issued on the Regional Center application we agreed to expedite based on the prior history of the attempted amendment to the Gulf Coast RC.

From: [redacted]
Sent: Thursday, June 09, 2011 3:31 PM
To: [redacted]
Subject: RE: EB5 check

Yes. Please expedite based on the previous filing history.

From: [redacted] P
Sent: Thursday, June 09, 2011 3:25 PM
To: [redacted]
Subject: RE: EB5 check

Hi [redacted]

This case is a re-filing in the sense that it is filed by the entity that is going to operate the VA-based factory for the Greentech Automotive plant. You may recall that we denied a succession of Gulf Coast RC amendments that sought to extend the geographic scope of that RC to Southern VA so that this VA automotive plant could be an EB-5 project for the LA/MS-based regional center. The last USCIS action in those cases was to deny a

motion to reopen the Gulf Coast RC amendment denial and to certify the decision to the AAO where it remains pending.

Let me know if you want me to ask the CSC to consider expediting this case in light of this tortured history.

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, June 07, 2011 11:14 PM
To: [redacted]P
Subject: Fw: EB5 check

[redacted] - do we know if this is a re-filed case?

From: [redacted]
Sent: Tuesday, June 07, 2011 03:49 PM
To: 'Mayorkas, Alejandro N' [redacted]
Subject: RE: EB5 check

Ali,

SCOPS checked the status of this case. It was filed on 4/28/11. The processing time for an I-924 is 6 months so this case is not off track or in a black hole. I don't know what the petitioner claims so if there is something else that we are not aware of please let me know.

Thanks Ali,

[redacted]

From: Mayorkas, Alejandro N [mailto[redacted]
Sent: Thursday, May 26, 2011 1:15 PM
To: [redacted]
Subject: FW: EB5 check

[redacted]

Here is another EB-5 case about which there appears to be some concern re delays. Can you look into this? We need to continue to bring great focus with respect to this program.

Thanks very much. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

From: Smith, Douglas A [redacted]
Sent: Thursday, May 26, 2011 11:57 AM
To: Mayorkas, Alejandro N
Subject: EB5 check

A – you mind seeing if you can get any intel on this one. Seems to be in a black hole. Thanks

Petitioner: Virginia Center for Foreign Investment and Job Creation LLC

Petition Number: RCW 1111850202

Douglas A. Smith

Assistant Secretary

Private Sector Office

Department of Homeland Security

[redacted]

[redacted]

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RE: Telecon: EB-5 Regional Center/Hybrid Kinetic

[redacted]

Thanks, [redacted]. I'm not familiar with these cases, but want to reiterate an important point made at the end of your email. You are correct: USCIS has to do its job in being vigilant to all national security concerns, regardless of who is involved in the particular case.

From: [redacted]
Sent: Monday, November 19, 2012 9:56 AM
To: [redacted]
Subject: RE: Telecon: EB-5 Regional Center / Hybrid Kinetic

All:

You will see that it is general in nature. I was seeking support since learning of the CLASSIFIED reporting that was part of the other HK related CFIUS transaction that we have all been working on. This RC appears to have a specific project with HK, which, in my opinion, might be a significant enough relationship to at least recognize that we have CLASSIFIED reporting on HK and make sure that USCIS does all it can before adjudicating (i.e. vet all that is

within our authorities, even if it doesn't impact actual adjudication, it may be worth finding/noting for other partners), and upon adjudication, all we can to make sure our partners know what we have (i.e. putting a memo to file for DOS to make sure that they do SAO's on any investor.)

Here is some information and background. Putting it all together would require days of work so I am sending this today for your review.

Name of Regional Center: **GULF COAST FUNDS MANAGEMENT, LLC**
Address of Regional Center: [redacted]
MCLEAN, VA 22102
Principal of Regional Center: RODHAM, Anthony (DOB MM/DD/YYYY - [redacted]
(also uses 01/01/1960 on one filing...))
Web Site of Regional Center: WWW.GULFCOASTFUNDS.COM
Industry Category: AUTOMOBILE MANUFACTURING
Commercial Enterprises: GREENTECH AUTOMOTIVE AKA **HYBRID KINETIC AUTOMOTIVE CORP**
GREENTECH AUTOMOTIVE PARTNERSHIP
A-3, LP
Investor Spreadsheet Attached

They are in the business of Automobile Manufacturing and Hybrid Cars specifically. There are all sorts of open source articles which discuss a possible relationship between Greentech Automotive (http://www.wmgta.com/en/) and Hybrid Kinetic. As a sample, here is one I found at (http://wheels.blogs.nytimes.com/2011/09/08/greentech-intends-to-build-e-v-s-in-mississippi-for-chinese-drivers/) which states in part:

> The Truth About Cars, an automotive news and commentary Web site, recently recounted GreenTech's history as an offshoot of Hybrid Kinetic Motors...

There might have been a falling out, but I am not sure. Either way, the first enterprise they had investors file under includes Hybrid Kinetic in the name and appears to be a joint project. I don't think there is any issue of foreign ownership, which I shared with DHS FIRM over the phone, and which is why I think they said it isn't something in their area; however, when you read the reporting we did for the ACFI [redacted] transaction, almost all of the concerns are present in HK and their CEO as well as the more general concern regarding abuse by other countries. Greentech Automotive is well connected in China...

The open source reporting also mentions that this project might be on hold for a myriad of reasons, which we will need to flush out at the 829 stage when they have to show actual job creation. We do have a few 829's already filed so we will start looking at those in more detail just from a normal adjudications standpoint.

It should also be noted, that these same folks have another Regional Center which also is getting into the automobile manufacturing business...

Name of Regional Center: **VIRGINIA CENTER FOR FOREIGN INVESTMENT AND JOB CREATION, LLC**
Address of Regional Center: [redacted]
MCLEAN, VA 22102
Principal of Regional Center: RODHAM, Anthony (DOB MM/DD/YYYY - [redacted]
Web Site of Regional Center: WWW.VIRGINIAEB5.COM

Industry Category: AUTOMOBILE MANUFACTURING, PROFESSIONAL SCIENTIFIC AND TECHNICAL SERVICES, MACHINERY MANUFACTURING, THE HEAVY AND CIVIL ENGINEERING CONSTRUCTION INDUSTRY
Commercial Enterprises: None to Date. No investors filings yet.

The last note I would like to highlight, and not that I think it matters because it shouldn't impact how we do our job, but from a political standpoint this RC is "well connected." The Principal is the brother of former First Lady and Senator and current Secretary of State Hillary Rodham Clinton. The Chairman of Greentech Automotive is Terence (Terry) McAuliffe who has worked for the DNC and both Clinton Presidential Campaigns. There is a long history with these cases which included an inquiry from Terry McAuliffe to the Secretary of Homeland Security when USCIS denied an amendment for Gulf Coast Funds Management, LLC a few years back. Needless to say, a lot of folks were involved with that inquiry.

[redacted]

++++++++++++++++++++

[redacted]
Service Center Operations
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]

-----Original Appointment-----
From: [redacted] M
Sent: Friday, November 16, 2012 6:15 AM
To: [redacted]
Subject: Telecon: EB-5 Regional Center / Hybrid Kinetic
When: Tuesday, November 20, 2012 12:00 PM-12:30 PM (GMT-08:00) Pacific Time (US & Canada).
Where: [redacted]

Please forward this invite to anyone else that should be included that I may have missed.

SCOPS – can you please provide background materials on this case for the meeting?

Thank you,
[redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Wednesday, December 05, 2012 3:03 PM
To: [redacted]
Cc: [redacted]
Subject: FW: GTA & EB5

[redacted]

For handling however you deem appropriate. I am adding [redacted] given the reference to contacts with members of Congress. I am adding [redacted] due to a reference to contact with the Secretary's office.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

[redacted]

[redacted]0

[redacted]

From: Terry McAuliffe [mailto:[redacted]
Sent: Wednesday, December 05, 2012 2:02 PM
To: Alejandro N. Mayorkas
Subject: Fwd: GTA & EB5

Sent from my iPhone

Begin forwarded message:

> **From:** [redacted] <[redacted]>
> **Date:** December 5, 2012, 2:00:27 PM EST
> **To:** Terry McAuliffe <[redacted]>
> **Subject: FW: GTA & EB5**
>
> FYI.

EM-0000223

From: [redacted]
Sent: Wednesday, December 05, 2012 11:48 AM
To: [redacted] (Wicker)'; [redacted]
Subject: GTA & EB5

All,

GreenTech has come to a real crossroads with their construction in Tunica County. They have spent $6,000,000 on site preparation costs, but are unable to proceed with facility construction until funds are released from the US Custom and Immigration Services. To date, there is $15 million designated for construction in an escrow account at Chase Manhattan Bank that can only be accessed after USCIS reviews pending requests and completes a 3 page report on each applicant. The offices of Senators Cochran and Wicker and Congressman Thompson have made numerous and diligent inquiries on our behalf only to be stonewalled by requests for privacy releases by individual investors. We have repeatedly said we did not need to know who the individual investors were, we just wanted the process of completing the forms and releasing the funds to continue.

The funds that GreenTech spent on site preparation came from operating funds while they were waiting on USCIS to release the construction funds – GTA has been trying to get this done since February. But, at this point, GTA may be near having to shut down existing operations in Horn Lake and laying off 100 employees within 30 days if funds are not released. It is incomprehensible to me that 'paperwork' is having such an impact on people's jobs and lives. Every day of delay pushes the creation of 300 jobs in Tunica County further away.

One temporary solution is a bridge loan of $3 million to GTA. If any of you have thoughts or suggestions on that issue, GTA would very much appreciate any efforts. I have written Homeland Security Secretary Janet Napolitano requesting that she personally investigate this issue. GTA has learned that this is an issue for all EB-5 projects currently in the US. There are several hundred projects with the same problems, but GTA is the most successful manufacturing EB-5 project to attract Chinese funds to be invested in the US for jobs for Americans.

Another reason given by USCIS is that they are in the process of moving the reviewing of these documents from California to Washington DC because of issues with employees reviewing the documents. USCIS has not met any of their self imposed timelines for the review/approval of the documents.

The purpose of this memo is just to make you aware of events that may impact all of us. Any thoughts or suggestions will be greatly appreciated and thanks to all for your continued support of this project. Please feel free to forward to anyone who you think might be able to assist.

EM-0000224

Best,

[redacted]

[redacted] | President/CEO | Tunica Chamber & Economic Development Foundation|

P. O. Box 1888 | Tunica MS 38676 |[redacted] |
[redacted].

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EM-0000225

Re: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

From: "[redacted]>

Sent: 1/23/2013 11:04:39 PM +00:00

To: "Mayorkas, Alejandro N" [redacted]>

CC: 1. [redacted]>

Subject: Re: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Thanks, Ali. I did get her transmission of a few minutes ago.

From: Mayorkas, Alejandro N
Sent: Wednesday, January 23, 2013 05:57 PM
To: [redacted]
Cc: [redacted]
Subject: FW: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

[redacted]

Apparently, this is not going through to you as this attorney initially addressed it.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Mayorkas, Alejandro N
Sent: Wednesday, January 23, 2013 5:56 PM
To: 'Simone Williams'; [redacted]
Subject: RE: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

EM-0000231

Ms. Williams,

Just to reiterate our brief conversation, I expressly stated that I would not engage in a discussion of a particular case or cases.

Thank you for directing your written communication to [redacted] who will in turn direct it as appropriate.

Thank you. Alejandro Mayorkas

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Simone Williams [mailto:simone.williams@[redacted]]
Sent: Wednesday, January 23, 2013 5:44 PM
To: alejandro.mayorkas@[redacted]; [redacted]
Subject: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Dear Mr. Mayorkas and [redacted]

Re: EB-5 and GTA: Inaction by USCIS on EB-5 Petitions Costing Americans Thousands of Jobs

Further to our conversation today, I am writing to express our concern regarding the undue delay by USCIS in reviewing our EB-5 petitions. This delay is having a detrimental impact on the ongoing operations of GreenTech Automotive, Inc. ("GTA"), and GTA's ability to create and maintain American jobs. I outline the key facts below as follows:

-

Parties Involved: Gulf Coast Funds Management, LLC ("GCFM") is an EB-5 Regional Center approved in 2008 by USCIS to manage EB-5 projects for the states of Louisiana and Mississippi. GCFM currently manages EB-5 investment projects in the job creating enterprise, GreenTech Automotive, Inc. ("GTA"), a Mississippi Corporation.

-

Background Facts About GTA: GTA is a U.S. based company dedicated to producing green, affordable hybrid and electric vehicles. GTA is building a 300,000 square foot automobile manufacturing facility in Tunica, Mississippi, an economically

depressed area in Mississippi with a 19.0% unemployment rate in desperate need of jobs. GTA's operations are expected to create up to 7,400 new high-paying green jobs in the United States by 2014 according to an independent economic analysis by Evans, Carroll & Associates Inc. GTA is currently manufacturing vehicles at a temporary facility in Horn Lake, Mississippi

and will transfer its operations and jobs to the Tunica facility, when completed. The production capacity of the Tunica facility is expected to be 50,000 vehicles per year.

-

Chronology of EB-5 Petitions filed with USCIS and Current Issue: GTA is partially funded by EB-5 investments managed by GCFM. Since GCFM began filing I-526 petitions for the GTA project in 2009, it has established a proven track record of success with USCIS and had already received ninety-two (92) I-526 petition approvals for the GTA project on behalf of EB-5 investors. Unfortunately, we are now experiencing a significant delay in review of our I-829 and I-526 petitions by USCIS, although there are no material changes in our documentation or filings. This delay is threatening the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and (i) such delay is hampering our ability to bring in new EB-5 investors and (ii) the EB-5 money raised in our current offering is being held in escrow pending approval of the I-526 petitions. EB-5 funding to GTA is now at a virtual standstill, which will negatively impact our ongoing plant production, car manufacturing and the creation of jobs for U.S. workers. Currently $17 million of EB-5 funding is being held in an escrow account for our investors, and cannot be released to GTA until USCIS approves our I-526 petitions. Furthermore, the I-829 petition GCFM filed on December 30, 2011 has been pending for over one year, which is well beyond the normal USCIS processing time. We contacted the USCIS Immigrant Investor Program to follow up on the status of our cases many times. This office acknowledged that our cases were beyond normal processing times but did not provide us with any further information about our cases. We further pursued the matter by contacting the CIS ombudsman, and our local senator offices for assistance, neither of which have been able to obtain any further information about our petitions from USCIS to date, despite numerous requests.

Requested Relief: GCFM requests that the I-829 petition and I-526 petitions filed on behalf of EB-5 investors investing in the GTA project be approved as soon as possible so that GCFM may effectively market the GTA project to prospective EB-5 investors. Undue delay by USCIS in reviewing our I-829 petition has jeopardized our marketing efforts, as prospective investors are reluctant to invest in GTA without seeing our I-829 petition approval record. GCFM also requests that USCIS expedite adjudication of all I-526 petitions so that it can fund GTA's operations and job creation in Mississippi. As mentioned above, approvals are required for GTA to raise additional EB-5 funding and to access the EB-5 money already raised. Without such funds, GTA's car manufacturing operations and creation of U.S. jobs is in serious jeopardy and our ability to preserve existing jobs for GTA employees is also at stake. In addition, GCFM requests efficient review and approval of our I-924 ("exemplar") petition, which did not involve any significant changes to our current investment structure. Please see attached spreadsheet and brief explanation below for further details on our pending cases:

) **I-829 Petition Remains Pending for over one year: RE: [redacted] Receipt #: WAC 12-091 -00217.** Our I-829 petition was filed on December 30, 2011 and has been pending for over one year, despite the fact that this petition does not involve any tenant-occupancy issues.

-

) **I-526 Petition Remains Pending for 10 months: RE: [redacted] Receipt #: WAC-12-903-20340.** On April 27, 2012, GCFM filed an I-526 petition for the A-3 fund, with strong supporting documentation. On July 31, 2012, USICS issued a Request for Evidence ("RFE") for this case, requesting only one more trace document, which evidenced that the funds were transferred from the Investor to the A-3 LP. Two of the items that GCFM already provided with the initial filing were requested again, in addition to one more supplemental transfer document. We immediately filed our response the next day on August 1, 2012. On December 10, 2012, we received another RFE on this case on a whole set of other issues --- and three of the four issues raised in the RFE were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. We filed our response to the second RFE on December 13, 2012. Our response to the 4 issues raised in the RFE can be summarized as follows:

EM-0000233

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The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.

Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.

Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.

Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."

Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

i) **Thirty (30) I-526 Petitions and an I-924 (exemplar) Petition Remain Pending with USCIS**. Please see attached spreadsheet for further details.

We greatly appreciate your assistance and we look forward to receiving a decision from USCIS regarding the processing of our I-829, I-526 and I-924 cases. Please do not hesitate to contact me at [redacted] if you require further information.

Yours truly,

EM-0000234

Simone Williams

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

www.gulfcoastfunds.com

Message Headers:

[redacted]

PR_RIM_MSG_STATUS:	0
PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_FOLDER_ID:	-7
PR_RIM_PAGER_TX_FLAG:	true
PR_RIM_MSG_REF_ID:	-1686281795

EM-0000235

PR_RIM_INTERNET_MESSAGE_ID: <5EA7531ADCB423449530DB6532CFF61213943E4FC0@DC2-EXI

FW: Emergency Issues re Gulf Coast Funds Management and GreenTech Automotive Inc.

From: "Mayorkas, Alejandro N" <[redacted]>

Sent: 1/31/2013 11:15:26 PM +00:00

To: 1.[redacted]>

Subject: FW: Emergency Issues re Gulf Coast Funds Management and GreenTech Automotive Inc.

Fyi.

I am not responding to this follow up email.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Simone Williams [[redacted]]
Sent: Thursday, January 31, 2013 6:12 PM
To: Mayorkas, Alejandro N
Cc: [redacted] GTA; tony rodham; [redacted]
Subject: RE: Emergency Issues re Gulf Coast Funds Management and GreenTech Automotive Inc.

Dear Mr. Mayorkas: We appreciate your prompt attention to this matter and your offer to forward our e-mail to the appropriate individual. We felt it appropriate to contact you as the head of the Agency, to give you an urgent status update of the project, not a particular case. We would like to request an in-person meeting or a telephone call with you or any individual in the Agency that may be prepared to provide immediate guidance or action on our petitions. Thank-you kindly for your prompt attention to this matter.

Best regards,

Simone Williams

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

[redacted]

[redacted]

www.gulfcoastfunds.com

From: Mayorkas, Alejandro N [mailto:A[redacted]
Sent: Thursday, January 31, 2013 5:55 PM
To: Simone Williams
Cc: [redacted] GTA; tony rodham; [redacted]
Subject: RE: Emergency Issues re Gulf Coast Funds Management and GreenTech Automotive Inc.

Ms. Williams,

As the Director of this Agency, I do not adjudicate cases and am not the proper audience for a telephone call or a meeting about a particular case. I will forward your email to the appropriate individual in the Agency.

Thank you. Alejandro Mayorkas

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

([redacted]

[redacted]

From: Simone Williams [m[redacted]]
Sent: Thursday, January 31, 2013 5:50 PM
To: 'alejandro.mayorkas@[redacted]
Cc: [redacted] GTA; tony rodham; [redacted]
Subject: Emergency Issues re Gulf Coast Funds Management and GreenTech Automotive Inc.
Importance: High

Dear Mr. Mayorkas,

Further to my voicemail message this evening, we would like to request a brief in-person meeting with you tomorrow to discuss emergency issues regarding Gulf Coast Funds Management and GreenTech Automotive Inc. Could you please let us know your availability anytime tomorrow. We thank you for your prompt attention to this matter.

Best regards,

Simone Williams

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

[redacted]

[redacted]

www.gulfcoastfunds.com

From: Simone Williams
Sent: Wednesday, January 23, 2013 5:44 PM

To: 'alejandro.mayorkas@[redacted]
Subject: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Dear Mr. Mayorkas [redacted]

Re: EB-5 and GTA: Inaction by USCIS on EB-5 Petitions Costing Americans Thousands of Jobs

Further to our conversation today, I am writing to express our concern regarding the undue delay by USCIS in reviewing our EB-5 petitions. This delay is having a detrimental impact on the ongoing operations of GreenTech Automotive, Inc. ("GTA"), and GTA's ability to create and maintain American jobs. I outline the key facts below as follows:

-

Parties Involved: Gulf Coast Funds Management, LLC ("GCFM") is an EB-5 Regional Center approved in 2008 by USCIS to manage EB-5 projects for the states of Louisiana and Mississippi. GCFM currently manages EB-5 investment projects in the job creating enterprise, GreenTech Automotive, Inc. ("GTA"), a Mississippi Corporation.

-

Background Facts About GTA: GTA is a U.S. based company dedicated to producing green, affordable hybrid and electric vehicles. GTA is building a 300,000 square foot automobile manufacturing facility in Tunica, Mississippi, an economically depressed area in Mississippi with a 19.0% unemployment rate in desperate need of jobs. GTA's operations are expected to create up to 7,400 new high-paying green jobs in the United States by 2014 according to an independent economic analysis by Evans, Carroll & Associates Inc. GTA is currently manufacturing vehicles at a temporary facility in Horn Lake, Mississippi

and will transfer its operations and jobs to the Tunica facility, when completed. The production capacity of the Tunica facility is expected to be 50,000 vehicles per year.

-

Chronology of EB-5 Petitions filed with USCIS and Current Issue: GTA is partially funded by EB-5 investments managed by GCFM. Since GCFM began filing I-526 petitions for the GTA project in 2009, it has established a proven track record of success with USCIS and had already received ninety-two (92) I-526 petition approvals for the GTA project on behalf of EB-5 investors. Unfortunately, we are now experiencing a significant delay in review of our I-829 and I-526 petitions by USCIS, although there are no material changes in our documentation or filings. This delay is threatening the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and (i) such delay is hampering our ability to bring in new EB-5 investors and (ii) the EB-5 money raised in our current offering is being held in escrow pending approval of the I-526 petitions. EB-5 funding to GTA is now at a virtual standstill, which will negatively impact our ongoing plant production, car manufacturing and the creation of jobs for U.S. workers. Currently $17 million of EB-5 funding is being held in an escrow account for our investors, and cannot be released to GTA until USCIS approves our I-526 petitions. Furthermore, the I-829 petition GCFM filed on December 30, 2011 has been pending for over one year, which is well beyond the normal USCIS processing time. We contacted the USCIS Immigrant Investor Program to follow up on the status of our cases many times. This office acknowledged that our cases were beyond normal processing times but did not provide us with any further information about our cases. We further pursued the matter by contacting the CIS ombudsman, and our local senator offices for assistance, neither of which have been able to obtain any further information about our petitions from USCIS to date, despite numerous requests.

Requested Relief: GCFM requests that the I-829 petition and I-526 petitions filed on behalf of EB-5 investors investing in the GTA project be approved as soon as possible so that GCFM may effectively market the GTA project to prospective EB-5 investors. Undue delay by USCIS in reviewing our I-829 petition has jeopardized our marketing efforts, as prospective investors are reluctant to invest in GTA without seeing our I-829 petition approval record. GCFM also requests that USCIS expedite

adjudication of all I-526 petitions so that it can fund GTA's operations and job creation in Mississippi. As mentioned above, approvals are required for GTA to raise additional EB-5 funding and to access the EB-5 money already raised. Without such funds, GTA's car manufacturing operations and creation of U.S. jobs is in serious jeopardy and our ability to preserve existing jobs for GTA employees is also at stake. In addition, GCFM requests efficient review and approval of our I-924 ("exemplar") petition, which did not involve any significant changes to our current investment structure. Please see attached spreadsheet and brief explanation below for further details on our pending cases:

) **<u>I-829 Petition Remains Pending for over one year:</u> RE: [redacted] Receipt #: WAC 12-091 -00217.** Our I-829 petition was filed on December 30, 2011 and has been pending for over one year, despite the fact that this petition does not involve any tenant-occupancy issues.

-

.) **<u>I-526 Petition Remains Pending for 10 months</u>: RE: [redacted] Receipt #: WAC-12-903-20340.** On April 27, 2012, GCFM filed an I-526 petition for the A-3 fund, with strong supporting documentation. On July 31, 2012, USICS issued a Request for Evidence ("RFE") for this case, requesting only one more trace document, which evidenced that the funds were transferred from the Investor to the A-3 LP. Two of the items that GCFM already provided with the initial filing were requested again, in addition to one more supplemental transfer document. We immediately filed our response the next day on August 1, 2012. On December 10, 2012, we received another RFE on this case on a whole set of other issues --- and three of the four issues raised in the RFE were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. We filed our response to the second RFE on December 13, 2012. Our response to the 4 issues raised in the RFE can be summarized as follows:

-

The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.

<u>Our response</u>: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.

<u>Our response</u>: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.

<u>Our response</u>: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also

specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."

Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

) **Thirty (30) I-526 Petitions and an I-924 (exemplar) Petition Remain Pending with USCIS**. Please see attached spreadsheet for further details.

We greatly appreciate your assistance and we look forward to receiving a decision from USCIS regarding the processing of our I-829, I-526 and I-924 cases. Please do not hesitate to contact me at [redacted] if you require further information.

Yours truly,

Simone Williams

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

www.gulfcoastfunds.com

Message Headers:

[redacted]

EM-0000242

[redacted]

MIME-Version: 1.0

PR_RIM_MSG_STATUS:	1
PR_RIM_MSG_ON_DEVICE_3_6:	true
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PR_RIM_MSG_REF_ID:	-151464077
PR_RIM_INTERNET_MESSAGE_ID:	<0159D75501F8544C885EBA79DF7412C80B42817BF9@DC2-EXM

EM-0000243

RE: Gulf Coast Funds Management and GreenTech Automotive Inc.

From: [redacted]

Sent: 2/1/2013 4:48:52 PM +00:00

To: 1. [redacted]

[redacted]

Subject: RE: Gulf Coast Funds Management and GreenTech Automotive Inc.

Attachments: RE: Telecon: EB-5 Regional Center / Hybrid Kinetic

[redacted]

See attached email. We have been seeking a discussion with FDNS since early November 2012 regarding this case. To date, we haven't been able to discuss.

[redacted]

From: [redacted]
Sent: Friday, February 01, 2013 11:28 AM
To: [redacted]
Subject: FW: Gulf Coast Funds Management and GreenTech Automotive Inc.

Hi [redacted]

Can you please let me know if there are any security or fraud issues related to this regional center or the petitions in the attached spreadsheet. The regional center has sent several inquiries into the cases and has requested that we expedite the pending cases. Before we look into the substance of the inquiry/expedite request, please let me know if there are any issues that we should be aware of pertaining to this regional center or these cases.

EM-0000244

Thanks,

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, January 29, 2013 3:27 PM
To: [redacted]
[redacted] W
Subject: Fw: Gulf Coast Funds Management and GreenTech Automotive Inc.
Importance: High

From: anthony rodham [redacted]
Sent: Tuesday, January 29, 2013 03:25 PM Eastern Standard Time
To: alejandro.mayorkas@[redacted]
[redacted]>
Subject: Gulf Coast Funds Management and GreenTech Automotive Inc.

Dear Mr. Mayorkas [redacted]

This is to follow up on an e-mail sent to you last week by Simone Williams, the General Counsel of Gulf Coast Funds Management, Regional Center (GCFM). Yesterday, GCFM received another six (6) RFEs from USCIS requesting basically the same information as the Second RFE we received for [redacted] (Receipt #: WAC-12-903-20340). (Please see updated Pending Petitions list attached for details on RFEs received).

As explained in Simone's e-mail dated January 23, 2013 (and included below for your convenience), the I-829 petition GCFM filed on December 30, 2011 has been pending for over one year, which is well beyond the normal USCIS processing time. Furthermore, we filed our response to Mr. [redacted] second RFE on December 13, 2012 and have yet to receive a response from USCIS. We contacted the USCIS Immigrant Investor Program to follow up on the status of our cases many times and have pursued the matter by contacting our local senator offices for assistance, neither of which have been able to obtain any further information about our petitions from USCIS to date.

For many months, we have been urging USCIS to issue a decision on our I-829 and I-526 cases. As we mentioned previously, USCIS's undue delay in issuing a decision in our I-829 and I-526 RFE cases continues to threaten the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and the delay is hampering our ability to bring in new EB-5 investors and the EB-5 money raised in our current offering is being held in escrow pending approval of the I-526 petitions.

We need USCIS to issue a decision on the I-829 and RFE for [redacted] as soon as possible. Please note that three of the four issues raised in [redacted] RFE and the subsequent 6 RFEs we just received, were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. Our response to the 4 issues raised in the RFE can be summarized as follows:

a. The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.

Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

b. The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.

Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

c. The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.

Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

d. The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."

Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

We really appreciate your assistance in looking into this matter for us to move our cases along. If you need any further information, please do not hesitate to contact GCFM's General Counsel, Simone Williams at

[redacted]

Best regards,

Anthony Rodham

From: Simone Williams
Sent: Wednesday, January 23, 2013 5:44 PM
To: 'alejandro.mayorkas@[redacted]
Subject: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Dear Mr. Mayorkas and [redacted]

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and will transfer its operations and jobs to the Tunica facility, when completed. The production capacity of the Tunica facility is expected to be 50,000 vehicles per year.

Chronology of EB-5 Petitions filed with USCIS and Current Issue: GTA is partially funded by EB -5 investments managed by GCFM. Since GCFM began filing I-526 petitions for the GTA project in 2009, it has established a proven track record of success with USCIS and had already received ninety-two (92) I-526 petition approvals for the GTA project on behalf of EB-5 investors. Unfortunately, we are now experiencing a significant delay in review of our I-829 and I-526 petitions by USCIS, although there are no material changes in our documentation or filings. This delay is threatening the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and (i) such delay is hampering our ability to bring in new EB-5 investors and (ii) the EB-5 money raised in

our current offering is being held in escrow pending approval of the I-526 petitions. EB-5 funding to GTA is now at a virtual standstill, which will negatively impact our ongoing plant production, car manufacturing and the creation of jobs for U.S. workers. Currently $17 million of EB-5 funding is being held in an escrow account for our investors, and cannot be released to GTA until USCIS approves our I-526 petitions. Furthermore, the I-829 petition GCFM filed on December 30, 2011 has been pending for over one year, which is well beyond the normal USCIS processing time. We contacted the USCIS Immigrant Investor Program to follow up on the status of our cases many times. This office acknowledged that our cases were beyond normal processing times but did not provide us with any further information about our cases. We further pursued the matter by contacting the CIS ombudsman, and our local senator offices for assistance, neither of which have been able to obtain any further information about our petitions from USCIS to date, despite numerous requests.

Requested Relief: GCFM requests that the I-829 petition and I-526 petitions filed on behalf of EB-5 investors investing in the GTA project be approved as soon as possible so that GCFM may effectively market the GTA project to prospective EB-5 investors. Undue delay by USCIS in reviewing our I-829 petition has jeopardized our marketing efforts, as prospective investors are reluctant to invest in GTA without seeing our I-829 petition approval record. GCFM also requests that USCIS expedite adjudication of all I-526 petitions so that it can fund GTA's operations and job creation in Mississippi. As mentioned above, approvals are required for GTA to raise additional EB-5 funding and to access the EB-5 money already raised. Without such funds, GTA's car manufacturing operations and creation of U.S. jobs is in serious jeopardy and our ability to preserve existing jobs for GTA employees is also at stake. In addition, GCFM requests efficient review and approval of our I-924 ("exemplar") petition, which did not involve any significant changes to our current investment structure. Please see attached spreadsheet and brief explanation below for further details on our pending cases:

) **I-829 Petition Remains Pending for over one year: RE: [redacted] Receipt #: WAC 12-091-00217.** Our I-829 petition was filed on December 30, 2011 and has been pending for over one year, despite the fact that this petition does not involve any tenant-occupancy issues.

) **I-526 Petition Remains Pending for 10 months: RE: [redacted] Receipt #: WAC-12-903-20340.** On April 27, 2012, GCFM filed an I-526 petition for the A-3 fund, with strong supporting documentation. On July 31, 2012, USICS issued a Request for Evidence ("RFE") for this case, requesting only one more trace document, which evidenced that the funds were transferred from the Investor to the A-3 LP. Two of the items that GCFM already provided with the initial filing were requested again, in addition to one more supplemental transfer document. We immediately filed our response the next day on August 1, 2012. On December 10, 2012, we received another RFE on this case on a whole set of other issues --- and three of the four issues raised in the RFE were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. We filed our response to the second RFE on December 13, 2012. Our response to the 4 issues raised in the RFE can be summarized as follows:

The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.

Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are

permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.

Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.

Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."

Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

) **Thirty (30) I-526 Petitions and an I-924 (exemplar) Petition Remain Pending with USCIS**. Please see attached spreadsheet for further details.

We greatly appreciate your assistance and we look forward to receiving a decision from USCIS regarding the processing of our I-829, I-526 and I-924 cases. Please do not hesitate to contact me at [redacted] if you require further information.

Yours truly,

Simone Williams

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

Message Headers:

[redacted]

[redacted]_[redacted]	[redacted]
[redacted]_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_FOLDER_ID:	-7
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PR_RIM_MSG_REF_ID:	-37645248
PR_RIM_INTERNET_MESSAGE_ID:	<57FD7D410328F048A44CB60D6C5CEF280660A498BA@DC2-EXI

EM-0000250

FW: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.

From: [redacted]
Sent: 2/1/2013 7:54:14 PM +00:00
To: [redacted]
CC: 1. [redacted]
Subject: FW: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.

Gulf Coast Funds Management (ID1031910101) was originally approved as a regional center in 2009. We have an amendment, RCW1221950726, which was received on 8/6/2012 and has not been adjudicated yet. We are preparing an Inquiry Template with additional details, but offer the following:

The contract economist report for the amendment filing was completed in September 2012. The related project is Green Tech Automotive Inc (Exemplar) which will be located in Tunica, Mississippi. Green Tech designs, manufactures and sells energy efficient vehicles.

There are economic issues associated with this amendment. The primary issues are:

Incomplete business plan – lacking financial statements

Economic Impact Analysis –

a. Direct Employment at Manufacturing Facility
   i. No industry source provided
   ii. Estimate is not reliable
b. Direct Employment from parts manufacturing outside new EB-5 funded facility
   i. No explanation how 1,223 direct jobs were calculated; estimate not reliable

No source provided to estimate direct employment.

The relating I-526s are on hold pending an economic review of the response to the RFE on the I-526 filing. It has been provided to the economists with a request for an expedited review.

All I-829s are being pulled by our supervisors for adjudication. We are aware that the NCE is significantly behind schedule, but will complete the specialized review once the files have been delivered.

From: [redacted]
Sent: Friday, February 01, 2013 12:09 PM Eastern Standard Time
To: [redacted]
Subject: Fw: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.

I need a status report on this, please. I know this has a long and storied past, but I need to know what is currently going on.

I'm on blackberry so don't have any of my historic records.

EM-0000251

Thanks,

[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, February 01, 2013 08:19 AM
To: [redacted]
Subject: FW: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Smith, Douglas A [[redacted]@[redacted]
Sent: Friday, February 01, 2013 10:45 AM
To: Mayorkas, Alejandro N
Cc: Kroloff, Noah
Subject: Fw: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.
Importance: High

Ali, Here is a quick summary for you.

From: Simone Williams [[redacted]]
Sent: Friday, February 01, 2013 10:41 AM
To: Smith, Douglas A
Subject: EMERGENCY re Gulf Coast Funds Management and GreenTech Automotive Inc.

Doug,

Per our discussion, see details below. Please call me back at 202-701-9548 for any status updates. I can't emphasize enough that this is an emergency situation for the Company so we really appreciate your efforts in helping to get these cases adjudicated as soon as possible. Case details below. Long pending cases highlighted. Thanks much, Simone

	Investor Name	Type of Petition	Date Filed	Receipt Notice Date	Receipt Number	RFE RECEIVED/Date
1	[redacted]	I-829	12/29/2011	12/30/2011	WAC1209100217	

EM-0000252

2	[redacted]	I-829	10/25/2012	10/26/2012	WAC1302600082	
3	Gulf Coast Funds Management, LLC	I-924 (Exemplar)	8/5/2012	8/6/2012	RCW1221950726	
4	[redacted]	I-526	4/28/2012	4/30/2012	WAC1290320340	2 RFE s received: July 31, 2012; December 10, 2012,
5	[redacted]	I-526	8/15/2012	8/20/2012	WAC1290475499	
6	[redacted]	I-526	8/27/2012	8/31/2012	WAC1290519744	Yes - 1/29/2012
7	[redacted]	I-526	8/28/2012	9/4/2012	WAC1290523703	Yes - 1/29/2012
8	[redacted]	I-526	9/6/2012	9/12/2012	WAC1290562057	Yes - 1/29/2012
9	[redacted]	I-526	9/6/2012	9/12/2012	WAC1290562055	Yes - 1/29/2012
10	[redacted]	I-526	9/11/2012	10/17/2012	WAC1390069208	
11	[redacted]	I-526	9/14/2012	9/24/2012	WAC1290593020	Yes - 1/29/2012
12	[redacted]	I-526	9/17/2012	9/25/2012	WAC1290597898	Yes - 1/29/2012

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

[redacted]

[redacted]

www.gulfcoastfunds.com

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

[redacted]

[redacted]com

www.gulfcoastfunds.com

From: Simone Williams
Sent: Tuesday, January 29, 2013 10:21 AM
To: douglas.a.smith@[redacted]
Subject: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.
Importance: High

Hello Doug,

As we discussed, we received another 6 RFEs from USCIS requesting basically the same information as the first RFE we received for [redacted] (Receipt #: WAC-12-903-20340).

Furthermore, as you are aware, we still have an I-829 Petition that has remained pending for over one year ([redacted] Receipt #: WAC 12-091-00217). This I-829 petition was filed on December 30, 2011 and has been pending for over one year, despite the fact that this petition does not involve any tenant-occupancy issues. Obviously, USCIS's undue delay in issuing a decision in our I-829 and I-526 RFE cases, is becoming a serious issue for us. In fact, the delay continues to threaten the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and (i) such delay is hampering our ability to bring in new EB-5 investors and (ii) the EB-5 money raised in our current offering is being held in escrow pending approval of the I-526 petitions.

We need USCIS to issue a decision on the I-829 and RFE for [redacted] as soon as possible. Please note that three of the four issues raised in [redacted] RFE and the subsequent 6 RFEs were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. Our response to the 4 issues raised in the RFE can be summarized as follows:

a. The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.

Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

b. The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.

Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

c. The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.

Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

d. The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."

Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

We really appreciate your assistance in looking into this matter for us and any help you can offer. If you need anything further, please do not hesitate to contact me at [redacted]

Thanks much,

Simone

D. Simone Williams

General Counsel

Gulf Coast Funds Management, LLC

[redacted]

McLean, VA 22102

[redacted]

www.gulfcoastfunds.com

Message Headers:

[redacted]

[redacted]	[redacted]
[redacted]	[redacted]
[redacted]_MSG_FOLDER_ID:	-7
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PR_RIM_MSG_REF_ID:	-2052654305

EM-0000255

From: Smith, Douglas A
To: Terry McAuliffe;
Subject: RE: GTA Project
Date: Wednesday, July 28, 2010 1:47:00 PM

Got it. Let me dig down on this and I will be back in touch shortly.

From: Terry McAuliffe [mailto:terry.[redacted]
Sent: Wednesday, July 28, 2010 1:31 PM
To: Smith, Douglas A
Subject: GTA Project

Doug:

It was great speaking with today. As I mentioned to you, I am the chairman of Greentech Automotive (GTA). GTA is a US-based company dedicated to developing and producing affordable, environment-friendly, and energy-efficient vehicles. We are committed to bringing "green" jobs to the U.S. GTA is partially funded by USCIS EB-5 program through Gulf Coast Funds Management (GCFM) regional center, which was initially approved in August 2008 to cover Mississippi and Louisiana. GCFM filed an Amendment Application in Jan 2010 to expand its operations to Virginia and Tennessee to support GTA's efforts.

I have been extremely frustrated by the USCIS approval process which has delayed our business plan and job creation efforts. The major delay was caused by incorrect information being given to us by USCIS officials regarding the extension process. You should be aware that Senator Warner and other Members of Congress have made inquiries on this project. I would greatly appreciate your attention to this matter as it is imperative to our country that we begin to get people back to work, especially in the manufacturing sector.

The following is GCFM's Amendment timeline:

- Aug 18, 2008: GCFM approved as Regional Center
- Jan 12, 2010: GCFM filed Amendment Application to USCIS – 1st try
- Feb 19, 2010: USCIS rejected on technical issue and GCFM refiled - 2nd try
- May 13, 2010: USCIS Request for Evidence (RFE) by Aug 3
- Jul 19, 2010: GCFM filed answers to RFE – 3rd try

Attached:

1. Apr 28, 2010: Sussex County Board of Supervisors inquiry letter to Senator Warner
2. Jul 19, 2010: GCFM cover letter to USCIS RFE

Terry

WM GreenTech Automotive Corp | [redacted] McLean, VA 22102 | [redacted] | Website: www.wmgta.com

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From: Smith, Douglas A
To: Terry McAuliffe;
Subject: RE: GTA Project
Date: Wednesday, July 28, 2010 2:09:00 PM

Call me when you have a second. At my desk, [redacted]

From: Terry McAuliffe [mailto:[redacted]]
Sent: Wednesday, July 28, 2010 1:31 PM
To: Smith, Douglas A
Subject: GTA Project

Doug:

It was great speaking with today. As I mentioned to you, I am the chairman of Greentech Automotive (GTA). GTA is a US-based company dedicated to developing and producing affordable, environment-friendly, and energy-efficient vehicles. We are committed to bringing "green" jobs to the U.S. GTA is partially funded by USCIS EB-5 program through Gulf Coast Funds Management (GCFM) regional center, which was initially approved in August 2008 to cover Mississippi and Louisiana. GCFM filed an Amendment Application in Jan 2010 to expand its operations to Virginia and Tennessee to support GTA's efforts.

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2. Jul 19, 2010: GCFM cover letter to USCIS RFE

Terry

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 | [redacted]
900[redacted] | Website: www.wmgta.com

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From: Smith, Douglas A
To: "terry.mcauliffe[redacted]
Subject: Re: GulfCoastFunds/GTA Clean draft-resend
Date: Wednesday, August 18, 2010 3:05:45 PM

On it.

Douglas A. Smith
Assistant Secretary
Office of the Private Sector
Department of Homeland Security
(2[redacted]

From: Terry McAuliffe <[redacted]>
To: Smith, Douglas A <[redacted]
Sent: Wed Aug 18 15:02:36 2010
Subject: GulfCoastFunds/GTA Clean draft-resend

Douglas--great speaking with you. As we discussed, we are extremely frustrated and bewildered by the USCIS approval process. GTA is the chief stakeholder of Gulf Coast Regional Center's (GC-RC) business activity, which has spent over one year trying to get an expansion approval. Presently GC-RC is allowed to do business in Mississippi and Louisiana, and wants to add Virginia and Tennessee. This will allow GTA to expand its project and create thousands of new manufacturing jobs in the green car space - a top priority of the Obama Administration. Over 100 million has been committed to our GTA project through GC-RC and 4 prototypes have been built. We just purchased a Hong Kong electric car company, which will be moved to America and is quite a feat moving a manufacturing facility from China to America. Recently, the USCIS approved an expansion to another regional center in Alabama that included several new states that has no money, nor any product. I have included comments from GC-RC's attorney. Your attention to this matter is greatly appreciated.

Terry

From: Smith, Douglas A
To: "terry.mcauliffe[redacted]
Subject: Re: Any news
Date: Friday, November 05, 2010 11:11:03 AM

Let me check right now.

Douglas A. Smith
Assistant Secretary
Office of the Private Sector
Department of Homeland Security
([redacted]

----- Original Message -----
[redacted]
com>
To: Douglas Smith <[redacted]
Sent: Fri Nov 05 11:07:17 2010
Subject: Any news

Sent via BlackBerry by AT&T

From: Smith, Douglas A
To: [redacted]
Subject: Your latest petition
Date: Wednesday, May 11, 2011 8:47:00 AM

Do you have the file number so I can check up on it. Want to make sure it is on the top of the pile. Thanks

Douglas A. Smith
Assistant Secretary
Private Sector Office
Department of Homeland Security
[redacted])

Click here to receive Private Sector Community Preparedness Email Updates

From: Terry McAuliffe
To: Kroloff, Noah;
Date: Monday, June 20, 2011 4:11:39 PM

Noah:

Unfortunately, we have heard **nothing** from USCIS since our meeting 4 months ago. At that meeting, we were promised by the Director that our application would receive an expedited review, due to the fact that we had been given erroneous information by the USCIS. We re-filed our application on April 28th and to date have heard nothing. It has now been a total of 17 months that we have been waiting for approval to build a green manufacturing plant in an economically depressed area that will create thousands of jobs.

I would like to request another meeting to ascertain the status of our application. President Obama's goal is to get Americans back to work-we want to help!

Best regards,

Terence R. McAuliffe
Chairman

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 | [redacted] | Website: www.wmgta.com

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From: Simone Williams
To: [redacted]
cc: Smith, Douglas A;
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center
Date: Wednesday, January 23, 2013 10:53:56 AM

Dear [redacted]

We still have not heard back from the analyst regarding our case. As you know our I-829 has been pending for over a year now. Could you please look into this matter for us and let us know when we can expect a response from USCIS.

Thanks,
Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
[redacted]ams@[redacted]n
www.gulfcoastfunds.com

From: [redacted]
Sent: Thursday, January 10, 2013 6:58 PM
To: Simone Williams
Cc: Smith, Douglas A
Subject: Re: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi Simone,

I will remind the analyst you await a response.

Thanks,

[redacted]

From: Simone Williams [m[redacted]
Sent: Thursday, January 10, 2013 04:58 PM
To: [redacted]
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi [redacted]

Thanks for the update. No, I have not received a response from the analyst as yet. Could you give me any idea of what the response is? Otherwise, if you could push the analyst to send us the response, that would be appreciated.

Thanks,

Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: [redacted]
Sent: Thursday, January 10, 2013 4:55 PM
To: Simone Williams
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi Simone,

I don't know if you've heard back from my CISOMB colleagues yet, but I spoke to the Chief of the Employment Division the other day and was told that USCIS has responded to our inquiry, but with a response that wasn't as helpful as hoped. The analyst was in the process of drafting a response to you, but not sure if it went out yet.

As an aside, we met with Director Mayorkas yesterday and he is well aware of the EB-5 issues. They are working on resolutions to the problems. It's hard to say when we will see progress. I wish we had more upbeat news to share.

Kind regards,

[redacted]

From: Simone Williams [mailto:[redacted]
Sent: Monday, January 07, 2013 2:54 PM
To: [redacted]
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Dear [redacted]

Happy New Year! Just following up again about our I-829 and I-526 cases. Any status update from the California Service Center about our cases? Please let me know.

Thanks and kind regards,
Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]

McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: [redacted]
Sent: Friday, December 14, 2012 12:34 PM
To: Simone Williams
Cc: Smith, Douglas A
Subject: Re: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi Simone,

Thank you for keeping us apprised. I have forwarded your email to the analyst handling your inquiries.

King regards,

[redacted]

From: Simone Williams [mailto[redacted]
Sent: Friday, December 14, 2012 11:49 AM
To: [redacted]
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Dear Stacy,

RE: [redacted] Receipt #: WAC-12-903-20340 – Response to Second RFE filed

Just to let you know that we filed our Response to the second RFE issued for the above mentioned case yesterday. A copy of the Response is attached. We would really appreciate your office's assistance in requesting that USCIS review and issue a decision on this case as soon as possible for the reasons I mentioned in my previous e-mail: specifically, the delay in reviewing this case (and our other I-526 and I-829 petitions) is severely affecting the ongoing operations of GreenTech Automotive, Inc. (GTA), the Job Creating Enterprise (JCE).

Our response to the 4 issues raised in the RFE can be summarized as follows:

1. The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.
Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.

2. The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.
Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.

3. The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.
Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.

4. The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."
Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

As a side note: we still have not received a response from USCIS regarding our I-829 petition. ([redacted] Receipt #: WAC 12-091-00217). Any word on the processing of this case?

Thanks so much for your assistance, [redacted]

Best regards,
Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: [redacted]
Sent: Tuesday, December 11, 2012 2:29 PM

To: Simone Williams
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi Simone,

I've brought your concerns to the attention of the analyst working your case to see if he can address these with you directly. If you do not hear from him within 24 hours, please feel free to reach back out to me.

Thank you,

[redacted]

From: Simone Williams [[redacted]
Sent: Tuesday, December 11, 2012 1:30 PM
To: [redacted]
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Dear [redacted]

First of all, I wanted to thank you and your team for your tremendous effort to get our cases moved along. We really appreciate it. Just to update you: Last night we received an RFE on the I-526 Petition we filed in April ([redacted] Receipt #: WAC-12-903-20340. See attached). We already received an RFE for this case in August, and responded the next day, so we are completely perplexed that we are receiving yet another RFE for this case on a whole set of other issues --- And three of the four issues raised in the RFE were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. In any event, we plan to file our Response to the RFE in the next day or two, but I wanted to provide you with a quick analysis of the issues:

1. TEA in Horn Lake - It doesn't really matter whether the Horn Lake facility is located in a TEA because we are relying on permanent jobs in Tunica. We discussed the Horn Lake facility to show that GreenTech is actually producing cars. So we will now explain again that we are not relying on permanent jobs in Tunica and we are only counting the jobs in the TEA.
2. The Evans, Carroll & Associates Report - We will provide supplemental information to show no "double counting" and address other points including more specifics on the 426 direct jobs.
3. Business Plan "specific to the NCE" - That makes no sense when the "NCE" is another source of funding for the same job creating enterprise, GreenTech Automotive. The Private Placement Memorandum is the plan. Nevertheless, we will address this by confirming the total number of petitions approved in the earlier, closed, funds and indicating how the jobs created will be "set aside" for the first groups of investors and will submit a business plan specific to the JCE.
4. Private Placement Memorandum section re Prior Financings - The section cited addresses the investors' risk. If there were no risk, the EB-5 petitions couldn't be approved. But we will answer this question regarding whether any refunds have been offered/made or are likely to be made and the possible effect.

As we've mentioned in our earlier correspondence, the significant delay in the review of our I-829 and I-526 petitions by USCIS continues to threaten the ongoing operations of GTA and its ability to produce electric vehicles. At this point, due to the lack of EB-5 petition approvals and EB-5 funding, GTA may have to lay off workers before Christmas. Obviously, Management would like to avoid doing this as much as

possible so they would be extremely grateful if USCIS could at least respond to this recent RFE, the long pending I-829 petition, and some I-526 petitions prior to the Christmas break. Just to highlight again, GTA is a dedicated to producing green, affordable cars, and most importantly, creating jobs in one of the poorest states in the country. It would be tragic, if the EB-5 program, which we have relied on so heavily, could not continue to work out for the GTA project and the job creation efforts in the state of Mississippi, as it has done in the past. Since GCFM began filing I-526 petitions for the GTA project in 2009, it has established a proven track record of success with USCIS and had already received ninety-two I-526 petition approvals for the GTA project.

Also, I just wanted to bring to your attention that we have yet to receive a response from USCIS regarding our I-829 petition. ([redacted] Receipt #: WAC 12-091-00217). This petition has been pending for a year now and the undue delay by USCIS in reviewing the I-829 petition has jeopardized our marketing efforts. Could you please look into this matter for us?

Again, we very much appreciate you and your office's assistance in helping to move these cases along after USCIS' serious delay in processing our petitions. I will let you know when we have filed our RFE response with USCIS.

Thank-you!
Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: [redacted]
Sent: Thursday, December 06, 2012 1:42 PM
To: Simone Williams
Cc: Smith, Douglas A
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Hi Simone,

I've forwarded it to the analyst handling the inquiry just in case.

Thank you,

[redacted]

From: Simone Williams [mailt[redacted]]
Sent: Thursday, December 06, 2012 1:40 PM
To: [redacted]
Cc: Smith, Douglas A
Subject: FW: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center
Importance: High

S[redacted]

The attached spreadsheet with the list of cases we need action on should have been included in our 7001 submission. Can you please make sure the analyst has a copy of it or do I have to resubmit the 7001?

Thanks,
Simone

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: Simone Williams
Sent: Wednesday, December 05, 2012 4:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: I-829 Case Inquiry CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Dear [redacted]

We submitted a case assistance request to your website per your instructions. Our submission number is 20120737. Attached is a letter we submitted with the DHS-7001 form, addressed to you. We greatly appreciate your assistance and we look forward to receiving a decision from USCIS regarding the processing of our I-829 and I-526 cases.

Best regards,

D. Simone Williams
General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: cisombudsman service[redacted]
Sent: Wednesday, December 05, 2012 3:51 PM
To: Simone Williams
Subject: CISOMB Case Number 20120737 for Gulf Coast Funds Management LLC Regional Center

Gulf Coast Funds Management LLC Regional Center
[redacted]
McLean, Virginia 22102
United States

Dear Gulf Coast Funds Management LLC Regional Center,

Thank you for the recent request for assistance that you submitted to the Office of the Citizenship and Immigration Services Ombudsman. Your submission is being reviewed to determine how our office may assist. If we are able to help, you will receive correspondence regarding the inquiry from our office within 45 business days. If our office is unable to assist, we will notify you promptly.

You may contact us at [redacted] Please reference case number 20120737 if you have any questions or need further assistance.

Sincerely,

Office of the Citizenship and Immigration Services Ombudsman
U.S. Department of Homeland Security
Washington, DC 20528-0180
[redacted]
Web: www.dhs.gov/cisombudsman

CC: [redacted]

From: [redacted]
Sent: Wednesday, December 05, 2012 12:34 PM
To: [redacted]
Cc: Simone Williams; [redacted]
Subject: RE: I-829 Case Inquiry

[redacted]

Thank you for your email. Per our conversation, please submit a case assistance request through our website (http://www.dhs.gov/topic/cis-ombudsman) and attach your G-28 and any other significant documents (e.g. receipt notice, RFE, etc.) Please email me your submission number and I will ensure your inquiry is promptly delivered to our EB-5 analyst.

If you have any questions, please do not hesitate to ask.

Kind regards,

[redacted]
CISOMB

From: [redacted]
Sent: Wednesday, December 05, 2012 11:59 AM
To: [redacted]
Cc: Simone Williams; [redacted]
Subject: I-829 Case Inquiry

Dear [redacted]
RE: [redacted] #: WAC 12-091-00217
Further to our instructions from Douglas Smith, we are writing you to follow up on the status of an I-829 petition we filed for Mr. [redacted] (Receipt #: WAC 12-091-00217). This I-829 petition was filed on December 30, 2011 and has been pending for approximately 12 months, which is way beyond the USCIS normal processing times and the statutory regulation. We have contacted the USCIS Immigrant Investor Program office via e-mail numerous times to check on the status of our I-829 petition and received the same routine response from the office: "Please be advised that USCIS recognizes this case is pending beyond processing time goals and is working to issue a notice of decision as soon as possible. We apologize for the delay and appreciate your continued patience."
Undue delay by USCIS in reviewing this I-829 petition has jeopardized our marketing efforts, as prospective investors are reluctant to invest in GTA without seeing our I-829 petition approval record. GCFM requests that the I-829 petition filed on behalf of its EB-5 investor investing in the GTA project be approved as soon as possible so that GCFM may effectively market the GTA project to prospective EB-5 investors.
Yours truly,

[redacted]
Vienna, VA 22182
[redacted]

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From: Kroloff, Noah
To: terry.mcauliffe[redacted]
Subject: Our discussion
Date: Thursday, January 20, 2011 5:49:00 PM

Mr. Chairman—

Just tried you on your cell phone. Call when you get a chance so I can follow through on our discussion from earlier. Office[redacted]. Cell—[redacted].

NK

From: Kroloff, Noah
To: "Terry.McAuliffe@[redacted]
Subject: Re:
Date: Monday, June 20, 2011 5:16:28 PM

Sure. But let me take a quick look. Was under the impression that this had moved.

From: Terry McAuliffe [[redacted]
Sent: Monday, June 20, 2011 04:10 PM
To: Kroloff, Noah <[redacted]
Subject:

Noah:

Unfortunately, we have heard **nothing** from USCIS since our meeting 4 months ago. At that meeting, we were promised by the Director that our application would receive an expedited review, due to the fact that we had been given erroneous information by the USCIS. We re-filed our application on April 28th and to date have heard nothing. It has now been a total of 17 months that we have been waiting for approval to build a green manufacturing plant in an economically depressed area that will create thousands of jobs.

I would like to request another meeting to ascertain the status of our application. President Obama's goal is to get Americans back to work-we want to help!

Best regards,

Terence R. McAuliffe
Chairman

WM GreenTech Automotive Corp | [redacted], McLean, VA 22102 | [redacted] Website: www.wmgta.com

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From: Kroloff, Noah
To: "Terry.McAuliffe[redacted]
Subject: Re:
Date: Wednesday, June 22, 2011 12:58:36 PM

Nice. I looked into the issue. It is on track. Do you want to have a quick call with Mayorkas?

From: Terry McAuliffe [mailto:[redacted]
Sent: Wednesday, June 22, 2011 12:50 PM
To: Kroloff, Noah <[redacted]
Subject:

Even the Queen wants to buy MyCar!

From: Kroloff, Noah
To: Terry McAuliffe;
Subject: RE: GreenTech Automotive
Date: Friday, June 24, 2011 12:52:00 PM

He is calling you today. Please let me know if that doesn't happen. It sounds like the Virginia regional ctr app was resubmitted under a different name than the original, which may have lead to some confusion. Anyway, he's calling you shortly

---

From: Terry McAuliffe [mailto:[redacted]
Sent: Thursday, June 23, 2011 4:43 PM
To: Kroloff, Noah
Subject: GreenTech Automotive

Noah: There are 3 issues I would like to discuss with Director Mayorkas. Please feel free to forward this on.

1. Status of our Virginia regional center application. The entire process has taken over 17 months.
2. USCIS has been sitting on over 70+ of our petitions, and some petitions are ***over a year old***. The USCIS website says that all petitions will be enacted upon in no more than 4-5 months. These 70 petitions represent over 700 new jobs and $35 million in capital. Several petitioners have already requested to withdraw their application due to the long delays. Further delays could result in more petitioners withdrawing and going to competing countries and costing America much needed manufacturing jobs.
3. We have received 4 RFE's from the USCIS and have responded timely. According to the USCIS website, all RFE's will be finalized in 30 days. Our first RFE was filed on February 16th-over 4 months ago.

For your information, we have started construction on our new manufacturing plant in Tunica, Mississippi. This plant, in one of the most depressed areas of our country, has revitalized the local economy and brought hope to so many citizens.

From: Kroloff, Noah
To: Terry McAuliffe;
Subject: RE: EB-5 Pending Cases & Processing Times
Date: Wednesday, August 24, 2011 4:33:00 PM

Sounds like there was a redemption agreement question. As I understand it, they sent some quick questions back to your lawyer on this and he/she should respond asap. If there's an error in the CIS analysis, then your atty should identify what it is and CIS will review that expeditiously. That is the only issue that stands between now and a determination being made.

From: Terry McAuliffe [r[redacted]
Sent: Monday, August 22, 2011 3:31 PM
To: Kroloff, Noah
Subject: FW: EB-5 Pending Cases & Processing Times

Dear Noah,

I would formally like to request another meeting with the Secretary and the USCIS Director. We are at a critical stage and beyond the point of frustration. We currently have 83 petitions pending that as the attached chart indicates, some have been pending for more than 1 year! This means $41.5 million in stranded capital that should have been invested long ago in Tunica, MS, and would have already created 830 jobs. Many of these applications have been pending far beyond the USCIS stated processing goal of 5 months. In addition, 4 qualified investors ($2 million/40 jobs) just withdrew their funds due to the long delay and chose to invest in a Canadian immigration investor program. A big loss to America and Mississippi. We are concerned that this could start a stampede of investors asking for their money back and investing in other countries. I know that President Obama recently challenged the Cabinet Secretaries to get to work creating jobs, and it is unfortunate that the USCIS is killing jobs and sending investors to other countries.

Below is a more detailed outline of the petition timeframes, all info is current as of August 22nd:

Filing timeframe	Number of Months Pending	Total Petitions
June 2010 – July 2010	13-14 months	7
August 2010 – October 2010	10-12 months	21
November 2010 – February 2011	6-9 months	36
April 2011 – July 2011	1-5 months	19
		83 Pending Petitions

From: Terry McAuliffe
To: Mayorkas, Alejandro N; luried[redacted]
Kroloff, Noah;
Subject: FW: Withdraw Letters
Date: Friday, September 02, 2011 2:24:31 PM
Attachments: Withdraw Letter.pdf
Withdraw Letter.pdf

They are now coming rapidly and they all blame the USCIS long delay! They are now headed to Canada to create jobs! Not good for America!

[redacted]
President & CEO
WM GreenTech Automotive Corp. | [redacted], McLean, VA 22102 | [redacted] | [redacted] Website: www.wmgta.com
GreenTech Automotive, Inc. | [redacted] Tunica, MS 38676 [redacted] | [redacted]

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CALIFORNIA FILM COMMISSION
State of California

May 26, 2011

USCIS
California Service Center
[redacted]
Laguna Niguel, CA 92677

Dear Sir or Madam:

I am writing in regards to the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center that provides financing for film and television production in Los Angeles County. The Los Angeles Film Regional Center is important to the State of California's efforts to keep film production in California. Over the past decade, the California economy has suffered as film and television productions left the state to access tax credits and other financial incentives offered out of state. Canada, Australia, most European nations and over 40 states currently offer financial incentives to lure the film industry.

I am familiar with the type of financing the Los Angeles Film Regional Center provides to its studio clients. Based on my extensive experience in the entertainment industry, I acknowledge that providing volume or slate based financing (defined as financing provided to a volume of yet to be identified projects) is a standard business practice in filmed entertainment. The nature of the filmed entertainment business makes it very impractical for the large studios to pre-identify each project over a two year period. This is primarily because production schedules often change or new projects come on board quickly, while others don't come to fruition. Once the capital is committed, the volume of projects produced does not usually change, however the selection of the shooting location may change.

Programs such as these are very valuable to Los Angeles County at this present time. With our high unemployment rate, California needs as many jobs generating programs as possible.

I have been advised that there have been some delays related to the Los Angeles Film Regional Center's current project. I respectfully ask that these pending applications be reviewed as expeditiously as possible so that there are no further delays to the very valuable capital waiting to be deployed to the Los Angeles County area. The more productions that film in California, the more jobs that are created to benefit Los Angeles County.

Sincerely,

[redacted]
Executive Director

[redacted]

LA Film denials

From: "[redacted]>
Sent: 6/2/2011 11:53:12 PM +00:00
To: [redacted]>
Subject: LA Film denials
Attachments:
1. i526lafilmsdenial72649z.doc
2. 20110602130152561.pdf

Hi [redacted],

As discussed during the call this afternoon, it appears that we have a couple of hundred LA Film RC i-526 petition in which the petitioners do not identify the recipient of the EB-5 funds or the specific capital investment projects that will be used to create jobs. The attached is a proposed denial for these cases. I have also attached the Sony "non-commitment" letter which is referenced in the denial order.

CSC provided the following stats re LA Film RC filings:

# of I-526 petitions filed – 213 so far in iCLAIMS

approved (if any) - 3

of estimated cases that will use this denial template? – over 200

We really need to have your feedback on the denial order prior to taking action on these cases. After I receive your feedback I am going to prepare a briefing paper for our leadership. I don't want anyone to be blind-sided if these cases need to be denied. This has the potential to get really ugly.

[redacted] – perhaps you could take a look at one of the I-526 filings and/or the RC file since you are at the CSC.

Anyway, thanks for your help and let me know if a conference call to discuss would be helpful. I can set something up for this next week.

EM-0000326

FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

From: [redacted]
Sent: 6/14/2011 7:17:43 PM +00:00
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center
Attachments:
1. LA Film RC I-526 RFE APH 033011.doc
2. LA Film denials
3. I-924 Denial Hollywood Film Capital RC APH 052311.doc
4. Letter of Support - L.A. Film Regional Center.pdf

[redacted],

This is yet another EB-5 complaint that is without merit and oversimplifies the issues of concern. Regardless of whether the type of financing offered by the investor is a standard business practice, to get a green card he or she must still demonstrate the investment will be in a project that is tangible and viable, that the investment activity will be within a TEA (for the reduced capital investment threshold), and provide evidence of the matching non-EB-5 funds upon which the model relies for job creation. RFE's were issued for evidence to satisfy these core requirements for I-526 approval. The responses appear to be deficient and we are consulting with OCC before denials are issued.

Please advise if further review or intervention is required. If there is concern within USCIS that standards are being improperly applied or that these issues are particularly novel or complex, I suggest we consider AAO certification as a means of resolution.

[redacted]

From: [redacted]
Sent: Tuesday, June 14, 2011 10:33 AM
To: [redacted]
Subject: RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hi [redacted],

First of all, sorry for the long email but this is a complicated matter. I am familiar with this RC and these cases. This is an RC with a capital investment model based upon the issuance of loans of EB-5 capital to fund film projects. LA Film RC had a substantial number of I-526 petitions approved a few years ago. LA Film RC sat on millions of dollars of EB-5 capital after the I-526 petition approvals for at least 18 months without deploying any of the money into film projects. The problem was that USCIS had approved the petitions based upon unidentified film projects that were based upon a "non-commitment" agreement with Lion's Gate Films to lend that company money for film-making. Essentially a "non-commitment" letter is an agreement between a lender and a film company that simply gives the film company the option of accepting the loan financing from the lender but does not commit the film company to anything. Lion's Gate opted not to accept the EB-5 funding.

Eventually LA Film RC was able to loan some EB-5 capital to a few less-established film companies, but it does not appear that the RC ever deployed a large chunk of the EB-5 money. Therefore, the basic assumptions that formed the basis for the RC's job creation model did not come to fruition. The clock is ticking on the EB-5 conditional permanent residents to file their I-829 petitions, and it is likely that a significant number of these petitions, if filed, will be denied for the lack

of the commitment of capital and sustaining that capital investment into a viable capital investment project, and a demonstration that jobs either have been created or will be created within a reasonable time as required by INA 216A(d). Several of these aliens have filed new I-526 petitions in an attempt to start the process anew using the readjustment process in the 121109 memo.

I have been told that there are 213 recently filed LA Film RC I-526 petitions. Three cases were approved quite some time ago. The rest remain pending. The CSC has issued RFEs in several of these cases. I assisted in editing the RFE template (see attached.) The underlying job creation model that was approved at the RC stage is not being questioned. The issues that were addressed in the RFE were:

1) The investors wanted the reduced capital investment threshold but did not show that the loans and resulting capital investment activity will be made in a TEA (INA 203(b)(5)(B)(i), Matter of Soffici, Matter of Izumii, and 8 CFR 204.6(j)(6).)

2) They did not provide a timeline for the deployment of the EB-5 capital into film-making projects or any evidence to show that there was a firm commitment by any film studio to borrow the EB-5 funds for film-making. Such a firm commitment is not required at the I-924 stage but is at the I-526 when the project must be tangible and viable. (INA 203(b)(5)(A)(ii), Matter of Ho, and 8 CFR 204.6(j)(4).)

3) The investors did not identify the lawful source of the non-EB-5 capital that was supposed to be invested along with the EB-5 capital as required by 8 CFR 204.6(g) and 8 CFR 204.6(j)(3). ($100 million in matching non-EB-5 funding is the claim - you would think that with a claim for a deal that big that such evidence would not be hard to come up with. I have seen a used car loan better documented than these files were with regard to the non-EB-5 matching funds.) Both non-EB-5 and EB-5 capital expenditures were incorporated into the direct expenditure model to demonstrate job creation and so all of the claimed funds were being relied upon to demonstrate job creation per 8 CFR 204.6(m)(3)(ii) at the I-924 stage and 8 CFR 204.6(j)(4)(iii), 8 CFR 204.6(g) at the I-526 stage.

With no firm commitment to borrow the funds by any film studio, no tangible and identifiable film projects, and no evidence of the source of the claimed matching non-EB-5 funds, the petitions did not demonstrate that the alien investors would invest in a project located in a TEA so that the investors' investment would be sustained in a job creating activity for the period of conditional residence or that through the investment that jobs would be created within a reasonable period of time. The I-526 petitioning process is not attestation-based. The I-526 petition must be sufficiently documented so that if it is approved the evidence can form the foundation for the adjudication of the I-829 petition to determine if the investor has met the requirements for removal of conditions. (INA 216A, 8 CFR 216.6, and *Chang v. U.S.*, 327 F.3d 911 (9th Cir. 2003).)

In response to the RFE, the only tangible evidence provided regarding the issues raised in the RFE was a "non-commitment' letter from Sony Films, dated December 23, 2009, which mirrors the Lions Gate "non-commitment" letter that I described above. Through requested in the RFE, no evidence of Sony Films' commitment to borrow the EB-5 funds that is contemporaneous to the filing of the petitions has been provided. We know from past experience that "non-commitment' letters cannot really be relied upon as a commitment to borrow funds, (which is probably why they are called "non-commitment" letters.) Further, no evidence of any prospective on-going or tangible prospective films to be produced through the loan of EB-5 capital was provided, even though this RC has had access to millions of dollars of EB-5 capital from previous I-526 petitioners.

The CSC drafted a denial template letter and sent it to me for review. I reviewed it and sent it to OCC to review (see the attached email, which contains the draft denial template and the Sony "non-commitment" letter.) I also asked Sheila Fisher to take a look at the I-526 petitions and/or the RC file since she is at the CSC to make sure that we are on the right track with these cases. The plan is to get OCC clearance on the denial template, then present the issues to you, [redacted] and [redacted] once all of the loose ends are tied up in order to make sure that the CSC/SCOPS/OCC is corporately on-board with the handling of these cases. I have not heard back yet from OCC but will check in with them on this today.

Lastly, we are seeing "look-alike" initial RC proposals that are laying out this same capital investment scheme. The CSC recently denied of one of these initial RC proposals. (I have attached the draft denial that I provided edits for - I don't have a copy of the issued denial.)

Please let me know if you have further questions on this. I will have more to report on this after OCC chops on the denial template.

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, June 14, 2011 6:27 AM
To: [redacted]
Subject: Fw: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center
Importance: High

Please advise what, if any, issues we have with these cases. Reading between the lines it looks as if we may be issuing RFEs seeking clarification of projects at the I-526 stage.

From: [redacted]
Sent: Monday, June 13, 2011 07:31 PM
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

[redacted],

Please look into this, you might already be familiar with it, and let's discuss when we meet tomorrow.

Thanks [redacted]

From: [redacted]
Sent: Monday, June 13, 2011 7:16 PM
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center
Importance: High

The EB-5 cases have an urgency to them because of the time-sensitivity of these investment vehicles and, significantly, their job creation potential.
Thanks so much. Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave., N.W.
Washington, DC 20529
[redacted]

From: katherine hennigan [redacted]]
Sent: Monday, June 13, 2011 7:11 PM

To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Mr. Mayorkas,

I am writing in support of the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center based in Los Angeles. The Mayor views the Los Angeles Film Regional Center as an important partner in helping keep film production jobs in our city. Los Angeles is a city dedicated to both the retention and creation of film production jobs. We have seen too many of these jobs leave our boundaries over the past few years and we need all the tools available to reverse this trend.

We understand that the processing of investor applications related to the Los Angeles Film Regional Center's current project with Sony Entertainment are being delayed because of an apparent misunderstanding of what the standard financing practices in the film/TV industry are (reference attached letter from Amy Lemisch, Executive Director, California Film Commission). We have also been advised that these delays are now starting to jeopardize the attractiveness of this vital program to our local Film Studios, who are by far the largest generators of production jobs in Los Angeles. We strongly urge your cooperation in expeditiously reviewing these applications in a manner consistent with industry standards so we can keep this valuable program going and thus help keep valuable jobs in Los Angeles. Our city needs these jobs, and as such we need programs like the EB-5 Program to continue to operate effectively. Please feel free to call me with any questions. Thank you for your prompt action.

Sincerely,
Katherine Hennigan

--
Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

http://i837.photobucket.com/albums/zz292/LA-MBOC/LA- MOEBP/LA-WheretheWorldCreatesInnovates.jpg

http://i1181.photobucket.com/albums/x435/princemike84/shoplalogonew2.jpg
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<CAF82A88518FE84B9BAB39FC4AA316410D89A7288E@DC2-EXMB-C1-06.cis1.cisr.uscis.dhs.gov>

EM-0000331

RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

From: [redacted]
Sent: 6/17/2011 9:50:05 PM +00:00
To: 1. "Mayorkas, Alejandro N" [redacted]
2. [redacted]
CC: [redacted]
Subject: RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

We will be sure to withhold any denials for this group in the meantime [redacted] can brief this in my absence next week.

From: Mayorkas, Alejandro N
Sent: Friday, June 17, 2011 4:55 PM
To: [redacted]
Cc: [redacted]
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

[redacted]

I would like to discuss briefly to better understand. I have observed legal interpretations in the program with which I disagree (regarding, for example, the effect of a state's TEA designation).
Thanks. Ali

From: [redacted]
Sent: Friday, June 17, 2011 04:33 PM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Ali,

Attached is the email string from the last inquiry received from Ms. Hennigan. There is no confusion on our end about industry standards. The individual investors appear to be unable to meet the requirements for EB-5 approval in that they cannot demonstrate the investment will be in a project that is tangible and viable and that the investment activity will be within a TEA (for the reduced capital investment threshold), nor have they provided evidence of the matching non-EB-5 funds upon which their projection model relies for job creation. We are working with OCC to draft denial notices. Unless OCC identifies any adjudicative deficiencies, these will likely be denied. As I mentioned to [redacted], if there is concern that these are particularly novel or complex adjudications, we can certify the decisions to the AAO.

[redacted] and I will be briefed once OCC clears on the denial notices before they go out. Please let us know what, if any, engagement you would like to have before a final decision is made.

From: Mayorkas, Alejandro N
Sent: Friday, June 17, 2011 3:47 PM
To: [redacted]
Subject: Fw: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center
Importance: High

From: katherine hennigan [redacted]
Sent: Friday, June 17, 2011 03:46 PM
To: Mayorkas, Alejandro N [redacted]>
Cc: [redacted]g>
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Alejandro,

I wanted to follow up in regard to the email below. There is a great deal at stake if we do not resolve this matter immediately. I am willing to provide you with any additional information you may need. Thank you and I look forward to hearing from you.

Sincerely,
Katherine Hennigan

On Mon, Jun 13, 2011 at 4:16 PM, Mayorkas, Alejandro N [redacted] wrote:

Katherine,

Thank you for your note on the Los Angeles-based regional center. I will bring this to my colleagues' attention right away.

Ali

Alejandro N. Mayorkas

Director

EM-0000332

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: katherine hennigan [mailto[redacted]]
Sent: Monday, June 13, 2011 7:11 PM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Mr. Mayorkas,

I am writing in support of the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center based in Los Angeles. The Mayor views the Los Angeles Film Regional Center as an important partner in helping keep film production jobs in our city. Los Angeles is a city dedicated to both the retention and creation of film production jobs. We have seen too many of these jobs leave our boundaries over the past few years and we need all the tools available to reverse this trend.

We understand that the processing of investor applications related to the Los Angeles Film Regional Center's current project with Sony Entertainment are being delayed because of an apparent misunderstanding of what the standard financing practices in the film/TV industry are (reference attached letter from Amy Lemisch, Executive Director, California Film Commission). We have also been advised that these delays are now starting to jeopardize the attractiveness of this vital program to our local Film Studios, who are by far the largest generators of production jobs in Los Angeles. We strongly urge your cooperation in expeditiously reviewing these applications in a manner consistent with industry standards so we can keep this valuable program going and thus help keep valuable jobs in Los Angeles. Our city needs these jobs, and as such we need programs like the EB-5 Program to continue to operate effectively. Please feel free to call me with any questions. Thank you for your prompt action.

Sincerely,

Katherine Hennigan

--
Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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Message Headers:

[redacted]

EM-0000333

Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

From: katherine hennigan <[redacted]
Sent: 6/20/2011 6:04:06 PM +00:00
To: "Mayorkas, Alejandro N" [redacted]>
CC: matt karatz <[redacted]
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Alejandro,

I met a mutual acquaintance of ours. [redacted] and her husband [redacted] from O'Melveny & Myers. They had so many wonderful things to say about you. Small world.

Wanted to follow up on this issue again, time is running out. Please let me know what I can do to assist you in having this resolved.

I greatly appreciate your help and time, I know how busy you must be.

Sincerely,
Katherine Hennigan

On Fri, Jun 17, 2011 at 12:46 PM, Mayorkas, Alejandro N [redacted] wrote:

Katherine,
I am on business travel and will be back in the office on Monday. In the meantime, I will inquire immediately of the status.
Thank you. Ali

From: katherine hennigan [mailto[redacted]
Sent: Friday, June 17, 2011 03:46 PM
To: Mayorkas, Alejandro N [redacted]>
Cc: [redacted]tt.kara[redacted]
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Alejandro,

I wanted to follow up in regard to the email below. There is a great deal at stake if we do not resolve this matter immediately. I am willing to provide you with any additional information you may need. Thank you and I look forward to hearing from you.

Sincerely,
Katherine Hennigan

On Mon, Jun 13, 2011 at 4:16 PM, Mayorkas, Alejandro N <[redacted]> wrote:

Katherine,

Thank you for your note on the Los Angeles-based regional center. I will bring this to my colleagues' attention right away.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: katherine hennigan [[redacted]
Sent: Monday, June 13, 2011 7:11 PM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Mr. Mayorkas,

I am writing in support of the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center based in Los Angeles. The Mayor views the Los Angeles

EM-0000335

Film Regional Center as an important partner in helping keep film production jobs in our city. Los Angeles is a city dedicated to both the retention and creation of film production jobs. We have seen too many of these jobs leave our boundaries over the past few years and we need all the tools available to reverse this trend.

We understand that the processing of investor applications related to the Los Angeles Film Regional Center's current project with Sony Entertainment are being delayed because of an apparent misunderstanding of what the standard financing practices in the film/TV industry are (reference attached letter from Amy Lemisch, Executive Director, California Film Commission). We have also been advised that these delays are now starting to jeopardize the attractiveness of this vital program to our local Film Studios, who are by far the largest generators of production jobs in Los Angeles. We strongly urge your cooperation in expeditiously reviewing these applications in a manner consistent with industry standards so we can keep this valuable program going and thus help keep valuable jobs in Los Angeles. Our city needs these jobs, and as such we need programs like the EB-5 Program to continue to operate effectively. Please feel free to call me with any questions. Thank you for your prompt action.

Sincerely,

Katherine Hennigan

--
Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

[redacted]

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Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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Katherine Hennigan
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Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

From: "Mayorkas, Alejandro N" [redacted]

Sent: 6/29/2011 12:37:34 AM +00:00

To: "Miles, [redacted]

CC: [redacted]

Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

[redacted]

An individual who has raised the urgency of an EB-5 application. I understand from [redacted] that it may have some fatal deficiencies.

I will forward to you my response to her email.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: katherine hennigan [[redacted]]
Sent: Tuesday, June 28, 2011 2:44 PM
To: Mayorkas, Alejandro N
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Alejandro,

Any updates? Please let me know. Thanks.

Kate~

On Mon, Jun 13, 2011 at 4:10 PM, katherine hennigan [redacted] wrote:

Hello Mr. Mayorkas,

I am writing in support of the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center based in Los Angeles. The Mayor views the Los Angeles Film Regional Center as an important partner in helping keep film production jobs in our city. Los Angeles is a city dedicated to both the retention and creation of film production jobs. We have seen too many of these jobs leave our boundaries over the past few years and we need all the tools available to reverse this trend.

We understand that the processing of investor applications related to the Los Angeles Film Regional Center's current project with Sony Entertainment are being delayed because of an apparent misunderstanding of what the standard financing practices in

the film/TV industry are (reference attached letter from Amy Lemisch, Executive Director, California Film Commission). We have also been advised that these delays are now starting to jeopardize the attractiveness of this vital program to our local Film Studios, who are by far the largest generators of production jobs in Los Angeles. We strongly urge your cooperation in expeditiously reviewing these applications in a manner consistent with industry standards so we can keep this valuable program going and thus help keep valuable jobs in Los Angeles. Our city needs these jobs, and as such we need programs like the EB-5 Program to continue to operate effectively. Please feel free to call me with any questions. Thank you for your prompt action.

Sincerely,

Katherine Hennigan

--
Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

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EM-0000340

FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

From: "[redacted]>
Sent: 7/15/2011 10:06:51 PM +00:00
To: "Mayorkas, Alejandro N" [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Ali,

Just FYI.

From: [redacted] A
Sent: Friday, July 15, 2011 4:06 PM
To: [redacted]
Cc: [redacted]
[redacted] - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

[redacted],

I will get with [redacted] right now to ensure the actions to reopen any denials is communicated today! I see that you have sent additional emails on this issue.

Working off BlackBerry due to some servers issues here at CSC.

Thank you,

[redacted]
[redacted], California Service Center
[redacted]

From: [redacted]
Sent: Friday, July 15, 2011 03:11 PM
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hi guys,

We're in crisis mode -- please see if these denials have gone out. It wouldn't surprise me if they did because we gave you the go ahead to do so. If they have, we need to reopen them pending further review. Ali wants this to happen today, so at the very least we need to send them an email telling them to disregard the prior denial notices while we sort through this. Feel free to give me a call, this is very urgent.

Thanks,

[redacted]

From: [redacted]
Sent: Friday, July 15, 2011 2:49 PM
To: [redacted]
Subject: RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

No, better call me now. It gets worse.

From: [redacted]
Sent: Friday, July 15, 2011 2:48 PM
To: [redacted]
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

I'll check.

From: [redacted]
Sent: Friday, July 15, 2011 02:31 PM
To: [redacted]
Subject: RE: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Did this go out?

[redacted]

From: [redacted]

EM-0000343

Sent: Wednesday, June 29, 2011 10:26 AM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Ali,

Attached is the unissued denial notice that was collaboratively drafted with OCC. You previously indicated interest in reviewing the legal standards that are being applied in these I-526 cases filed under the Los Angeles Film Regional Center. My recommendation would be to schedule a briefing with OCC and SCOPS once you've had a chance to look at the legal analysis outlined in the draft decision. Would you like us to coordinate that with [redacted]

[redacted]

From: [redacted]
Sent: Tuesday, June 28, 2011 10:19 PM
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hey Guys,

Are we close to issuing something on this case?
I seem to remember it was looking like it would need an RFE.

[redacted]

From: Mayorkas, Alejandro N [[redacted]
Sent: Tuesday, June 28, 2011 08:52 PM
To: [redacted]
Subject: FW: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: katherine hennigan [[redacted]
Sent: Tuesday, June 28, 2011 8:50 PM
To: Mayorkas, Alejandro N
Cc: matt karatz
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Thank you. This deal is really close to falling through. The Mayor appreciates your assistance with this matter. We know you receive thousands of requests but this is important for Los Angeles, California, and the U.S. overall. We don't want to loose filming to bordering countries!!!

Sincerely,
Katherine Hennigan

On Tue, Jun 28, 2011 at 5:38 PM, Mayorkas, Alejandro N <[redacted]> wrote:

Kate,

I have brought your communications to the attention of my colleagues. I will do the same again now

Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: katherine hennigan [[redacted]

EM-0000344

Sent: Tuesday, June 28, 2011 2:44 PM
To: Mayorkas, Alejandro N
Subject: Re: URGENT - Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center

Hello Alejandro,

Any updates? Please let me know. Thanks.

Kate~

On Mon, Jun 13, 2011 at 4:10 PM, katherine hennigan [redacted] wrote:

Hello Mr. Mayorkas,

I am writing in support of the Los Angeles Film Regional Center, a USCIS-designated EB-5 regional center based in Los Angeles. The Mayor views the Los Angeles Film Regional Center as an important partner in helping keep film production jobs in our city. Los Angeles is a city dedicated to both the retention and creation of film production jobs. We have seen too many of these jobs leave our boundaries over the past few years and we need all the tools available to reverse this trend.

We understand that the processing of investor applications related to the Los Angeles Film Regional Center's current project with Sony Entertainment are being delayed because of an apparent misunderstanding of what the standard financing practices in the film/TV industry are (reference attached letter from Amy Lemisch, Executive Director, California Film Commission). We have also been advised that these delays are now starting to jeopardize the attractiveness of this vital program to our local Film Studios, who are by far the largest generators of production jobs in Los Angeles. We strongly urge your cooperation in expeditiously reviewing these applications in a manner consistent with industry standards so we can keep this valuable program going and thus help keep valuable jobs in Los Angeles. Our city needs these jobs, and as such we need programs like the EB-5 Program to continue to operate effectively. Please feel free to call me with any questions. Thank you for your prompt action.

Sincerely,

Katherine Hennigan

--
Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]

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Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
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[redacted]

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Katherine Hennigan
Senior Policy Director
Mayor Antonio R. Villaraigosa Office of Economic & Business Policy
[redacted]
Los Angeles, CA 90012
[redacted]

Sony Project I-526 Denials

From: Tom Rosenfeld [redacted]
Sent: 7/15/2011 10:12:33 PM +00:00
To: "Mayorkas, Alejandro N" [redacted]>
Subject: Sony Project I-526 Denials
Attachments: 1. Mayorkas Package for Sony.pdf
2. ATT00001..txt

Dear Director Mayorkas,

Thank you again for your time this afternoon, and especially your follow-up call regarding the I-526 denials issued for the Sony Project. As promised, please find attached certain materials to familiarize yourself with the case, including a brief 2-page summary, and the most recent RFE and RFE response submitted to CSC. A hard copy of the attached, including a spreadsheet of investors in the Sony Project, will also be sent by courier to your office on Monday.

Please note that the first RFE issued seemed to suggest that CSC was unaware of the Sony Project's pre-approval, and therefore, the corresponding RFE response was fairly brief and primarily emphasized that the Sony Project had, in fact, been pre-approved already. However, as subsequent RFE's acknowledged the pre-approval but still requested explanation, the RFE responses were revised in order to give CSC a more detailed understanding of the nature of the film/tv industry and in particular, that the manner in which it obtains financing is incompatible with the RFE's requests. The version of the RFE response attached to this email is the most recent version and the version that was submitted for the vast majority of the investors in the Sony Project.

It is hoped that these materials will assist in your review of what has occurred to date. As discussed, the Sony Project is not only an important project for the LA Film Regional Center, denial of which would essentially end our ability to raise financing for the film/tv industry in Los Angeles County, but given the overall EB-5 environment the past 6-8 months, denial of the Sony Project would cause potentially irreparable harm to our ability to promote any of our government affiliated EB-5 projects and, at a larger level, the EB-5 program.

We appreciate your assistance in this matter and, as agreed, I will contact you on Wednesday. In the interim, If there are any other materials or explanation you require to facilitate your review, please do not hesitate to ask. Resolving this matter is obviously our highest priority.

Again, thank you for your sensitivity to this matter and for your invaluable assistance at this critical time.

Message Headers:

[redacted]

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PR_RIM_INTERNET_MESSAGE_ID: <1AA0F3BE-05A9-4DB6-BC40-D5A273B2A0D6@canamenterprises.com>

EM-0000347

MEMORANDUM

To: The Honorable Alejandro (Ali) Mayorkas
Director - U.S. Citizenship and Immigration Services

From: Tom Rosenfeld, President and CEO - CanAm Enterprises, LLC, sponsor of the Los Angeles Film Regional Center

Date: July 15, 2011

Re: **The Los Angeles Film Regional Center (LAFRC) pursuant to the EB-5 U.S. Immigrant Investor Program (the Program).**

Request:

We are respectfully requesting swift attention to unreasonable delays (up to one year) imposed by the U.S. Citizenship and Immigration Services (USCIS) in adjudicating EB-5 investor applications for film financing totaling $100 million. This has created uncertainty within the EB-5 investor community, leading to increased withdrawals and a loss of faith in the Program. Unless this matter is resolved right away, substantial additional funds will be withdrawn, which will result in the potential loss of thousands of private sector film related jobs at a time when too many Americans are already out of work.

Background:

The EB-5 Program allows foreign nationals to become conditional permanent residents for a period of two years upon an investment of a minimum of $500,000 in a qualifying project that will create at least ten direct or indirect new jobs for U.S. workers. To obtain conditional permanent residency, investors must submit a comprehensive business plan that is "sufficiently detailed to permit the USCIS to reasonably conclude that the enterprise has the potential to meet the job-creation requirements" of the Program; a preponderance of evidence standard applies. Permanent residency is obtained after the investor demonstrates to the USCIS that the requisite jobs were created during this two-year period.

The LAFRC was approved by USCIS specifically to provide financing for film/T.V. productions in Los Angeles County to help counter the attractive tax credits and other incentives that have resulted in "runaway productions" to other countries and states, which have led to substantial loss of jobs and related revenue to Los Angeles County. LAFRC financing was deliberately structured to mirror "slate financing," which is financing provided to a volume of yet to be identified productions and is a standard U.S. film industry financing structure.

In consideration for a $100 million LAFRC loan, Sony Pictures Entertainment (Sony) has contractually agreed to spend $200 million for film/TV productions in Los Angeles County (the Sony Project). The Sony Project must be completed within two years and a minimum of $150 million of the Sony Project expenditures must be made in a Los Angeles County target employment area (TEA), which is high unemployment area certified by the State of California pursuant to the Program.

The Issue:

USCIS has issued a Request for Evidence (RFE) related to the Sony Project. Essentially, USCIS postulates that it cannot make a "reasonable inference" about whether the Sony Project is capable of achieving the job requirements of the Program without a comprehensive business plan that lists the specific film/TV projects that will be funded and their corresponding details—i.e., shooting locations, timelines, budgets and credible documentary evidence to support such budgets.

However, such a requirement is contrary to the nature of "slate financing arrangements." USCIS' objection goes to the very heart of the ability of the U.S. film industry to utilize EB-5 capital to fund motion picture productions that will create jobs in the Los Angeles area. For a host of reasons, ranging from talent availability, script and budget changes to weather conditions, studios' need for flexibility is well established. As Amy Lemisch, the Executive Director of the State of California Film Commission, recently confirmed in a letter to the USCIS, *"The nature of the film entertainment business makes it very impractical for the large studios to pre-identify each project over a two-year period."* The USCIS demand for such specificity renders EB-5 financing incompatible with the U.S. film industry and is inconsistent with the hundreds of approvals for LAFRC projects based on the exact model now being questioned.

Response to USCIS Request for Evidence for Sony Project:

The Sony Project comprehensive business plan substantiates a strong likelihood that the Sony Project will achieve the job requirements set forth by the EB-5 Program and clearly exceeded the "preponderance of evidence" standard of proof that USCIS applies in the adjudication of EB-5 cases. As one of the most highly respected and credible companies in the world, it is "reasonable" to conclude that Sony can and will meet its contractual obligations over the specified two-year period.

Essentially, once the required Sony Project spending takes place, the Program's job creation requirement will be met. An audit report prepared by a nationally recognized independent third-party accounting firm will name the actual productions and the amounts spent—both within and outside of the TEA. This audit report must be submitted to the USCIS to evidence whether the requisite Program jobs were created and whether the investor is entitled to permanent residency status.

There is substantial precedent for USCIS approving the Sony Project. Hundreds of investor petitions predicated on the exact same business model have been approved for EB-5 projects through the LAFRC and a number have already obtained permanent residency status. Moreover, the Sony Project comprehensive business plan, including its slate financing structure was explicitly "pre-approved" by the USCIS and is consistent with the USCIS-approved LAFRC business model and economic spending model to evidence job creation.

Conclusion:

Time is of the essence. This matter has already taken a year and an increasing number of investors have lost confidence and are withdrawing from the Sony Project. This unreasonable delay is jeopardizing the viability of the LAFRC and its ability to operate as a financing incentive for film productions in Los Angeles County. The State of California and its film industry cannot afford to lose hundreds of millions of dollars of production related expenses, at no cost to tax payers, especially during this critical time of unremitting high unemployment. Accordingly, we respectfully request your assistance to obtain a reasonable and fair ruling in an expeditious manner.

[redacted]

From: [redacted]
Sent: Friday, July 15, 2011 12:52 PM
To: [redacted]
Subject: FW: LA Films
Importance: High

Please see below. Please do NOT deny any LA Film cases. Please return whatever LA Film I-526's you have to [redacted]

If a case has already been denied, please issue a Service MTR to place the case in a pending status. Please return the file to [redacted] after the Service MTR has been granted.

[redacted]
California Service Center
U.S. Citizenship and Immigration Services
[redacted]

From: [redacted]
Sent: Friday, July 15, 2011 12:47 PM
To: [redacted]
Subject: RE: LA Films

To be clear, we are not asking them to be approved, they are simply to be reopened pending further review.

[redacted]

From: [redacted]
Sent: Friday, July 15, 2011 3:45 PM
To: [redacted]
Subject: RE: LA Films

Understood. We will halt further denials until we hear otherwise. We will inform the petitioners today to disregard the denial and issue Service MTR's.

[redacted]
California Service Center
U.S. Citizenship and Immigration Services
[redacted]

-----Original Message-----
From: [redacted]
Sent: Friday, July 15, 2011 12:24 PM
To: [redacted]
Subject: RE: LA Films

Just so we're on the same page - Ali has asked that we reopen any denials for this Regional Center that were recently issued. The mechanics of that may simply be an email message today asking them to disregard as we will be doing a Service MTR while we reconsider. If actual MTR's can be done today, all the better. But they need to hear from us today.

Thanks,

[redacted]

-----Original Message-----
From: [redacted]
Sent: Friday, July 15, 2011 3:19 PM
To: [redacted]

Never mind- I found the emails on this and understand CSC has sent out denials. We will keep you apprised if anything changes.
Thanks,
[redacted]

----- Original Message -----
From: [redacted]
Sent: Friday, July 15, 2011 03:16 PM
To: [redacted]
Subject: LA Films

[redacted]
We need to know ASAP if the LA Films denial went out. I believe we were holding, but want to verify. [redacted] needs to know quickly.
Thanks,
[redacted]

Re: Coordinate a call

From: Tom Rosenfeld <t[redacted]
Sent: 7/20/2011 5:44:34 PM +00:00
To: "Mayorkas, Alejandro N" <[redacted]
Subject: Re: Coordinate a call

Ali,

I understand and appreciate your response. I'll call you at 5:30 p.m. unless I hear from you; I'll be in the office until 7 p.m. so if you need me to call later don't hesitate to ask.

Again, thank you
Tom

Tom Rosenfeld
President & CEO
CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

On Jul 20, 2011, at 1:30 PM, Mayorkas, Alejandro N wrote:

> Tom,
> This being my first day back, I would not have the time to review any materials before a call. I could participate in a call after 5:15 p.m. Please let me know what works for you.
> Thank you. Ali
>
> Alejandro N. Mayorkas
> Director
> U.S. Citizenship and Immigration Services
> [redacted]
> Washington, DC 20529
> [redacted]
>
> -----Original Message-----
> From: Tom Rosenfeld [mailto:[redacted]
> Sent: Wednesday, July 20, 2011 10:32 AM
> To: Mayorkas, Alejandro N
> Subject: Coordinate a call
>
>
> Ali,
>
> I recognize your time is highly sought-after and I sincerely thank you for your offer to call you today. I can call you, at your convenience, any time other than 1pm to 3pm.
>
> The two genuinely urgent matters I would hope to discuss are the Sony and Aqua projects with more than 300 investors. If you believe it would be helpful, I would be pleased to provide you with a brief outline of the issues being raised prior to a call.
>
> Please let me know what would be the most convenient time for me to call you.
>
> Thank you,
> Tom
>
>
>
> Tom Rosenfeld
> President & CEO
> CanAm Enterprises, LLC
> [redacted]
> New York, N.Y. 10005
> [redacted]
>
>

[redacted] **Headers:**

[redacted]

Fw: EB-5 Program

From: jbe@[redacted]
Sent: 8/8/2011 12:26:01 AM +00:00
To: "Mayorkas, Alejandro N" [redacted]
Subject: Fw: EB-5 Program
Attachments:
1. ATT00001..gif
2. Sony Memo to Mayorkas
3. ATT1372792.htm
4. EB-5 Description.pdf
5. ATT1372793.htm

Ali: I'm just doing this as a request from a friend---but what's the bottom line here. Do they have a shot? Is there something they ought to be doing that they're not? Thanks much, and hope you're doing well! John

John Emerson | President
Capital Group Private Client Services
[redacted] | Internal Extension: 99367
[redacted] | Los Angeles, CA 90071
E-mail: [redacted]
www.capitalgroupcs.com

---- Forwarded by John Emerson/PIM/CGTC/CAPITAL on 08/07/2011 04:51 PM ----

From: "John Dellaverson" [redacted]
To: <John_Emerson@[redacted]
Date: 07/29/2011 05:17 PM
Subject: EB-5 Program
Sent by: "Rachel Polan" [redacted]>

Dear John,

Thanks so much for offering to help, I appreciate it very much. I am a principal in El Capital, which is the company with EB-5 investment funds through the Los Angeles Film regional center. We have already placed over $250 million to Time Warner and Sony, and there is another $100 million in an escrow account that needs to be deployed. It is no exaggeration to say that several hundred millions more could be raised in a year or two for similar programs.

The problem is this most recent deal (the Sony deal) is languishing in the USCIS Regional center in Laguna Niguel and has been in limbo for more than 6 months. No one seems to know why. The issues that were raised in the attached memo can be responded to and have been by CanAm Enterprises. Tom Rosenfeld, the CEO of CanAm, and Govenor Rendell spoke to Ali Mayorkas by phone last week and they were assured of his cooperation. But it would be very helpful to get to the bottom of this because it is a big business and could become even bigger. The total number of EB-5 applicants is only a few thousand per year so it has no impact on general immigration policy. As far as we know it is one of the most popular in Congress and is routinely approved. Therefore, we believe its existence has to be local, but we are not sure exactly what it is. We have volunteered over and over to more appealing but so far we haven't been able to get a face to face meeting with anyone. Again, I want to emphasize that Mayorkas seems to be on our side, and we are grateful for that, but if there is anything else you think we should do, your input would be greatly valued.

Thank you again for all of your help.

Best,

JD

Message Headers:

[redacted]

EM-0000352

Re: Aqua PA. Project - AAO decision dated July 27, 2011

From: Tom Rosenfeld <[redacted]
Sent: 8/12/2011 8:42:40 PM +00:00
To: "Mayorkas, Alejandro N" [redacted]gov>
Subject: Re: Aqua PA. Project - AAO decision dated July 27, 2011

Ali,
Any progress on the Aqua and Sony matters?
Thank you,
Tom

Tom Rosenfeld
President & CEO
CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

On Aug 3, 2011, at 5:45 PM, Mayorkas, Alejandro N wrote:

Tom,
To clarify, it is the EB-5 program as a whole that is a priority of ours, and not particular projects.
I have copied [redacted] to consider your e-mail.
Thank you. Ali
Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]

From: Tom Rosenfeld [[redacted]
Sent: Wednesday, August 03, 2011 4:34 PM
To: Mayorkas, Alejandro N
Subject: Re: Aqua PA. Project - AAO decision dated July 27, 2011
Importance: High

Ali,
Thank you for your call on Monday afternoon and for emphasizing that Sony and Aqua are important priorities for you.
I called your office and am emailing you because the AAO Aqua decision has been released and, understandably, is creating concern. I would very much appreciate the opportunity to discuss this matter, which I sincerely believe you would agree can and should be favorably resolved.
The bottom line is that the AAO did not find any reason to deny Aqua based on the primary issues raised by the CSC; namely, "gerrymandering a project" and qualifying target employment areas (TEA). Rather, it elected to deny Aqua because it concluded that it was only reasonable for the Aqua project, which involves the installation of water and waste water pipelines, to fall within the utility industry and not the transportation industry; as s a result, the indirect jobs claimed did not qualify. For further certainty, if the transportation industry was deemed OK, we would meet the job requirements and the petition would have been approved... In addition, it appears that the AAO erred by inadvertently failing to notice that the I-526 petition included a notarized commitment letter executed by [redacted], Aqua's CFO, on March 30, 2010.
Ali, this is a legitimate project with legitimate jobs that has been held in abeyance for more than one-year. Both the U.S. Department of Transportation and the PA. Department of Transportation classify pipelines as part of the transportation industry. What purpose or public interest is served by USCIS straining to reject the views of these departments and the other evidence submitted in this case?
Most respectfully, under the circumstances, I am requesting that the USCIS reopen this matter on its own motion and approve the I-526 Petition of [redacted] A201 044 799, WAC1090146736.
Again, I would very much appreciate the opportunity to discuss your views on this matter at your earliest convenience.
Sincerely,
Tom
President & CEO
CanAm Enterprises, LLC
[redacted]
tom@canamenterprises.com

On Aug 1, 2011, at 1:35 AM, Mayorkas, Alejandro N wrote:

Tom,
I am sorry I missed your e-mail earlier. I will follow up later today.
Thank you. Ali
Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]@[redacted]

From: Tom Rosenfeld [mailto[redacted]
Sent: Thursday, July 28, 2011 2:34 PM
To: Mayorkas, Alejandro N
Subject: Re: Aqua PA. Project - CSC Cert. to the AAO

Ali,
As you know, we are very grateful for your personal attention, time and sensitivity to both the Sony and Aqua EB-5 projects.
I am following up to determine whether you can share any progress with respect to these important cases and whether there is any additional information I can provide or questions I can answer.
As always, thank you.
Tom
Tom Rosenfeld
President & CEO

CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

On Jul 21, 2011, at 11:18 AM, Mayorkas, Alejandro N wrote:

Thank you, Tom. I look forward to following up.
Ali

From: Tom Rosenfeld [[redacted]]
Sent: Thursday, July 21, 2011 10:26 AM
To: Mayorkas, Alejandro N <[redacted]>
Subject: Aqua PA. Project - CSC Cert. to the AAO

Ali,

Thank you for taking the time to discuss our urgent Sony and Aqua project concerns yesterday evening.

As requested, attached are the Aqua project details. Specifically, the first file is a two page memorandum you requested; the second file contains the CSC Notice of Certification for Review (Denial), RE: Immigrant Petition by Alien Entrepreneur, [redacted] WAC 10 901 46736to the AAO, and our brief in response for consideration by the AAO.

Sincerely,
Tom

Message Headers:

[redacted]

PR_RIM_MSG_REF_ID: -87373966
PR_RIM_PAGER_TX_FLAG: true
PR_RIM_MSG_STATUS: 1
PR_RIM_MSG_ON_DEVICE_3_6: true
PR_RIM_MSG_FOLDER_ID: -2
PR_RIM_DELETED_BY_DEVICE: true
PR_RIM_INTERNET_MESSAGE_ID: <A9DE7F31-E30B-461E-B123-F92AD8F7480C@canamenterprises.com>

Re: Out of Office: EB-5 Program - Sony and Aqua

From: "Mayorkas, Alejandro N" <[redacted]
Sent: 8/23/2011 3:53:52 PM +00:00
To: 'tom[redacted]
Subject: Re: Out of Office: EB-5 Program - Sony and Aqua

Tom,

Our agency has placed the EB-5 program and its job creation potential as one of its highest priorities. We will have a great deal of activity reflecting this fact within the next two to three weeks. I am very involved in our efforts to improve our administration of the program, and am spending a considerable amount of time in the development of entirely new approaches to this work.

I understand that you have pending before the agency two EB-5 matters, both of which are receiving due attention. It would be inappropriate for me to speak with you about these pending matters at this time.

Thank you.
Ali

----- Original Message -----
From: Tom Rosenfeld [mailt[redacted]
Sent: Tuesday, August 23, 2011 11:04 AM
To: Mayorkas, Alejandro N <[redacted]>
Subject: Re: Out of Office: EB-5 Program - Sony and Aqua

Ali,

I apologize for my persistence while you are traveling, but this is an urgent matter that will adversely effect the reputation of the EB-5 Program. I need to speak with you today. Further to my initial email, is there a convenient time and phone number for me to call you today.

Thank you,
Tom

Tom Rosenfeld
President & CEO
CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

On Aug 23, 2011, at 10:36 AM, Mayorkas, Alejandro N wrote:

> I am currently on travel through August 28. While on travel I am checking my e-mails and will respond to you as promptly as possible. In case of emergency, please call my office at [redacted]
>
> Thank you.
>
> Alejandro N. Mayorkas
> Director
> U.S. Citizenship and Immigration Services

Message Headers:

[redacted]

EM-0000356

Re: Documents Reviewed

From: "Mayorkas, Alejandro N" [redacted]
[redacted]>

Sent: 8/23/2011 7:59:39 PM +00:00

To: [redacted]

Subject: Re: Documents Reviewed

I can only imagine. Thanks, [redacted]

----- Original Message -----
From: [redacted]]
Sent: Tuesday, August 23, 2011 03:53 PM
To: 'Mayorkas, Alejandro N' [redacted]
Subject: RE: Documents Reviewed

It's been a little crazy here today. All morning in the reply hearing for [redacted] and then the earthquake threw everyone into a tizzy.

-----Original Message-----
From: Mayorkas, Alejandro N [redacted]]
Sent: Tuesday, August 23, 2011 10:55 AM
To: [redacted]'
Subject: Re: Documents Reviewed

If you don't mind, I will try you some time in the early afternoon your time.
Thanks. Ali

----- Original Message -----
From: [redacted]
Sent: Tuesday, August 23, 2011 06:52 AM
To: 'Alejandro.Mayorkas@[redacted] [redacted]
Subject: Re: Documents Reviewed

Great. Should I call you or do you want to set a time and call me?

----- Original Message -----
From: Mayorkas, Alejandro N [mai[redacted]]
Sent: Tuesday, August 23, 2011 02:04 AM
To: 'lc[redacted]
Subject: Documents Reviewed

[redacted]
[redacted] reviewing the draft NTA policy. I appreciate the work on this. It is very well done. I have some questions and comments; I look forward to touching base with you tomorrow afternoon, if that's convenient for you.

I also read the LA Films decision. I look forward to discussing that too.

Thanks, [redacted].
Ali

PR_RIM_MSG_REF_ID: 552205312
PR_RIM_PAGER_TX_FLAG: false
PR_RIM_MSG_STATUS: 1
PR_RIM_MSG_ON_DEVICE_3_6: true
PR_RIM_MSG_FOLDER_ID: -5

EM-0000358

From: [redacted]
Sent: Friday, August 26, 2011 7:15 PM
To: [redacted]
Subject: RE: EB5

[redacted] it's not impertinent and I agree that we should keep [redacted] out of this. Do we have the RFE? If you sent it earlier I didn't print it or give it to Ali. I only have the template. I'll make sure Ali understands that we don't have in depth knowledge of the case file, and I doubt the OCC attorney does either, but that it would be unwise and irregular to have the person who is adjudicating the case with in depth knowledge of the file participate in any conversation at this level. He may just want the decision in a different format that he finds easier to follow and understand.

[redacted]

From: [redacted]
Sent: Friday, August 26, 2011 6:45 PM
To: [redacted]
Subject: Re: EB5

[redacted] I don't want to appear to be impertinent and SCOPS will be present and as prepared as possible. However neither [redacted] nor I have reviewed the file which will make this an interesting discussion since the RFE clearly relates to insufficient evidence or questions about the quality of the evidence submitted. I will get as detailed information as possible but feel like we are coming to the table at a disadvantage since we are not EB5 trained. I would prefer to keep [redacted] out of this for a variety of reasons which I am happy to speak about off line.

From: [redacted]
Sent: Friday, August 26, 2011 06:25 PM
To: [redacted]Q
Subject: RE: EB5

I can tell [redacted] Tuesday. [redacted] does that work for you guys?

From: [redacted]
Sent: Friday, August 26, 2011 6:19 PM
To: [redacted]Q
[redacted]

[redacted]

From: [redacted]
Sent: Friday, August 26, 2011 06:16 PM
To: [redacted]
[redacted]n
Subject: EB5

[redacted]

Ali wants a meeting Monday or Tuesday on the LA Films template. I suspect it will be similar to the Gulf Coast meeting.

I'd like whoever in OCC worked on the template, might have been [redacted] should know for sure, to be available for the meeting and someone from operations, SCOPS, who has some knowledge of the facts. Obviously not anyone who will be adjudicating the case. We want the adjudicators walled off from any discussions. Ali wants to understand the issues involved and our legal analysis of those issues.

I'll ask [redacted] to set up the meeting.

Thanks
[redacted]

MCA000497D
EM-0000359

From: Mayorkas, Alejandro N[redacted]
Sent: Thursday, September 01, 2011 9:52 AM
[redacted]
Subject: Fw: Follow up

From: Mayorkas, Alejandro N
Sent: Thursday, September 01, 2011 09:52 AM
To: [redacted]
Subject: Re: Follow up

[redacted]

From [redacted]

[redacted]

President & CEO
[redacted]

[redacted]0

Re: EB-5 Cases

From: [redacted]>
Sent: 10/31/2011 9:19:44 PM +00:00
To:
1. [redacted]
2. "Mayorkas, Alejandro N" <USCIS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/Anmayork>
3. [redacted]

CC:
1. [redacted]>

Subject: Re: EB-5 Cases

I am surprised he reached out to the Director on the CanAm (Pennsylvania) case. The last contact we had with him was almost a month ago and he was aware at that moment that the file was enroute to the AAO.

We have a conference call this Friday with OCC to finalize the Can Am case decision. It will be ready to after that call, I believe.

From: [redacted]
Sent: Monday, October 31, 2011 04:49 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: Re: EB-5 Cases

I believe the PA case is with AAO on the transportation of waste water issue. I've copied [redacted] for any updates. As for LA Film, I believe we have either NOIDs or denials drafted but we have them on hold pending your review of the business plan and draft notices outlining the deficiencies. (No commitment from Sony following a similar failed project involving Lion's Gate). I think these were delivered last week.

If I recall correctly, the LA Film cases are all individual I-526 filings for which we do not have direct email access to adjudicators and for which the RC has no standing. However, we do have the standard email access for all EB-5 inquiries.

My recommendation would be for someone at CSC to respond to Mr. Rosenfeld on LA Film with whatever info OCC says is appropriate to share with the RC. I would recommend the same for AAO on the PA case.

From: Mayorkas, Alejandro N
Sent: Monday, October 31, 2011 04:34 PM
To: [redacted]
Subject: EB-5 Cases

[redacted]

I apparently have received two messages today from Tom Rosenfeld of CanAm Enterprises. The message note I received from [redacted] in my office indicates "URGENT: Need a response from you ASAP re: PA & Los Angeles projects."

I do not believe it is appropriate for me to return Mr. Rosenfeld's calls. Should someone return his call on my behalf, or not? His telephone number is [redacted]

Communication issues aside, have we not decided these cases already? Has Mr. Rosenfeld or his representative utilized the direct email access avenue now available to him? Can we have our new business analysts look at these cases with urgency?

Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

Message Headers:

[redacted]

EM-0000364

RE: Your call

From: "Mayorkas, Alejandro N" <[redacted]>
Sent: 11/1/2011 11:37:15 PM +00:00
To: "[redacted]
Subject: RE: Your call

Thanks very much, [redacted] You are fantastic; your apology is stricken as unnecessary.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, November 01, 2011 7:28 PM
To: Mayorkas, Alejandro N
Subject: Re: Your call

I apologize. I will call first thing tomorrow.

From: Mayorkas, Alejandro N
Sent: Tuesday, November 01, 2011 06:50 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Your call

[redacted],

Thank you for trying. This is most disappointing to hear at this time of the day, as I had wanted the call to be made in the morning. I will forward the information I have for him.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

EM-0000368

[redacted]

From: [redacted]
Sent: Tuesday, November 01, 2011 6:47 PM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: RE: Your call

Ali,

The number I have for Mr. Rosenfeld (he's not represented) is incorrect. I will ask SCOPS to provide me the number that they have on record and try again tomorrow. The number I got from your original e-mail on this issue was ([redacted] – I tried several times and repeatedly got an out of service message.

Thanks.

[redacted]

From: Mayorkas, Alejandro N
Sent: Tuesday, November 01, 2011 9:07 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Your call

Thank you very much, [redacted].

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration S[redacted]

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, November 01, 2011 10:00 AM
To: Mayorkas, Alejandro N[redacted]
Cc: [redacted]
Subject: Your call

Hi Ali! [redacted] has agreed to reach out to the attorney of record in response to the client's calls to you.

[redacted]

[redacted]

U.S. Citizenship & Immigration Services

[redacted]

PR_RIM_MSG_REF_ID:	-715691451
PR_RIM_PAGER_TX_FLAG:	true
PR_RIM_MSG_STATUS:	1

EM-0000369

RE: Pennsylvania and LA Films EB-5 Cases

From: [redacted]
Sent: 11/1/2011 3:20:04 PM +00:00
To: 1. "Mayorkas, Alejandro N" <USCIS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/Anmayork>
2. [redacted]
Subject: RE: Pennsylvania and LA Films EB-5 Cases

Just FYI. We just had a conference call with [redacted] and are in agreement to finalizing the CanAm decision today. [redacted] is preparing a draft for [redacted] to review. I will let you know when we have a final copy.

From: Mayorkas, Alejandro N
Sent: Tuesday, November 01, 2011 9:27 AM
To: [redacted]
[redacted] Cases

I want to understand the issues in each case today if possible. I am working on the revised EB-5 memo this evening, and separately we need to bring these cases to resolution immediately. I do not intend to be involved in the adjudications, but want to understand the issues from a policy perspective.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: [redacted]
Sent: Tuesday, November 01, 2011 9:25 AM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: RE: Pennsylvania and LA Films EB-5 Cases

Ignore the last note. I'll reach out to [redacted] to see if he can talk to us today.

From: Mayorkas, Alejandro N [mailto:[redacted]
Sent: Tuesday, November 01, 2011 9:09 AM
To: [redacted]
Subject: RE: Pennsylvania and LA Films EB-5 Cases

Adding [redacted] Thanks.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: [redacted]
Sent: Tuesday, November 01, 2011 8:51 AM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: Re: Pennsylvania and LA Films EB-5 Cases

I am available and will check with [redacted] once the time is set.

[redacted]

EM-0000371

From: Mayorkas, Alejandro N
Sent: Tuesday, November 01, 2011 08:13 AM
To: [redacted]
Subject: Pennsylvania and LA Films EB-5 Cases

I understand these two cases are awaiting my review. Can we meet today?
Thank you. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]gov

Message Headers:

[redacted]

[redacted]: <616F1BF5081620439E9D17760DD45D46083EEEC43F@DC2-EXMB-C1-07.cis1.cisr.uscis.dhs
MIME-Version: 1.0

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Yesterday's phone call with Tom Rosenfeld

From: [redacted]>
Sent: 11/3/2011 6:52:02 PM +00:00
To: 1. "Mayorkas, Alejandro N" <USCIS/EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/RECIPIENTS/Anmayork>
2. [redacted]>
Subject: Yesterday's phone call with Tom Rosenfeld

Ali,

I wanted to give you a quick back brief on the call with Tom Rosenfeld from yesterday. He was actually very nice and thanked me for returning his call for what he called a "therapy" session.

More than anything, he wanted me to convey one message on the LA Films cases. That message is that anything more than a few days delay will effectively kill that project. Like in the case we discussed yesterday, the escrow agreement in those cases has a provision that the escrow agent must return the money to the investors after 15 months. He indicated that the bank has held the money beyond that time period (he said the petitions are at about 17-18 months), but has indicated that the money will be returned within a matter of days if the petitions are not approved (even and RFE or NOID will kill the project). He asked if there was any way to try to resolve the issues globally without the need to treat each individual petition separately. I told him I'd pass that message along, but that our normal processes don't have that type of mechanism on the 526 petitions. In any event, I wanted to get that message to you today in the event that we could work out a process. I get the feeling that if he had something concrete from the agency, he might be able to buy more time. As you know, however, departing from the established adjudicative process can be a very dangerous thing to do, and I certainly don't recommend doing it even under these circumstances. However, we should reconvene on these cases ASAP to discuss the substantive issues.

On the Pennsylvania case, he really just wanted to vent and advocate for a better mechanism to communicate what he thinks is just a minor misunderstanding. He believes that a call to the adjudicator could resolve the issue, although I'm not sure I agree. In any event, he was happy to hear that a decision is coming soon.

Overall, I think that many of his concerns will be resolved as we move to clarify the exemplar process and implement the changes to the I-924 adjudication that have been proposed.

Please let me know if there is anything else I can do with respect to these cases. Thanks.

[redacted]

[redacted]

[redacted]

USCIS [redacted]

Department of Homeland Security

[redacted]

[redacted]

Message Headers: [redacted]

[redacted] true
[redacted] -2
[redacted] true
[redacted]D: <D193E316C8A77B44A3EB1BE04A0C58EA0676466F87@DC2-EXMB-C1-05.cis1.cisr.uscis.dhs.gov>

EM-0000373

RE:

From: "Mayorkas, Alejandro N" [redacted] >

Sent: 11/8/2011 10:08:03 PM +00:00

To: [redacted]

Subject: RE:

Most certainly; I was planning on it.

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, November 08, 2011 4:52 PM
To: Mayorkas, Alejandro N
Subject: Fw:

Ali,

If schedules permit, is there any possibility we could hijack a few minutes of this afternoon's time to discuss LA films. As the attached indicates, tom rosenfeld is desperate for a decision. Thanks

[redacted]

From: Tom Rosenfeld [[redacted]
Sent: Tuesday, [redacted]
Subject:

[redacted]

I hope and assume the Sony meeting with the key principals took place today. What is a convenient time for you to call me?

As you may know, in addition to industry codes, the AAO affirmed the Aqua denial because the investor was no longer at-risk because the escrow agent was required after 15 months to return his escrow funds... we really need the Sony decision by today or tomorrow; at least 43 investors ($21.5 million) will have their funds returned in the next couple days.

Thank you,

Tom

Tom Rosenfeld
President & CEO

EM-0000374

CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

PR_RIM_MSG_REF_ID:	-293928825
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Re: Phone message: My apologies in advance

From: "Mayorkas, Alejandro N" <[redacted]

Sent: 11/10/2011 10:31:54 PM +00:00

To: [redacted]

Subject: Re: Phone message: My apologies in advance

Thanks to you both.

From: [redacted]
Sent: Thursday, November 10, 2011 05:16 PM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: RE: Phone message: My apologies in advance

Agreed.

From: Mayorkas, Alejandro N [[redacted]
Sent: Thursday, November 10, 2011 4:10 PM
To: [redacted]
Subject: Re: Phone message: My apologies in advance

I do not believe it would be appropriate for me to speak with him. Please let me know if you disagree. Thanks.
Ali

From: [redacted]
Sent: Thursday, November 10, 2011 04:04 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: RE: Phone message: My apologies in advance

FYI, Mr Rosenfeld left another voice mail. He very much appreciates [redacted] follow up, but still very respectfully

EM-0000379

requests to talk directly to Ali as soon as possible re: his imminent potential loss of investors.

Will leave it to all of you to determine what if any additional course of action should be taken.

[redacted]

From: Mayorkas, Alejandro N
Sent: Thursday, November 10, 2011 2:12 PM
To: [redacted]
Subject: Re: Phone message: My apologies in advance

Thank you. Copying [redacted] for handling as they deem appropriate (thank you both).
Ali

From: [redacted]
Sent: Thursday, November 10, 2011 10:09 AM
To: Mayorkas, Alejandro N
Subject: Phone message: My apologies in advance

I'm just relaying the following for you to handle as you see fit: Tom Rosenfeld called, asking for a call from you. He is deeply concerned about the prospect of losing 500 of his investors if his issues are not addressed. He was adamant that he speak directly with you. Is there someone you would like me to loop in or forward this message to?

His contact info:

[redacted]

[redacted]

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PR_RIM_PAGER_TX_FLAG:	false
PR_RIM_MSG_STATUS:	1
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PR_RIM_MSG_FOLDER_ID:	-5

EM-0000380

From: [redacted]
[redacted] OCC-Clearance
Subject: RE: Final LA Films RC III LP Memo to I-526 File
Date: Thursday, November 17, 2011 10:11:54 AM

Given my discussions with some of the principals in this case outside of the record, I'm not going to comment. [redacted] speaks for OCC on this issue for purposes of adjudication. Thanks.

[redacted]

From: [redacted] W
Sent: Thursday, November 17, 2011 9:09 AM
To: [redacted] OCC-Clearance
Subject: RE: Final LA Films RC III LP Memo to I-526 File
Importance: High

[redacted]

See attached Final OCC Cleared document. I added today's date to the memo but wanted to make sure this can be considered the OCC cleared version since you said [redacted] might have some comments this morning.

Thanks for letting me know. Once I know for sure, we will share with the CSC and have them start adjudicating the files today.

[redacted]

++++++++++++++++++++++

[redacted]
[redacted])
Service Center Operations
[redacted]
Washington, D.C. 20529-2060
[redacted]

From: [redacted]
Sent: Wednesday, November 16, 2011 6:29 PM
To: [redacted] OCC-Clearance
Subject: RE: DRAFT LA Films LP III Memo to I-526 File

Cleared. Thanks.

From: [redacted]
Sent: Wednesday, November 16, 2011 6:11 PM
To: [redacted]
Subject: RE: DRAFT LA Films LP III Memo to I-526 File
Importance: High

[redacted]:

Attached is the updated Final Draft of the memo. [redacted] and I spoke offline and after agreeing to everything, there was one final change made to the first line of the memo. [redacted] recommended we change the "non-record" language so it couldn't be implied that because it was "non-record" why did we use it in the record? I think the way we said it in the updated version eliminates any concern.

Please review this as a clean final draft which incorporates all of your edits/changes. Your clearance is much appreciated.

Thanks.

[redacted]

++++++++++++++++++++++

[redacted]
[redacted])
Service Center Operations
[redacted]
Washington, D.C. 20529-2060
[redacted]

From: [redacted]
Sent: Wednesday, November 16, 2011 3:15 PM
To: G[redacted]
Subject: RE: DRAFT LA Films LP III Memo to I-526 File
Importance: High

[redacted]

I accepted all of your edits and made additions based on your edits/comments. Please review the updated document asap.

Thanks.

[redacted]

++++++++++++++++++++++

[redacted]
[redacted])
Service Center Operations
[redacted]
Washington, D.C. 20529-2060
[redacted]

From: [redacted]
Sent: Wednesday, November 16, 2011 12:56 PM

To: [redacted]
Subject: RE: DRAFT LA Films LP III Memo to I-526 File

These would be my initial suggestions:

From: [redacted]
Sent: Wednesday, November 16, 2011 11:28 AM
To: [redacted]
Subject: FW: DRAFT LA Films LP III Memo to I-526 File
Importance: High

Hi [redacted],

Please see the attached draft memo to file to document the email confirmation from Sony regarding its loan and matching of funds commitment that the SCOPS' TAB branch (Threat Assessment Branch) received late Thursday night (after all of the song and dance with the faxing of NOIDS to the I-526 attorneys of record occurred). SCOPS would like to provide this to the CSC to document each of the affected files with the Sony email in order to meet the preponderance of evidence standard regarding the proposed loan transaction between LA Film III and Sony.

FYI - we just checked with the CSC and they have yet to receive any Fed Ex documents as promised by Tom Rosenfeld.

Please provide comments/edits to this as soon as you can as we need to move on these cases, and this email evidence may be part of the way forward.

Thanks,

[redacted]

[redacted]

Subject: FW: LA Film Regional Center III LP - I-526 Filings
Attachments: Final LA Films RC III LP I-526 Memo to File_OCC Cleared_11172011.doc

Importance: High

From: [redacted]
Sent: Thursday, November 17, 2011 8:20 AM
To: [redacted]
Cc: Melville, [redacted]
Subject: LA Film Regional Center III LP - I-526 Filings
Importance: High

CSC:

Please find attached an internal processing memorandum from SCOPS to the CSC which discusses I-526 Petitions filed under the Los Angeles Film Regional Center III, LP (LA Film RC III, LP) new commercial enterprise (NCE). This memo should be placed in each I-526 petition filed under the LA Film RC III, LP NCE.

This memo allows the CSC to begin processing the LA Film RC III, LP NCE I-526's based on the evidence received directly from Sony Pictures Entertainment (SPE). With this information from SPE, there is sufficient evidence to meet the preponderance of evidence standard concerning the viability of the NCE and SPE's commitment to borrow and match funds provided by LA Film RC III, LP.

Please review and let SCOPS know if you have any questions or concerns. If there are no questions or concerns, please start processing the pending I-526's that relate to the LA Film RC III, LP NCE.

[redacted]

++++++++++++++++++++++

[redacted]
Service Center Operations
[redacted]
Washington, D.C. 20529-2060
[redacted]

Attachment:

From: [redacted] [[redacted]]
Sent: Thursday, November 10, 2011 08:43 PM
To: [redacted]
Subject: EB-5 program / Sony Pictures Entertainment

Dear [redacted]

Following up on our conversation this morning, I can confirm the following answers to your questions:

1. Sony Pictures Entertainment does still intend to borrow under the loan agreement
2. Sony Pictures Entertainment is committed to matching the EB-5 funds per the program guidelines.

Please let me know if you have any questions.

Best regards,
[redacted]

[redacted] | Senior Vice President, Legal Affairs
Corporate Legal Department
SONY PICTURES ENTERTAINMENT INC.
[redacted]
Culver City, CA 90232
[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 3:33 PM
To: [redacted]
Subject: FW: Warner Bros. Time Warner Film Project/Similar to Sony

Importance: High

Hi [redacted],

Following up on the conversation we had earlier with [redacted], below is the e-mail from Tom Rosenfeld to [redacted] It looks like the RFE he was referring to was sent to each of the approximately 240 LA Films IV investors. His characterization of the RFE issued to each of the investors was that the "RFE accepted "slate financing" as a film industry standard and requested sample budgets for the types of film/television productions contemplated by this EB-5 project and an analysis of the job impacts of these budgets on the affected industries. As you may recall, the Sony RFE rejected the "slate financing" standard and required precise project descriptions and details."

Since it looks like it was sent out to all of the investors, would it be possible for you to have someone pull one of the files with the "slate financing" RFE for our review? [redacted] (or perhaps one of the officers under her supervision) might already have one of these files handy since we just finished working with her on the [redacted] denial and may know which RFE this is referring to.

Separately, do you know anything about the Sony RFE he's referring to? If so, it would be helpful to review that as well. If not, we can just work with what we have on LA Films IV for now.

If you have any questions, please let us know.

Thanks and best,

[redacted]
Department of Homeland Security
U.S. Citizenship and Immigration Services
[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 11:32 AM
To: Bur[redacted]
Subject: Warner Bros. Time Warner Film Project/Similar to Sony
Importance: High

Hey gang,

Who would like to take first crack at figuring out proper process for handling this inquiry?

[redacted]
Department of Homeland Security
[redacted]

[redacted]

From: [redacted]
Sent: Friday, January 18, 2013 8:33 AM
To: [redacted]
Subject: Fw: Fwd: Warner Bros. Time Warner Film Project/Similar to Sony
Importance: High

[redacted]

Am out today [redacted] There is a very long history with Rosenfeld (I was tasked to talk with him by leadership a year or two ago). I can try to call you when we get on the road.

From: Tom Rosenfeld [mailto[redacted]]
Sent: Thursday, January 17, 2013 04:34 PM Eastern Standard Time
To: [redacted]
Subject: Fwd: Warner Bros. Time Warner Film Project/Similar to Sony

[redacted]

This matter is so urgent that I tried calling you earlier this afternoon. Please, please call me… Briefly, one Time Warner investor, who filed a mandamus action without our knowledge, was denied for exactly what the project related RFE acknowledged we did not need to provide.

Bottom Line: 8 months ago, we responded to an RFE that, consistent with the Sony approvals (see details, below), acknowledged that project specific details for individual Film/TV were not required to meet job requirement (the RFE stated "specific information on the actual film/TV productions that would be produced is **not** required"), and that other supporting documentation could be submitted instead. We submitted final agreements with Time Warner, sample budgets from industry experts as well as a detailed economic analysis from LA's economic development agency's film expert evidencing that our project was credible and legitimate, but USCIS rejected all the documents we submitted and the essence of the denial was that *actual production details were not provided.*

We sincerely believe there are gross errors in this decision that are affecting 250 investors and Warner Bros… I am neither requesting nor expecting you to take my word for the above. I am, however, hoping you agree that the facts and significant potential harm that may unnecessarily result from the denial of these 250 cases warrants your attention.

Thank you,

Tom

Tom Rosenfeld
Wall Street Plaza
[redacted]
New York, N.Y. 10005
[redacted]

[redacted]

Begin forwarded message:

From: Tom Rosenfeld <[redacted]
Subject: Warner Bros. Time Warner Film Project/Similar to Sony
Date: August 25, 2012 5:30:08 PM EDT
To: [redacted]

[redacted]

I hope all is well and, again, I really want to sincerely thank you for your crucial role in resolving the Sony matter.

I am emailing you in the hope of coordinating a call, but I want to make sure you first have an opportunity to understand the reason for my proposed call.

*** Background:**

- On May 18, we were pleased to submit our responses to CSC RFE requests for a Warner Bros. film project structured identical to Sony. The RFE, which was issued to approximately 240 I-526 petitioners, requested 1. an in-depth economic jobs analysis and 2. evidence that Time Warner remained committed to the project.
- Importantly, this RFE accepted "slate financing" as a film industry standard and requested sample budgets for the types of film/television productions contemplated by this EB-5 project and an analysis of the job impacts of these budgets on the affected industries. As you may recall, the Sony RFE rejected the "slate financing" standard and required precise project descriptions and details.

*** Essence of RFE response:**

- We submitted a responsive and detailed economic analysis prepared by [redacted]r, the senior economist at the Los Angeles Economic Development Corp. (LAEDC), who has extensive film experience. The credibility of the sample budgets used for the inputs were attested to by industry experts, including Warner Bros.
- A final Loan Agreement between Time Warner and the Partnership dated May 31, 2012 that included an extension of the funding deadline, was submitted with a large number of RFE responses in June, 2012... RFE responses due before the final agreement was executed (large number on May 18) included an executed amendment of the commitment letter acknowledging the new funding deadline and referencing the final negotiated loan agreement, which was attached.

*** Concern:**

- Although the RFE response resulted in one petition being approved on June 22 (WAC1190644259; [redacted]), no other notices have been issued and several inquiries to the USCIS have been made and the corresponding responses have advised that cases are pending adjudication.
- *Significantly, to date, 80 of the 240 investors have exceeded the 15 month escrow period and although U.S. Bank, the escrow agent, has facilitated a slight extension, it has advised that it cannot agree to delay returning funds to these investors much longer.* As you know, the AAO has concluded that such returned funds are not at-risk and the legal source of such funds would be discredited.

In summary, we believe we submitted a very comprehensive and respectful response to the RFE request more than 3 months ago and are genuinely perplexed why decisions are being delayed. Moreover, if there are any USCIS concerns (again, we sincerely believe our response was extremely responsive to the RFE) we would respectfully request an opportunity to address them expeditiously and in a manner that will avoid the imminent harm to our investors,Time Warner and CanAm.

[redacted], please accept that I have tried everything I can think of before contacting you and am reaching out to you for help because of your extensive experience and central role in resolving the Sony matter, whose issues appear related to those described above.

Again, I would welcome the opportunity to speak with you and seek your guidance at your earliest convenience.

Thank you for your time and consideration.

Tom

Tom Rosenfeld
President & CEO
CanAm Enterprises, LLC
[redacted]

RE: Gov. Ed Rendell (D-PA)

From: "[redacted]
Sent: 9/13/2012 3:32:43 PM +00:00
To: "Mayorkas, Alejandro N" <[redacted]
CC: [redacted]
Subject: RE: Gov. Ed Rendell (D-PA)

Hi Ali, RAIO will accommodate your arrival b/t 3:50-4:00PM. I updated your schedule. Thanks, Karen

---

From: Mayorkas, Alejandro N
Sent: Thursday, September 13, 2012 11:27 AM
To: [redacted]
Subject: Re: Gov. Ed Rendell (D-PA)

Can I present the plaque at 3:15 or 3:45? [redacted] should join the call, thanks.

From: [redacted]
Sent: Thursday, September 13, 2012 11:23 AM
To: Mayorkas, Alejandro N
[redacted]
Subject: RE: Gov. Ed Rendell (D-PA)

Hi Ali, The Gov wanted to speak to you today and did not have availability until 3:30PM today. At 3:30PM you are scheduled to present [redacted] his plaque at his retirement party. [redacted] is attending the retirement party. Do you want me to notify RAIO that you will arrive late or cancel your attendance/have [redacted] present the plaque? Also, should [redacted] be included on your call w/ Gov? I appreciate your guidance, [redacted]

From: Mayorkas, Alejandro N
Sent: Thursday, September 13, 2012 11:02 AM
To: Kara[redacted]
[redacted] S
Subject: Re: Gov. Ed Rendell (D-PA)

Yes, thanks.

From: [redacted]
Sent: Thursday, September 13, 2012 10:59 AM
To: Mayorkas, Alejandro N
Cc: [redacted] W
Subject: Gov. Ed Rendell (D-PA)

Hello Ali, I received a call from Governor Ed Rendell requesting to speak to you as soon as practical regarding a Time Warner project that has been delayed in CA. The Governor stated that there are 240 petitions pending beyond 3 months and he fears the project will be lost if these petitions are not adjudicated. He said the project is similar to an approved EB-5 Sony project. I informed him that you were off-site at this time, but I would immediately relay the message. He asked for a 2 hour time frame of availability so he had flexibility to reach you. Upon review of your calendar, you have in-house mtgs from 1:45-3:30PM today or 1:00-3:30PM tomorrow where you could step-out to take this call. Would you like me to propose these time frames to the Governor? I appreciate your guidance, [redacted]

[redacted]

[redacted], Director Mayorkas

[redacted]

Message Headers:

[redacted]

RE: Visa Issue

From: "Kroloff, Noah" <[redacted]
Sent: 10/19/2012 8:31:57 PM +00:00
To: 1. "Mayorkas, Alejandro N" [redacted]
Subject: RE: Visa Issue

OK. He approached the Secretary at an event at the Kuwaiti embassy with the below inquiry. I will connect you guys with him directly via email and you can pass below along. Thanks.

From: Mayorkas, Alejandro N
Sent: Friday, October 19, 2012 11:00 AM
To: Kroloff, Noah; [redacted]
Cc: [redacted]
Subject: RE: Visa Issue

Noah,

We are addressing the processing time of EB-5 regional center petitions generally. A number of issues have arisen as a result of petitioners' responses to our requests for evidence. We expect the issues to be resolved immediately and for any processing delays to end. We have consulted with economists from the Departments of Commerce and Labor to resolve the issues.

We will not review Mr. Rosenfeld's case independently of our program-wide efforts above.

I am available to discuss. Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: Kroloff, Noah [redacted]
Sent: Friday, October 19, 2012 10:47 AM
To: Mayorkas, Alejandro N; [redacted] S
Cc: [redacted]
Subject: FW: Visa Issue
Importance: High

Can you guys take a look at this?

From: [redacted]
Sent: Friday, October 19, 2012 9:52 AM
To: Kroloff, Noah
Subject: Visa Issue
Importance: High

Noah –

Thank you for your email yesterday and your offer to help me with a visa issue. Tom Rosenfeld of CanAm is experiencing unexplainable adjudication delays regarding a $240 million Time Warner EB-5 project slated for California. As noted in the attached letter, our mutual friend, Ed Rendell, has briefed you on this matter. I am hoping that you can provide the status of this application other than to note that USCIS Immigrant Investor Program adjudicators continue their work on this case.

Anything that you can do to shed some light on this is greatly appreciated.

Best,

[redacted]

Message Headers:

[redacted] 675); Fri, 19

EM-0000406

From: Mayorkas, Alejandro N
Sent: Friday, November 16, 2012 11:58 AM
To: [redacted]
Subject: Fw: Urgent Matter/ Los Angeles Regional Center

[redacted]
For your handling as you deem appropriate. I am copying [redacted], as I seem to recall that Tom Rosenfeld is involved in a pending litigation.
Thank you. Ali

From: Mayorkas, Alejandro N
Sent: Friday, November 16, 2012 11:56 AM Eastern Standard Time
To: 'Trosenfeld@c[redacted]
Subject: Re: Urgent Matter/ Los Angeles Regional Center

Tom,
I cannot speak with you about a pending matter. I will forward your message to the appropriate individual in the agency.
Thank you. Ali

From: Tom Rosenfeld [m[redacted]
Sent: Thursday, November 15, 2012 06:09 PM Eastern Standard Time
To: [redacted]
Subject: Urgent Matter/ Los Angeles Regional Center

Dear Ali,

I really need your help... Please accept that I am **not** seeking your help with respect to any case-specific substantive issue.

Ali, it has now been about 18 months since initial applications for the $250 million Time Warner Project involving 240 investor families (many with aged-out children) have been submitted. Moreover, both the investors and Time Warner have evidenced their firm commitment to the Project by diligently preparing and providing the USCIS with everything requested and cooperating with our repeated pleas for patience and extension requests. The latest extension with Time Warner ends on November 30 (only 2 weeks; one of which is Thanksgiving). Time Warner, who has been very cooperative, has advised that it is discouraged by the 18 month process and not likely to facilitate any further extension. This is a very large EB-5 Project and the substantial harm to the 240 investor families, the loss of more than 2,500 new indirect jobs and the damage to CanAm and the integrity of the EB-5 Program is likely to be significant.

I was unsuccessful in reaching you by phone and am reaching out via this email... I would very much appreciate the opportunity to speak to you and obtain your general advice and guidance. I am working at home because, in spite of the tireless efforts of the City and our building management, we still do not have access to our offices as a result of the damage caused by the recent hurricane (sympathy vote). Please let me know when I can call or please feel free to call my cell at anytime [redacted]

In all sincerity, this matter has evolved into a very precarious situation that I sincerely believe can be salvaged with your appropriate assistance.

Thank you,
Tom Rosenfeld

Tom Rosenfeld
President & CEO
CanAm Enterprises, LLC
[redacted]
New York, N.Y. 10005
[redacted]

EM-0000408

From: [redacted]
Sent: Thursday, January 24, 2013 1.49 PM
To: [redacted]
Subject: RE: Status Check

It is my understanding that the decision has been reviewed by counsel at CSC, however I am not sure if that resolves the concerns related to deference and the prior approval, or value of having a representative of the investors appear before the review board to address some of the concerns we expressed and which formed the basis of the denial. Some of the issues relating to the job creation estimates arose at the RFE/RFE response stage, and appears to have resulted in part from the fact that our RFE (according to the decision) stated that specific information on the actual productions that will be produced is not required, but a lot of our economic analysis appears to have hinged on their failure to provide those specific details which we said were not required (maybe I am missing the nuance between the details which are not required, and those which are required for the economic analysis, but I have a feeling the petitioner may have missed that too). Given the discrepancies that arose at that stage in terms of the specific productions, the costs involved, and the related multipliers, it seems like an ITD would have been appropriate to give them a chance to clarify the discrepancies. And given the existing review board process, and the significant impact of denying a class of petitions, I think we need to consider whether a review board hearing would be appropriate before issuing all of the remaining denials.

I still have some concerns about some of the analysis, particularly the analysis of the availability of the funds, but my primary concerns relate to the prior approval, deference, and whether the review board process should be employed here.

From: [redacted]
Sent: Thursday, January 24, 2013 1:28 PM
To: [redacted]
Subject: Re: Status Check

I would off that someone speak to counsel since I am pretty sure these have been through vetting and we've had issues with several of these projects.

From: [redacted]
Sent: Thursday, January 24, 2013 11:55 AM Eastern Standard Time
To: [redacted]
Subject: RE: Status Check

Adding others for their visibility.

From: [redacted]
Sent: Thursday, January 24, 2013 11:10 AM
To: [redacted]
Subject: RE: Status Check

H[redacted]

I think we should hold off on issuing the remaining denials. I have some concerns with our analysis in the denial that I would like to review further (e.g. the placing of capital at risk and whether the funds were "available" to the job creating enterprise, the undertaking of business activity, etc). Also, did we issue an ITD on these cases to provide the petitioner an opportunity to clarify some of the concerns we raised about the discrepancies between the film production costs in the original estimate and the numbers they provided in their RFE response?

I am also concerned about issues related to deference with these cases. Since this is an approved RC, and we approved the first I-526, I think it is safe to say that these denials will generate complaints that we did not adhere to our own deference policy. As such, I would like to take a closer review in terms of the prior decisions we issued, and why we are now concluding otherwise. Was the first case we approved filed before all of the others that we are now in process of denying? Was it a sort of test I-526 for the investors? I guess I am just a little confused as to why we approved the first I-526 as meeting the preponderance of the evidence, but subsequently revisited the same issue/facts and concluded otherwise (or did that first approval involve a different investment unrelated to the others?).

I also think we need to revisit the review board process if this type of situation is not currently included in that process. If we are not already including the following types of situations in the review board process, I think we need to seriously consider adding them: when a general RC proposal is approved, and the specific project plan is first reviewed when the I-526 is filed, we should allow for the review board to review the specific project details and provide a representative of the investor(s) an opportunity to explain/address concerns we have (this could follow the existing framework where we issue an ITD if they have not met heir burden of proof and allow them an opportunity to request a review board hearing, or we allow them to request an ITD); and when an I-526 under a RC approval is going to be denied, and the denial will be used to deny a similar class of petitions (since the impact to the project can be significant when mass denials are involved, and we should take all available steps to ensure our decisions in such cases are sound). If this needs to be formalized into an updated review board process framework, I am happy to do so.

We should consider if a review board process would be appropriate in this instance before proceeding with issuing the remaining denials, since we are issuing a denial to be used to deny a class of petitions under the RC approval (this also sounds like it is a situation where the RC was approved on a general proposal and the I-526s presented the specific proposal).

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 11:05 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Status Check

I think the investors are just talking to each other. But, yes, the mandamus denial went out and we began processing the other investor's petitions for denial. Just last night, OCC cleared the denial template for the remaining 13 South Korean investor petitions, so those are ready to go out as soon as we get to them in the queue. There are several, but the cases were pre-adjudicated while they were on hold, so we should be able to get through them relatively quickly -- I'd estimate within 2 weeks.

We approved one I-526, but received it back from NVC before the visa was issued. We have prepared an ITR for that one and it is under supervisory review now.

From: [redacted]
Sent: Wednesday, January 23, 2013 6:48 AM

To: [redacted]
Cc: [redacted]
Subject: RE: Status Check

Hi [redacted]

Did we send out some sort of notice (formal or informal) informing some of the investors that a decision will be sent out? It seems that they are aware that denials are going to be sent out, and I am just trying to make sure that this is the same project. Also, have we previously approved any I-526s for this project or are these the first ones we are deciding?

Is there an estimated timeframe for when the denials will be sent out? Given the large impact of the decisions (since it looks like we will be denying all/most of the I-526s) I would appreciate some time to make sure we are fully prepared to defend the decisions.

Thanks,
[redacted]

From: [redacted]
Sent: Friday, January 18, 2013 7:01 PM
To: [redacted] W
Subject: RE: Status Check

The denial for the mandamus is ready to go out, but hasn't gone out yet. There are several cases -- I believe about 80, but will get you an actual count.

From: [redacted]
Sent: Friday, January 18, 2013 3:05 PM
To: [redacted]
Subject: RE: Status Check

Thanks, [redacted]. Just to confirm, has the denial already been sent out or is this the first one to be sent out on the I-526s for this RC? How many I-526s are associated with this RC?

From: [redacted]
Sent: Friday, January 18, 2013 3:51 PM
To: [redacted]
Subject: RE: Status Check

Here is the draft denial that we sent to counsel, as you requested. The issue (as I understand it -- I have not reviewed the file) is that the escrow agreement does not specify the NCE to which the funds will be released upon the approval of the I-526.

From: [redacted]
Sent: Friday, January 18, 2013 10:03 AM
To: [redacted]
Subject: RE: Status Check

Hi [redacted]

I have a feeling that there will be future inquiries on these denials (particularly since it looks like we will be issuing denials on most of the I-526s for this RC). Since I am not familiar with the facts or issues involved, could you please forward to me a copy of the denial and any facts or info you want to bring to my attention. I just want to make sure I am up to speed and prepared for any future inquiries that may arise pertaining to this denial or the other ones to be denied.

Thanks!
[redacted]

From: [redacted]
Sent: Thursday, January 17, 2013 4:37 PM
To: [redacted] Mayorkas, Alejandro N
Subject: FW: Status Check

[redacted]
Including Ali at [redacted] request.

WAC1190627756 was filed on 8/24/2011 and is a Los Angeles County Regional Center IV case.

We just finished a mandamus denial on one of the related I-526s for this RC, which OCC vetted and approved for use as a template for the remaining investors. We will be issuing denials on most of the I-526s for this RC, using the template.

For this particular case (as well as for 12 other S. Korean investors), though, there is another issue relating to the escrow agreement that has not yet been reviewed by counsel. We are modifying the template to address this issue and plan to have it to OCC for review this afternoon. We should be able to issue the denial as soon as OCC completes the review of the issue.

Please let me know if you need any more information on the case.
[redacted]

From: [redacted]
Sent: Thursday, January 17, 2013 12:01 PM Eastern Standard Time
To: [redacted]
Subject: Status Check

Hi [redacted] – I just need to know the status of the following case:

WAC 1190627756

If you could tell me when it was filed and where it is in the adjudicative process that should be sufficient. I don't even know if it is an I-526 or an I-924, but I do know that it should be an EB-5 case.

I appreciate it.

Thanks,

[redacted]

Re: EB-5 Deference Policy and Adjudication Reversals

From: [redacted]
Sent: 1/25/2013 3:24:14 PM +00:00
To: 1. [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

H[redacted]

Adding [redacted]

SCOPS will take the lead on the template and the review of the deference policy and follow up with OCC when we have something for you to specifically review.

Thanks,
[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 10:16 AM Eastern Standard Time
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

[redacted] is on leave and will likely be unavailable through the weekend. I am adding [redacted] – as an FYI. I would like to recommend that SCOPS take the lead and OCC stand by to review.

[redacted]

U.S. Citizenship & Immigration Services

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 10:14 AM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

[redacted]

As I read this, there are 2 specific immediate taskings – the template and the review of the deference policy. Which components of USCIS do you think should take the pen on which? (Ali didn't specify re the template, and re the deference policy he referred to OCC and SCOPS.) Can you let us know, so that we can then get started on whichever tasking(s) are assigned to OCC?

And [redacted], if OCC has the pen on either of these, can ALD do this?

Note the Tuesday and Wednesday deadlines for the template and the revisions to the deference policy (if any), respectively. I'll definitely want to review, so please be sure to leave enough time for me to do that.

Thanks to all,

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 10:04 AM
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Ali,

I completely agree. I can be available for a call today any time after 12:30.

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 09:29 AM Eastern Standard Time
To: [redacted]
Cc: [redacted]
Subject: EB-5 Deference Policy and Adjudication Reversals

EM-0000422

[redacted]

As you know, I am concerned with the agency's adjudication reversals in EB-5 cases and the related substance and application of our deference policy. While I do not know the specific facts/merits of the particular reversals, I am of the opinion that we have not communicated adequately to the impacted parties. We must fully realize that when we approve a petition, EB-5 investors/job creators may rely on that approval and pursue additional investments or expenditures as a result. When we subsequently reverse course, possible inequities and adverse consequences to legitimate investors/job creators may follow.

I would like to take the following steps:

Institute a policy, effective immediately, that when we intend to reverse course in a matter, we provide the impacted parties with an opportunity to be heard in person before the decision board.

- Representation before the decision board is simple when the impacted party is a regional center petitioner. However, when the impacted parties are individual 526 petitioners, representation is not as simple. I propose that the 526 petitioners each receive an identical letter informing each that they must, as a group, select a representative to appear on their collective behalf before the decision board. (I think this is workable in light of the commonality of issues and representation that we have observed in EB-5 cases.).
- The decision board should be comprised of EB-5 experts. An example of an able decision board: [redacted], [redacted].
- We should draft our template letter of notice and invitation to appear before the decision board immediately. I would like the new letter to be transmitted to parties impacted by recent reversals no later than Tuesday. I would like to review the draft proposed letter.

I would like SCOPS and OCC leadership to review our deference policy and determine whether it needs to be revised so that its intent is fully realized. If the determination is made that it needs to be revised, I would like the proposed revisions to be presented no later than Wednesday, as we hope to publish our draft policy memorandum later next week.

I am available to meet today or Monday to discuss further. I am working on some proposals to present to you regarding the immediate transformation of the EB-5 office.

Thanks very much.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]@[redacted]

Message Headers:

[redacted]

PR_RIM_MSG_REF_ID: -1461627717
PR_RIM_INTERNET_MESSAGE_ID: <D7DCBDBD84006C44AF01C159DE788F3609322C11B0@DC2-EXMB-C1-02.cis1.cisr.uscis.dhs.gov
PR_RIM_PAGER_TX_FLAG: true
PR_RIM_MSG_STATUS: 0
PR_RIM_MSG_ON_DEVICE_3_6: true
PR_RIM_MSG_FOLDER_ID: -3

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 3:18 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

To update those who were not able to attend the call, we had an initial conversation to highlight some of the operational and legal challenges that we need to consider in implementing a board review process at HQ. A good portion of the call dealt with the specific issues that would be before the review board for consideration. [redacted] emphasized that the focus should be on the specific issue of deference, and whether or not the decision to change course in our decisions is consistent with our deference policy. While the focus of the review will be on the determination of deference, the review would also have to include, as part of the deference determination, a review of the substantive issue that the officer believed warranted a departure from prior approvals (e.g. were the prior decisions legally deficient such that a departure is justified within the policy).

A decision by the review board regarding the deference (if any) to be accorded based on the prior determinations would then be communicated back to the officers in a manner that explains to them why deference is appropriate (e.g. why the prior determinations were not legally deficient), and this could then be included in the relevant files as part of the record.

The real challenge however (setting aside any legal issues that OCC will need to review) will be determining who will be representing the investors before the board when the issue involves a change at the I-526 or I-829 stages. How many representatives will be allowed to appear (do they have to designate just one, or should we allow multiple so that someone from the regional center as well as one or two attorneys representing the investors may appear)? Regardless of the number (1, 3, or whatever) someone is going to have to make a determination who will represent the class of investors, and not all of the investors might agree. Presumably this is something they will have to work out among themselves, but I think we have to be prepared for issues arising when the investors cannot agree on a representative. Since they will ultimately have to select a designated representative (or group of representatives), we need to include in the notice we send out instructions for them to notify us of the selection prior to the review board hearing (I don't think this last point was discussed during the call, but I added it now while writing up a summary).

[redacted] please feel free to add anything if I have misstated or missed details of the discussion.

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 12:46 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Ok, let's go ahead and just have an initial discussion at 1:00 to start identifying some of the key issues we need to consider and address in order to implement the changes to the review board. For those who cannot make the call, we will try and summarize the call and make sure everyone has a chance to weigh in.

[redacted], can you go ahead and send an invite for a con-call at 1:00 to everyone on this email?

Thanks,
[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 12:42 PM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Go ahead at 1pm if that works for others.

From: [redacted]
Sent: Friday, January 25, 2013 12:33 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

I have a meeting from 2:00 – 3:00, but I'm otherwise available.

From: [redacted]
Sent: Friday, January 25, 2013 12:24 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Ok. Does 2 work better for everyone else?

From: [redacted]
Sent: Friday, January 25, 2013 12:23 PM
To: [redacted]

Adding [redacted]. 2pm would be better for me.

From: [redacted]
Sent: Friday, January 25, 2013 11:21 AM
To: [redacted] Neufeld, [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

I'm available at 1.

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From: [redacted]
Sent: Friday, January 25, 2013 11:20 AM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

Will you all (other than [redacted] who I have just copied for her visibility) be available at 1:00 today for an initial discussion on the review boards so we can start filling in some of the specific questions that will need to be answered?

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 11:15 AM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Thank you very much, [redacted]. I am available as well if needed.
Ali

From: [redacted]
Sent: Friday, January 25, 2013 10:03 AM Eastern Standard Time
To: Mayorkas, Alejandro N; [redacted]
Cc: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Ali,

I completely agree. I can be available for a call today any time after 12:30.

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 09:29 AM Eastern Standard Time
To: [redacted]
Subject: EB-5 Deference Policy and Adjudication Reversals

[redacted]

As you know, I am concerned with the agency's adjudication reversals in EB-5 cases and the related substance and application of our deference policy. While I do not know the specific facts/merits of the particular reversals, I am of the opinion that we have not communicated adequately to the impacted parties. We must fully realize that when we approve a petition, EB-5 investors/job creators may rely on that approval and pursue additional investments or expenditures as a result. When we subsequently reverse course, possible inequities and adverse consequences to legitimate investors/job creators may follow.

I would like to take the following steps:

- Institute a policy, effective immediately, that when we intend to reverse course in a matter, we provide the impacted parties with an opportunity to be heard in person before the decision board.
    - Representation before the decision board is simple when the impacted party is a regional center petitioner. However, when the impacted parties are individual 526 petitioners, representation is not as simple. I propose that the 526 petitioners each receive an identical letter informing each that they must, as a group, select a representative to appear on their collective behalf before the decision board. (I think this is workable in light of the commonality of issues and representation that we have observed in EB-5 cases.).

- The decision board should be comprised of EB-5 experts. An example of an able decision board: [redacted]
- We should draft our template letter of notice and invitation to appear before the decision board immediately. I would like the new letter to be transmitted to parties impacted by recent reversals no later than Tuesday. I would like to review the draft proposed letter.

- I would like SCOPS and OCC leadership to review our deference policy and determine whether it needs to be revised so that its intent is fully realized. If the determination is made that it needs to be revised, I would like the proposed revisions to be presented no later than Wednesday, as we hope to publish our draft policy memorandum later next week.

I am available to meet today or Monday to discuss further. I am working on some proposals to present to you regarding the immediate transformation of the EB-5 office.

Thanks very much.
Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 7:16 PM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

We are working toward the wednesday deadline for presentation to All so there isn't much wiggle room. We need to give it our best on Monday and if it takes til tuesday morning that will have to come off of OCC's time.

From: [redacted]
Sent: Friday, January 25, 2013 05:56 PM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

[redacted] - I know that this is a priority and I am mindful of our discussion on Wednesday to not say anything negative or critical to [redacted] however, turning this around by Monday is unreasonable considering this just came to my attention today.

I am mindful to not appear to be obstructing, but I am also mindful of the significant changes taking place and I have concerns about how fast this is being forced on SCOPS.

If my review is required, I need more time.

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 05:49 PM
To: Neufeld, [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

I reviewed the policy discussion on deference in the attached memo (I think this is the latest version of the draft memo but I am not sure) and added some comments and suggested edits (starting on page 20). I would greatly appreciate your thoughts on the comments/edits (please let me know if they are nonsensical) and if you have any additional comments/edits that would ensure the discussion in the memo is consistent with the intent of the deference policy. I would like to send any concerns/edits we have to OCC early in the afternoon on Monday so they have sufficient time to review before the Wednesday deadline on the deference policy.

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 9:29 AM
To: [redacted]
Subject: EB-5 Deference Policy and Adjudication Reversals

[redacted]

As you know, I am concerned with the agency's adjudication reversals in EB-5 cases and the related substance and application of our deference policy. While I do not know the specific facts/merits of the particular reversals, I am of the opinion that we have not communicated adequately to the impacted parties. We must fully realize that when we approve a petition, EB-5 investors/job creators may rely on that approval and pursue additional investments or expenditures as a result. When we subsequently reverse course, possible inequities and adverse consequences to legitimate investors/job creators may follow.

I would like to take the following steps:

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  - Representation before the decision board is simple when the impacted party is a regional center petitioner. However, when the impacted parties are individual 526 petitioners, representation is not as simple. I propose that the 526 petitioners each receive an identical letter informing each that they must, as a group, select a representative to appear on their collective behalf before the decision board. (I think this is workable in light of the commonality of issues and representation that we have observed in EB-5 cases.).
  - The decision board should be comprised of EB-5 experts. An example of an able decision board: [redacted]
  - We should draft our template letter of notice and invitation to appear before the decision board immediately. I would like the new letter to be transmitted to parties impacted by recent reversals no later than Tuesday. I would like to review the draft proposed letter.
- I would like SCOPS and OCC leadership to review our deference policy and determine whether it needs to be revised so that its intent is fully realized. If the determination is made that it needs to be revised, I would like the proposed revisions to be presented no later than Wednesday, as we hope to publish our draft policy memorandum later next week.

I am available to meet today or Monday to discuss further. I am working on some proposals to present to you regarding the immediate transformation of the EB-5 office.

Thanks very much.
Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave., N.W.
Washington, DC 20529

[redacted]

RE: EB-5 Deference Policy and Adjudication Reversals

From: [redacted]
Sent: 1/30/2013 9:19:00 PM +00:00
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

But not as a general rule. I suppose that would be the "exception?"

[redacted]

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From: [redacted]
Sent: Wednesday, January 30, 2013 4:18 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

We don't track this at all, but yes, there are times that several petitioners are represented by the same attorney.

From: [redacted]
Sent: Wednesday, January 30, 2013 11:32 AM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

Just want to make sure I am representing this G-28 issue correctly? It would be better to assume that I-526 petitioners each have their own representative and that groups of I-526 petitioners are not represented by the same attorney? I understand you don't track this, but I think they are looking for is the typical G-28 breakdown in a RC case.

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From: [redacted]
Sent: Wednesday, January 30, 2013 1:55 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Right, but is it common that one attorney will be the G-28 representative for a large number of the investors under the same project? They would submit a G-28 for each I-526, but if there are 100 investors, how many attorneys are normally representing the 100 investors (assuming each one has a G-28 representative)? 100 attorneys? 3 attorneys? I think they are looking for clarification on how many are typically involved.

From: [redacted]
Sent: Wednesday, January 30, 2013 1:09 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Correct. [redacted] says notice is a greater challenge with I-526 petitions (compared to I-924 applications) because each investor has a different G-28 representative.

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From: [redacted]
Sent: Wednesday, January 30, 2013 1:06 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Just to make sure I understand, it is not typical for the same attorney to be the G-28 representative for multiple I-526 investors under the same RC project?

From: [redacted]
Sent: Wednesday, January 30, 2013 1:02 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

In the typical EB-5 Regional Center case regional center counsel (G-28) is not the same person as individual investors counsel. And with the individual investor counsel it is not typical for each investor to have shared counsel. That is each investor has a unique G-28 representative.

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From: [redacted] H
Sent: Wednesday, January 30, 2013 12:30 PM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

Any thoughts on the answers to Ali's questions on the first point?

From: [redacted]
Sent: Wednesday, January 30, 2013 12:25 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

These appear to be the remaining issues, as laid out by Ali's email. I can meet at 1:00, but does SCOPS have a sense of the answers to Ali's questions on the first point? Namely, diversity of representation among I-526 investors?

Determining who will represent the affected investors presents a significant logistical hurdle as well as legal concerns. Individual investor information is protected by the Privacy Act. It is not clear precisely how each investor will actually acquire the names of the other investors for purposes of selecting representatives. It is possible that the regional center could coordinate the selection of the representatives, but the interests of the regional center may at some point diverge from those of the investors, particularly in circumstances where a regional center business plan is the focus of the inquiry. Additionally, 8 CFR 292.4(a) states that in order for an appearance by a representative to be recognized by DHS, an appearance must be filed on the appropriate form (G-28), signed by the petitioner or applicant. It is not clear whether the selected representatives can properly represent the rest of the EB-5 investors, without a revised G-28 from the affected investors. We can discuss. I need to know some facts to assess how realistic an issue this is, as opposed to academic. For example, is it common for each 526 investor to have distinct representation, or is it more common that one counsel represents the majority of 526 investors, or are they generally unrepresented? I have some ideas as to how to handle; to be discussed.

If USCIS relies upon the regional center to coordinate selection of the representatives, what method will be used to verify that the investors chose the representatives that appear before the agency? See above. OCC should present proposed solutions to this line of inquiry asap today, as notices are being issued today.

From: [redacted]
Sent: Wednesday, January 30, 2013 12:22 PM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

OCC, are you going to be in a position to meet at 1? I know you are reviewing the responses by Ali to the concerns you raised, so please let us know if you would like to meet at 1 to go over the remaining issues and see if there is a way to resolve the issues today or formulate an alternative proposal for Ali to review.

Thanks,

[redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 12:18 PM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Are we meeting at 1?

From: [redacted]
Sent: Wednesday, January 30, 2013 09:59 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Maybe we can have an initial meeting right now [redacted], are you available right now to meet with [redacted]) to start narrowing down the issues that need to be resolved, and we can regroup at 1:00 when more folks are available to go over where we are at that point and finalize items for a meeting this afternoon with Ali.

From: [redacted]
Sent: Wednesday, January 30, 2013 9:54 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Given the need to issue these notices today, I would advise holding your meeting earlier than 1 pm, as these issues need to be teed up right away.

[redacted]

[redacted]

[redacted]

20 Massachusetts Ave., N.W.

Washington, D.C. 20529

[redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 9:54 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Okay. 1:00 PM works for me as well (although I have a 2:00 PM teleconference). FYI -- [redacted] is out this morning.

From: [redacted]
Sent: Wednesday, January 30, 2013 9:52 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

It may be simplest just to meet in your office or the OCC conference room (if it is available).

From: [redacted]
Sent: Wednesday, January 30, 2013 9:50 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

[redacted]

I'm available. Where do you want to meet?

Best,

[redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 9:47 AM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

Do you have time to meet this morning to go through these issues and narrow this down for a meeting with Ali to finalize the notice (or present alternative proposals for him to review)? Given the need to send these out today, and his schedule today, it would be great if we could all resolve these issues asap and then meet with him just to confirm any last minute details that remain unresolved. Can we have a quick meeting at 10:00 to go over the remaining issues and figure out what, if anything, will need to be resolved in a 15 minute meeting with Ali?

Thanks,

[redacted]

From: Mayorkas, Alejandro N
Sent: Wednesday, January 30, 2013 9:31 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Thank you. I just reviewed this. I am available to meet today and can resolve these issues in a 15-minute meeting, if necessary. The notices are to be issued today. My preliminary comments are below, drafted rapidly as I am incredibly busy this morning. Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

From: [redacted]

Sent: Tuesday, January 29, 2013 6:09 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Ali,

We have drafted up a notice for a review board hearing, consistent with the framework you proposed below, in cases where USCIS is changing course on an issue which applies to a group of I-526 investors similarly situated under a regional center project. For your reference I have attached the version with OCC's comments (and some comments I originally posed) as well a clean version for ease of reading. OCC has reviewed the draft and raised some concerns about the process involved:

- Risk of establishing such a mechanism without notice and comment rulemaking is mitigated somewhat by the fact that participation in the process is voluntary and adds an opportunity for the petitioners to be heard. OCC previously cleared the previously-announced decision board process. This is not an issue.
- The new process could essentially confer a type of "standing" on I-526 petitioners in relation to regional center adjudications. USCIS has traditionally argued that individual investors do not have standing to be represented, i.e., they are not treated as a recognized party in regional center proceedings. To the extent that this process may be viewed as treating the investors as parties to the regional center proceedings it would then give the investors that authority to inspect the entire record per 8 CFR 294.2, which would likely meet with resistance from the regional center if it has protected business information in the file. This is mistaken. If it is a decision reversal in the regional center adjudication itself, then the regional center petitioner is the party in interest and there is no issue. If it is a decision reversal in the 526 context, then the affected 526 community is, collectively, the party in interest to the extent that the decision reversal involves questions/issues common to the 526 community. How the 526 community is to be represented before the decision board is a valid question to be discussed.

The agency should consider issuing guidance to the adjudicators to aid in determining which cases are appropriate for the Review Board. For example, will every case that does not receive deference be afforded the opportunity to appear before the Review Board or will the Review Board be implemented based on specific criteria (number of affected investors, issues specific to the business plan, etc.)? Reversal of prior decision is the standard. New deference policy language being drafted, should mirror the concept of "law of the case."

Determining who will represent the affected investors presents a significant logistical hurdle as well as legal concerns. Individual investor information is protected by the Privacy Act. It is not clear precisely how each investor will actually acquire the names of the other investors for purposes of selecting representatives. It is possible that the regional center could coordinate the selection of the representatives, but the interests of the regional center may at some point diverge from those of the investors, particularly in circumstances where a regional center business plan is the focus of the inquiry. Additionally, 8 CFR 292.4(a) states that in order for an appearance by a representative to be recognized by DHS, an appearance must be filed on the appropriate form (G-28), signed by the petitioner or applicant. It is not clear whether the selected representatives can properly represent the rest of the EB-5 investors, without a revised G-28 from the affected investors. We can discuss. I need to know some facts to assess how realistic an issue this is, as opposed to academic. For example, is it common for each 526 investor to have distinct representation, or is it more common that one counsel represents the majority of 526 investors, or are they generally unrepresented? I have some ideas as to how to handle; to be discussed.

If USCIS relies upon the regional center to coordinate selection of the representatives, what method will be used to verify that the investors chose the representatives that appear before the agency? See above. OCC should present proposed solutions to this line of inquiry asap today, as notices are being issued today.

Does the Review Board process contemplate notice to the regional center as well as the investors? If the regional center is coordinating representation, USCIS will need to draft a notice for the regional center as well. Why not same notice, cc'ing regional center.

The success of the Review Board will depend upon the specificity with which the critical issues are identified for the investors We should meet that standard of quality.

In light of the concerns raised, please let us know if you would still like to proceed with this approach/framework or if you wish to engage in further discussions with the group in terms of the procedural aspects of the review board hearing. I am available for a 15-minute meeting today. Proposals should be in hand. Thanks.

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 9:29 AM
To: [redacted]
Subject: EB-5 Deference Policy and Adjudication Reversals

[redacted]

As you know, I am concerned with the agency's adjudication reversals in EB-5 cases and the related substance and application of our deference policy. While I do not know the specific facts/merits of the particular reversals, I am of the opinion that we have not communicated adequately to the impacted parties. We must fully realize that when we approve a petition, EB-5 investors/job creators may rely on that approval and pursue additional investments or expenditures as a result. When we subsequently reverse course, possible inequities and adverse consequences to legitimate investors/job creators may follow.

I would like to take the following steps:

Institute a policy, effective immediately, that when we intend to reverse course in a matter, we provide the impacted parties with an opportunity to be heard in person before the decision board.

- Representation before the decision board is simple when the impacted party is a regional center petitioner. However, when the impacted parties are individual 526 petitioners, representation is not as simple. I propose that the 526 petitioners each receive an identical letter informing each that they must, as a group, select a representative to appear on their collective behalf before the decision board. (I think this is workable in light of the commonality of issues and representation that we have observed in EB-5 cases.).
- The decision board should be comprised of EB-5 experts. An example of an able decision board: [redacted], [redacted].

EM-0000438

- We should draft our template letter of notice and invitation to appear before the decision board immediately. I would like the new letter to be transmitted to parties impacted by recent reversals no later than Tuesday. I would like to review the draft proposed letter.

I would like SCOPS and OCC leadership to review our deference policy and determine whether it needs to be revised so that its intent is fully realized. If the determination is made that it needs to be revised, I would like the proposed revisions to be presented no later than Wednesday, as we hope to publish our draft policy memorandum later next week.

I am available to meet today or Monday to discuss further. I am working on some proposals to present to you regarding the immediate transformation of the EB-5 office.

Thanks very much.

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

Message Headers:

[redacted]

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From: [redacted]
Sent: Wednesday, January 30, 2013 12:20 PM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

I haven't read their comments but we should be sure to chime in on anything operational. I just want to make sure the pain of delivering potentially unwelcome news is shared and bourne by the appropriate parties.

From: [redacted]
Sent: Wednesday, January 30, 2013 09:05 AM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Got it. I agree with OCC, though, and think the they raise many concerns pertaining to operations.

From: [redacted]
Sent: Wednesday, January 30, 2013 11:38 AM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

Thanks, [redacted] I understand it is a tough place for OCC given Ali's interest to move quickly but they need to carry their own water.

From: [redacted]
Sent: Wednesday, January 30, 2013 07:03 AM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

I don't know if you had a chance to look at OCC's comments, but they blew the paper out of the water on numerous legal and policy grounds. Considering the severity and substantial nature of their comments, I can't imagine them being resolved today.

I will talk to OCC about how they want to proceed.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 10:01 AM
To: [redacted]
Subject: Re: EB-5 Deference Policy and Adjudication Reversals

You may be right, but that will need to be explained to Ali since he set the deadline. OCC should be prepared to present their concerns in today's meeting.

From: [redacted]
Sent: Wednesday, January 30, 2013 06:56 AM
To: [redacted]

Subject: Fw: EB-5 Deference Policy and Adjudication Reversals

This really needs to slow down. OCC had major comments and legal issues. I understand that Ali wants it immediately, but at what cost?

From: [redacted]
Sent: Wednesday, January 30, 2013 09:47 AM
To: [redacted]
Subject: FW: EB-5 Deference Policy and Adjudication Reversals

Do you have time to meet this morning to go through these issues and narrow this down for a meeting with Ali to finalize the notice (or present alternative proposals for him to review)? Given the need to send these out today, and his schedule today, it would be great if we could all resolve these issues asap and then meet with him just to confirm any last minute details that remain unresolved. Can we have a quick meeting at 10:00 to go over the remaining issues and figure out what, if anything, will need to be resolved in a 15 minute meeting with Ali?

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Wednesday, January 30, 2013 9:31 AM
To: [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Thank you. I just reviewed this. I am available to meet today and can resolve these issues in a 15-minute meeting, if necessary. The notices are to be issued today. My preliminary comments are below, drafted rapidly as I am incredibly busy this morning. Thanks. Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 6:09 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: RE: EB-5 Deference Policy and Adjudication Reversals

Ali,

We have drafted up a notice for a review board hearing, consistent with the framework you proposed below, in cases where USCIS is changing course on an issue which applies to a group of I-526 investors similarly situated under a regional center project. For your reference I have attached the version with OCC's comments (and some comments I originally posed) as well a clean version for ease of reading. OCC has reviewed the draft and raised some concerns about the process involved:

- Risk of establishing such a mechanism without notice and comment rulemaking is mitigated somewhat by the fact that participation in the process is voluntary and adds an opportunity for the petitioners to be heard. OCC previously cleared the previously-announced decision board process. This is not an issue.

- The new process could essentially confer a type of "standing" on I-526 petitioners in relation to regional center adjudications. USCIS has traditionally argued that individual investors do not have standing to be represented, i.e., they are not treated as a recognized party in regional center proceedings. To the extent that this process may be viewed as treating the investors as parties to the regional center proceedings it would then give the investors that authority to inspect the entire record per 8 CFR 294.2, which would likely meet with resistance from the regional center if it has protected business information in the file. This is mistaken. If it is a decision reversal in the regional center adjudication itself, then the regional center petitioner is the party in interest and there is no issue. If it is a decision reversal in the 526 context, then the affected 526 community is, collectively, the party in interest to the extent that the decision reversal involves questions/issues common to the 526 community. How the 526 community is to be represented before the decision board is a valid question to be discussed.

- The agency should consider issuing guidance to the adjudicators to aid in determining which cases are appropriate for the Review Board. For example, will every case that does not receive deference be afforded the opportunity to appear before the Review Board or will the Review Board be implemented based on specific criteria (number of affected investors, issues specific to the business plan, etc.)? Reversal of prior decision is the standard. New deference policy language being drafted, should mirror the concept of "law of the case."

- Determining who will represent the affected investors presents a significant logistical hurdle as well as legal concerns. Individual investor information is protected by the Privacy Act. It is not clear precisely how each investor will actually acquire the names of the other investors for purposes of selecting representatives. It is possible that the regional center could coordinate the selection of the representatives, but the interests of the regional center may at some point diverge from those of the investors, particularly in circumstances where a regional center business plan is the focus of the inquiry. Additionally, 8 CFR 292.4(a) states that in order for an appearance by a representative to be recognized by DHS, an appearance must be filed on the appropriate form (G-28), signed by the petitioner or applicant. It is not clear whether the selected representatives can properly represent the rest of the EB-5 investors, without a revised G-28 from the affected investors. We can discuss. I need to know some facts to assess how realistic an issue this is, as opposed to academic. For example, is it common for each 526 investor to have distinct representation, or is it more common that one counsel represents the majority of 526 investors, or are they generally unrepresented? I have some ideas as to how to handle; to be discussed.

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- Does the Review Board process contemplate notice to the regional center as well as the investors? If the regional center is coordinating representation, USCIS will need to draft a notice for the regional center as well. Why not same notice, cc'ing regional center.

- The success of the Review Board will depend upon the specificity with which the critical issues are identified for the investors. We should meet that standard of quality.

In light of the concerns raised, please let us know if you would still like to proceed with this approach/framework or if you wish to engage in further discussions with the group in terms of the procedural aspects of the review board hearing. I am available for a 15-minute meeting today. Proposals should be in hand. Thanks.

Thanks,
[redacted]

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 9:29 AM
To: [redacted]

As you know, I am concerned with the agency's adjudication reversals in EB-5 cases and the related substance and application of our deference policy. While I do not know the specific facts/merits of the particular reversals, I am of the opinion that we have not communicated adequately to the impacted parties. We must fully realize that when we approve a petition, EB-5 investors/job creators may rely on that approval and pursue additional investments or expenditures as a result. When we subsequently reverse course, possible inequities and adverse consequences to legitimate investors/job creators may follow.

I would like to take the following steps:

- Institute a policy, effective immediately, that when we intend to reverse course in a matter, we provide the impacted parties with an opportunity to be heard in person before the decision board.
  - Representation before the decision board is simple when the impacted party is a regional center petitioner. However, when the impacted parties are individual 526 petitioners, representation is not as simple. I propose that the 526 petitioners each receive an identical letter informing each that they must, as a group, select a representative to appear on their collective behalf before the decision board. (I think this is workable in light of the commonality of issues and representation that we have observed in EB-5 cases.).
  - The decision board should be comprised of EB-5 experts. An example of an able decision board: [redacted]
  - We should draft our template letter of notice and invitation to appear before the decision board immediately. I would like the new letter to be transmitted to parties impacted by recent reversals no later than Tuesday. I would like to review the draft proposed letter.
- I would like SCOPS and OCC leadership to review our deference policy and determine whether it needs to be revised so that its intent is fully realized. If the determination is made that it needs to be revised, I would like the proposed revisions to be presented no later than Wednesday, as we hope to publish our draft policy memorandum later next week.

I am available to meet today or Monday to discuss further. I am working on some proposals to present to you regarding the immediate transformation of the EB-5 office.

Thanks very much.
Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services

FW: Message from Ed Rendell

From: "Kroloff, Noah" [redacted]>
Sent: 1/28/2013 10:40:14 PM +00:00
To: "Mayorkas, Alejandro N" [redacted]
[redacted]>
Subject: FW: Message from Ed Rendell

What, if anything, would you like me to say back? Or should I loop him with you directly?

From: [redacted]
Sent: Monday, January 28, 2013 4:02 PM
To: [redacted]nna; Kroloff, Noah
Subject: Message from Ed Rendell

Message from Ed Rendell

Noah-

I hate to be a huge pain in the ass, but CanAm's EB5 deal with Time Warner expires on January 31st. If that happens, we will loose over 100 million dollars of investment and over 2,500 hundred jobs. What makes this all so ridiculous is that it is exactly the same deal that the California office approved between CanAm and Sony over a year ago.

-Ed

[redacted]

EDWARD G. RENDELL, LLC

[redacted]

PHILADELPHIA, PA | 19102

[redacted]

Message Headers: [redacted]

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PR_RIM_INTERNET_MESSAGE_ID: <4C0462331BAEDA4084AC6BBEE654A7050DD5073A@D2ASEPRSH132.DSA.DHS>

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 12:04 AM
To: [redacted]
[redacted]
Subject: Re: EB-5 litigation

Thanks, [redacted]. The whole thing is unsettling. Hopefully we can wash our hands soon. Thanks for taking the copious notes.

----- Original Message -----
From: [redacted]
Sent: Wednesday, January 30, 2013 08:06 PM
To: [redacted]
[redacted]
Subject: EB-5 litigation

Hi [redacted] - I attended a 4pm EB-5 mtg for you today. [redacted] attended as well, though he was not invited via the initial invite or by me. [redacted]t stayed after the meeting to listen in on a call Ali had with a private sector attorney.

The lawyers want USCIS to settle the litigation because we plan on releasing new guidance allowing for material change. Summary judgment motions are due Fri.

From a strategic position, the lawyers believe the agency will look bad in front of the court in light of the new policy. They also noted that the judge seems to want this case to go to trial.

The lawyers recommend that we reopen the 143 cases at issue (I-829 petitions) and adjudicate on the merits (and, it seems, on the future material change policy). I understand the push for settlement, though I am concerned about the precedent, namely are we going to retroactively apply policy guidance that is favorable?

We discussed the potential of future cases rolling into the class action, but the lawyers think the chances are slim. We may see MTRs once the new guidance comes out.

Our tasks: (1) determine what relief we could give; and (2) give some sort of time frame to adjudicate the cases. Settlement won't impact resolution of the cases (we adjudicate normally, just eliminate material change as a basis for denial).

In addition, the hold on the 110 cases involving pending I-526s and material change may be lifted because there is no legal basis for material change during the pendency of the I-526.

We also discussed the review board. Ali insists that the notices go out tomorrow so that the public knows we are taking action when a reversal results in inequity. Ali thought [redacted] notice was superb. OCC said nothing about their significant objections, so I stayed quiet.

Ali commented that [redacted] were taking "copious notes.". I'm not sure why this concerned him. I knew I needed to report the details to you. The comment was unsettling.

Please let me know if you want more information.

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 3:52 PM
To: [redacted]
Subject: FW: Notice of Review Board Interview Hearing

From: [redacted]
Sent: Thursday, January 31, 2013 3:51 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Notice of Review Board Interview Hearing

Hi [redacted]

The notice to be sent out today relates to the LACRC IV. The notice needs to be sent to the regional center. It is my understanding that the Wisconsin dorm case also involves a similar change in course in adjudicating the I-526s, in which case the same notice/invitation should be sent to the regional center in that situation. The affected I-526s will be notified that the regional center has been issued a notice of invitation to appear before the review board, but we can confirm separately if that will consist of providing a copy of the notice sent to the regional center or a separate correspondence.

I think the decision was made that cases may be re-opened based on what is learned at the interview hearing, but I have not heard anything about re-opening cases before then.

Moving forward, the request to appear before the review board on the change of course (deference policy) will need to be sent before the decision is issued. For right now, the only cases that I am aware of that are presently affected are the LA films case and the Wisconsin dorm cases.

Once the notice has been sent, and the regional center has confirmed that they will appear before the review board, we will coordinate with you on the background info that will we need and other logistical details.

Thanks,
[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 3:21 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Notice of Review Board Interview Hearing

I am confused now. I was under the impression that you were preparing a notice for Los Angeles County Regional Center IV, LP. And, you mentioned in our phone conversation earlier that you were planning to have a notice issued to the regional center only, not the 526s. (It looks like that may be the case, but you are referencing "EB-5 cases" so I want to be clear.) Has that changed? Are there plans to reopen on a service motion or is the plan to wait until after the review board interview?

Your second sentence is also causing me concern... are you talking about the ones you mention only or are we supposed to try to identify any cases in the past (such as with the dorms)? And, if so, how would I identify those? In addition, closed I-526s are not retained on site (which would include the dorm cases).

Am I supposed to send out notices to regional centers at the same time cases are referred (although I still am not clear on how referrals are made)?

Did you not want the background information on Los Angeles County Regional Center IV or the files?

This was the logistics part that I was talking about this morning when we briefly discussed the questions I sent. I'm concerned that there is a deadline to notify the stakeholder, but we aren't even clear on the process yet.

I will work on getting the contact information for LACRC IV so this can be sent out today.

From: [redacted]
Sent: Thursday, January 31, 2013 10:42 AM
To: [redacted]
Subject: Notice of Review Board Interview Hearing
Importance: High

H[redacted]

Attached please find a template notice of review board interview to be sent to the EB-5 Regional Center involved in these situations. Please issue the notice today to EB-5 cases where USCIS has already issued 526 denials on facts that it had previously approved (I believe that applies to the Los Angeles County Regional Center, Los Angeles County Regional Center IV, LP, and a Wisconsin dorm case – although I am not familiar with the facts of that case). My understanding is that in the future, USCIS will want to offer such review board opportunities before any determination is made not to defer to prior decisions, so the notices for those types of cases should be modified accordingly if/when the time comes.

Please confirm once the notices have been sent to the two regional centers presently identified as falling under the new review board parameters.

Thanks,
[redacted]

[redacted]

From: [redacted]
Sent: Monday, February 04, 2013 10:16 AM
To: [redacted]
[redacted]
Subject: FW: Inquiry

For archives

From: [redacted]
Sent: Monday, February 04, 2013 9:59 AM
[redacted]

[redacted]

Hi [redacted]

I listened in on a couple of conversations with him. Basically, he left several messages for the Director about the change in course in the LA films case, and the Director returned his call, told him he would not discuss the specifics of the case, but that he would look into the claim that USCIS was not adhering to the deference policy. The second conversation was after a decision was made to establish an HQ level review board and to send out an invitation in the LA films case as the initial situation where the deference policy would be reviewed to determine if it was applied correctly, and the Director simply informed him that a notice was being sent out for a review board hearing. Those are the only conversations I was privy to.

Thanks,
[redacted]

From: [redacted]
Sent: Monday, February 04, 2013 9:33 AM
To: [redacted]
Subject: Inquiry

Hi [redacted] I have an inquiry and before I respond I wanted to get a read from you on what if any discussions you were privy to with Tom Rosenfeld. Since he has several projects in the works, I just wanted to get a high level sense of the topic of the conversation. Hope everyone is feeling better and that you have a safe flight. Enjoy California and eat some good Mexican food while you are out there.

Thanks

RE: Los Angeles County Regional Center IV, LP, ID 1031910146 - Deference Review Board Appointment Notice

From: [redacted]

Sent: 3/4/2013 2:14:28 PM +00:00

To: [redacted]

Subject: RE: Los Angeles County Regional Center IV, LP, ID 1031910146 - Deference Review Board Appointment Notice

Ali made it clear he wants the Board to meet on the week of the 11th. We need to throw together a process, board members, and get people reviewing the issues related to deference. Security will not be a part of the discussions, of course, but BV mentioned earlier that there may be some concerns in that area.

I'll take your name off the potential list, since I think we can do that and still have enough talent on the Board.

From: [redacted]
Sent: Monday, March 04, 2013 9:06 AM
To: [redacted]
Subject: FW: Los Angeles County Regional Center IV, LP, ID 1031910146 - Deference Review Board Appointment Notice

Good morning [redacted] As far as I know we have no real plan in place for conducting this Deference Review Board hearing. Unless you know more than I do, perhaps you could check in with [redacted] and [redacted] in that regard. Whatever the current state of play is, it looks like we need a plan for March 15th.

From: [redacted]
Sent: Friday, March 01, 2013 8:41 PM
To: [redacted]
Subject: FW: Los Angeles County Regional Center IV, LP, ID 1031910146 - Deference Review Board Appointment Notice

I just wanted to let all of you know that the appointment notice went out earlier today to Tom Rosenfeld, as requested. As you can see, he has already responded to the notification. His response is directly below as well as the notification we sent him.

Respectfully,

[redacted]

California Service Center

[redacted]

From: Tom Rosenfeld [redacted]
Sent: Friday, March 01, 2013 3:55 PM
To: USCIS Immigrant Investor Program
Cc: [redacted]
Subject: Re: Los Angeles County Regional Center IV, LP, ID 1031910146 - Deference Review Board Appointment Notice

EM-0000463

Dear Immigrant Investor Program,

Thank you for your notice.

We are pleased to confirm our availability for the EB-5 Deference Review Board Interview for Los Angeles County Regional Center IV, LP on March 15, 2013 at 1:00 p.m. at USCIS Headquarters, [redacted] Washington D.C.

We understand that the Review Board Interview process is new and that formal rules may not yet be available. However, to ensure we are responsive and sensitive to your direction for the meeting, please advise us of any general guidelines you would like us to observe. It will also be helpful to know who will be present at the meeting.

Once again, thank you for your invitation.

Tom Rosenfeld

Tom Rosenfeld
Wall Street Plaza
[redacted]
New York, N.Y. 10005
[redacted]

On Mar 1, 2013, at 3:11 PM, USCIS Immigrant Investor Program
<[redacted]v> wrote:

Dear Mr. Rosenfeld,

USCIS has identified March 14th, 2013, at 11:00 a.m. and March 15th, 2013, at 1:00 p.m. as available dates and times for the EB-5 Deference Review Board Interview for Los Angeles County Regional Center IV, LP. The location of the interview will be USCIS Headquarters, [redacted] Washington D.C.

Please confirm your availability for one of the above dates and times for the interview. If these times are not convenient, please let us know a couple of alternative dates and times, on or about March 14th, so that we can agree upon a mutually convenient time for the interview.

Thank you,

Immigrant Investor Program

PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_REF_ID:	-2018012643
PR_RIM_PAGER_TX_FLAG:	true
PR_RIM_MSG_STATUS:	1
PR_RIM_MSG_FOLDER_ID:	-226
PR_RIM_INTERNET_MESSAGE_ID:	<4042AC0F94DB5248B79C880CA3983D5105F2971C70@DC2-EXMB-C1-07.cis1.cisr.uscis.dhs.gov>

[redacted]

From: [redacted]
Sent: Tuesday, March 19, 2013 7:10 AM
To: [redacted]
Subject: FW: Los Angeles Regional Center

[redacted] thoughts on other opinions that may be of interest.

From: [redacted]
Sent: Tuesday, March 19, 2013 6:54 AM
To: [redacted]
Subject: RE: Los Angeles Regional Center

[redacted]

Maybe we should have the officer that approved the petition brief on why deference should be owed. I don't think she made a deliberative decision. She was not on the specialization team and she did not consult with the team. It appears that it was a simple mistake. And it is absurd to me to accord deference to simple mistakes.

An AAO quote that I think addresses this perfectly:

"The AAO is not required to approve applications or petitions where eligibility has not been demonstrated, merely because of prior approvals that may have been erroneous. See e.g. Matter of Church Scientology International, 19 I&N Dec. 593, 597 (Comm. 1998). It would be absurd to suggest that USCIS or any agency must treat acknowledged errors as binding precedent. Sussex Engg. Ltd. V. Montgomery, 825 F.2d 1084, 1090 (6th Cir. 1987), cert. denied, 485 U.S. 1008 (1988)."

I think it would also be prudent to have one of the economists share their perspective on this as well.

[redacted]

From: [redacted]
Sent: Monday, March 18, 2013 5:35 PM
To: [redacted]
Subject: RE: Los Angeles Regional Center

As we also worked closely with counsel [redacted] on this denial, would it be prudent to have counsel present in this discussion as well?

From: [redacted]
Sent: Monday, March 18, 2013 5:31 PM
To: [redacted]
Subject: FW: Los Angeles Regional Center
Importance: High

FYI

From: [redacted]
Sent: Monday, March 18, 2013 4:53 PM
To: [redacted]

Subject: Los Angeles Regional Center
Importance: High

There is a chance that [redacted] wants to hear our perspective on LACRC. We should be prepared to have the officer brief on why we felt deference was not owed.

RE: Where is our deference review board policy?

From: [redacted]
Sent: 5/7/2013 7:32:41 PM +00:00
To: [redacted]
Subject: RE: Where is our deference review board policy?

Hi [redacted]

Sorry for answering late (my fault – [redacted] reminded me this was outstanding). I don't think we are legally required to have a written, formal policy. However, it would probably be advantageous for us to develop one (or at least some sort of process flow work paper) so that we could - if called upon by the Hill, in litigation, by stakeholders etc – explain how such process works and how it is applied consistently throughout. The other concern of course is that absent such policy or operational guidance, it is uncertain how adjudicators know when the deference review board is appropriate (which goes to the consistency concern as well).

[redacted]

Department of Homeland Security

USCIS Chief Counsel's Office

[redacted]

From: [redacted]
Sent: Thursday, May 02, 2013 2:28 PM
To: [redacted]
Subject: RE: Where is our deference review board policy?

Bunch of emails and invitation, but no formalized "policy" – but is one needed since the deference interview was merely a process employed consistent with the regulatory authority? Drafted a proposed process flow but it remains a work in progress. We also don't have a "policy" for the decision board in CSC – all we had was a proposal that was issued publicly a couple of years ago, but I am not aware of anything that has been formalized thereafter in terms of policy, process, or otherwise (although every ITD contains a statement noting that they can request a decision board hearing). Would we need a formalized "policy" for the decision board?

From: [redacted]
Sent: Thursday, May 02, 2013 2:19 PM
[redacted]
Subject: Where is our deference review board policy?

Do we have a "policy" on it or was it a whole bunch of emails and an invitation to the time warner folks?

[redacted]

[redacted]

69C6AF7A77DE9F60B06702A0F02@DC2-EXMB-C1-07.cis1.cisf.uscis.dhs.gov>

[redacted]

From: [redacted]
Sent: Thursday, January 24, 2013 4:45 PM
To: [redacted]
Subject: Fw: SLS expedite request - letter from SelectUSA
Attachments: SLS EB5 Expedite Request.doc

Have we had this group weigh in before? I am feeling really yucky about how things are being handled and maybe it is my being out of the loop but I don't recall seeing these folks opine before and wonder how they even know who to send this to. I fear we are entering a whole new phase of yuck

---

From: [redacted]
Sent: Thursday, January 24, 2013 04:24 PM Eastern Standard Time
To: [redacted]
Subject: FW: SLS expedite request - letter from SelectUSA

Attached please find a letter that I received from the Executive Director of SelectUSA with the U.S. Department of Commerce regarding this expedite request. SelectUSA was established by executive order and is part of an interagency working group, and I think it is very compelling that they have reviewed this project and requested expedited processing on behalf of the pending petitions. Given this additional request, and the support of folks from DOC who have reviewed the situation, I think we need to go ahead and expedite the processing of these cases.

Thanks,
[redacted]

From: Steve Olson [[redacted]]
Sent: Thursday, January 24, 2013 3:33 PM
To: [redacted]
Subject: RE: USCIS POC

Steven J Olson
Executive Director
SelectUSA

Senior Advisor to the Secretary
U.S. Department of Commerce
[redacted]
Washington, DC 20230
[redacted]

[redacted] | www.selectusa.gov

January 24, 2013

U.S. Citizenship and Immigration Services
[redacted]
Immigrant Investor Program (EB-5)
[redacted]
Washington, DC 20529

Subject: SelectUSA request to expedite I-526 Petitions Associated with the SLS Las Vegas Sahara Hotel & Casino EB-5 Project in Nevada

Dear [redacted]

SelectUSA formally requests expedited resolution of a group of I-526 petitions currently being reviewed by the EB-5 service center. The petitions in question are related to the SLS Las Vegas Sahara Hotel & Casino project in Las Vegas, Nevada.

Created by Executive Order 13577 by President Barack Obama June 15, 2011, SelectUSA is a government-wide initiative to attract and retain investment in the American economy. The mission of SelectUSA is to facilitate business investment in the United States in order to create jobs, spur economic growth, and promote U.S. competitiveness. The Initiative provides enhanced coordination of Federal activities through the Interagency Investment Working Group (IIWG) in order to increase the impact of Federal resources that support both domestic and foreign investment in the United States. The Department of Homeland Security is a participant of the IIWG. The Initiative works on behalf of the entire nation and exercises strict neutrality with regard to specific locations within the United States.

One of SelectUSA's roles, as set forth in the executive order, is to serve as a federal ombudsman for the business investment community. SelectUSA helps firms on a case-by-case basis to navigate the U.S. federal regulatory process and seeks timely resolution of administrative or process delays on their behalf. Often, such delays can put an investment project at risk, impacting the economic growth and job creation in the United States. Our intention is not to seek a favorable response or to circumnavigate the necessary security review that your agency provides. Rather, we are writing to flag this case for your attention and to seek expedited resolution for this project.

Members of my SelectUSA staff have had several phone calls, email exchanges, and an in person meeting with SLS project leadership dating back to early October 2012, reviewing the merits of the project. On December 14th, SelectUSA hosted a meeting in Washington, DC with [redacted], Owner of Stockbridge Capital Group, [redacted], Managing Director of Stockbridge Real Estate Fund, [redacted], President & COO of SLS Las Vegas, [redacted], DHS Private-Sector Office, and SelectUSA leadership. In this meeting, Stockbridge/SLS presented a comprehensive, shovel-ready hotel/casino development plan, including sound financials (secured Senior Capital from JPMorgan in the amount of $300 million), a track record of past successes of casino/hotel developments, and compelling case utilizing EB-5 capital that will conservatively create 8,600 jobs in Las Vegas.

The extraordinary circumstances for this letter are based on terms that require $115 million in EB-5 capital to contribute to a shovel-ready project that stands to create 8,600 jobs in an area of high unemployment. The financing structure of the project requires that I-526 petitions for 23 applicants (10% of the EB-5 capital) be adjudicated by February 4, 2013. Not doing so by February 4th may put the senior capital at risk and derail the project.

It is our request that an expedited resolution be communicated to SLS as soon as possible. Thank you for your assistance in this request and please let me know if I or my staff can be of further assistance.

Sincerely,

Steve Olson
Executive Director
SelectUSA
U.S. Department of Commerce

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 1:23 PM
To: [redacted]
Subject: Fw: Expedite Request for SLS Lender, LLC

Fyi just sharing since I am so flabbergasted

From: [redacted]
Sent: Friday, January 25, 2013 01:21 PM Eastern Standard Time
To: [redacted]
Subject: Fw: Expedite Request for SLS Lender, LLC

There will be 200 of these? And we just give full deference to commerce? And now we have to explain ourselves to the director? Will anyone ever deny an expedite again?

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 01:16 PM Eastern Standard Time
To: [redacted]
Subject: RE: Expedite Request for SLS Lender, LLC

[redacted], I mentioned to you the Department of Commerce letter, which I read, because it underscores our need to develop expertise on a fast/urgent track (the Department with the relevant expertise believes that, contrary to our adjudication, the expedite criteria have been met). I did not wish to get involved in the case itself. Having now read your email, I am surprised by our response. For example, the petitioner has to present evidence of a request for an extension of time from the funder, or an explanation of why such a request was not submitted? Are we imposing that condition ourselves now? I will defer to those with adjudications experience. I must ask whether, based on the deal document and given the Department of Commerce's view, are we following the law applicable to the standard of proof? I would like each of your views.

Thanks. Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 12:56 PM
To: Mayorkas, Alejandro N
Cc: [redacted]
Subject: FW: Expedite Request for SLS Lender, LLC

I spoke with CSC a few minutes ago. They had already taken steps to expedite even though they have asked for evidence in support of the expedite requests. The files were delivered to the economists yesterday for their review with an understanding of the urgency. The thinking was that they wanted to be positioned to meet the deadline assuming the requested evidence would be provided.

From: [redacted]
Sent: Wednesday, January 23, 2013 8:34 PM
To: [redacted]
Subject: Re: Expedite Request for SLS Lender, LLC

Hi [redacted]

This looks great. Thanks for all your hard work on this.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 08:26 PM Eastern Standard Time
To: [redacted]
Subject: FW: Expedite Request for SLS Lender, LLC

[redacted]
We have received several expedite requests submitted for the Las Vegas Regional Center (NCE SLS Lender, LLC). My last count was 17 requests. (There also appears to be several different names being used for the NCE, but we have confirmed all the requests are related.) We are planning to send the same response to all requesters using the Immigrant Investor Mailbox. Just as a side note, there are currently only 47 of the potential 230 I-526 petitions filed at this time.

[redacted]

Mr. / Ms. ,

At this time, additional information is required to facilitate the adjudication of your request for expedited processing of the I-526 petition(s) associated with SLS Lender, LLC. Please provide the following:

- Copies of the executed agreement with JP Morgan securing funds held in escrow awaiting twenty three (23) EB-5 approvals.
- Explanation and evidence of efforts made to obtain an extension on the agreement with JP Morgan. If this is not an option for SLS Lender LLC, please provide an explanation with supporting evidence as to why this is not feasible.
- The expedite request indicates potential for severe financial loss and that expediting the adjudication of the petitions is of compelling interest to the US. Considering the nature and investment requirements of the immigrant investor program, please explain and provide evidence that demonstrates how this potential for loss is extraordinary and should mandate the prioritization of these petitions over other EB-5 investor petitions.

Respectfully,
USCIS Immigrant Investor Program

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 7:43 PM
To: [redacted]
Subject: Re: SLS Las Vegas USCIS Response Letters

[redacted] - I appreciate that you let me know about the meeting and believe that you acted appropriately.

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 05:50 PM
To: [redacted]
Subject: Re: SLS Las Vegas USCIS Response Letters

All:

I was forwarded an invite for a 4:30 meeting and was asked to call in, which I did. It was with the Director and he expressed that from a Customer Service standpoint it might be good to inform them of the expedite, but by no means does that mean we will make decisions by Monday and that it only means we move them to the front of the line and any concerns will be resolved before adjudication of any case.

I concurred from a customer service standpoint and expressed that it was my understanding that we had RFEs to issue, which buys us time to explore the possible NS concerns in the meantime which is necessary in this case.

It seemed like we were on the same page regarding the customer service approach and that no cases would be adjudicated until they were absolutely ready so they let me go.

I wasn't sure who else was at the meeting but I called in as soon as I got the email. I wasn't on long, maybe a few minutes. I apologize if I spoke or acted out of turn, I just wanted to be responsive to the Director.

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 02:20 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

At 4:45.

From: [redacted]
Sent: Thursday, January 31, 2013 5:19 PM
To: [redacted]

Cc: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

I would like to know when? And I would like to keep this communication internal to SCOPS.

From: [redacted]
Sent: Thursday, January 31, 2013 5:19 PM
[redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

It was communicated by the Director.

From: [redacted]
Sent: Thursday, January 31, 2013 5:15 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

[redacted] – How was this decision communicated to you?

From: [redacted]
Sent: Thursday, January 31, 2013 5:05 PM
To: [redacted]
Subject: FW: SLS Las Vegas USCIS Response Letters

Hi [redacted],

The Director would like us to issue correspondence to the regional center to let them know that we granted their expedite request, but in our preliminary review of the files we have identified substantive issues that will need to be resolved before we can finalize processing of the petitions. While these issues will not be resolved prior to February 4th (the date the conditions for the Senior Loan are to be satisfied), we will continue to expedite the petitions.

Please let me know if you would like me to coordinate with Rose in regards to this correspondence.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 8:05 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

Thank you, [redacted] I have taken the liberty of adding everyone to my response, plus [redacted].

I appreciate everyone's approach to the issues.

I agree that to grant an expedite request means only that we have agreed, based on some articulated and supported time sensitivity, to review the case on an accelerated basis. It does not mean or in any way suggest that we have rendered any decision on the merits of the petition. If, for example, a security issue arises that will take time to resolve, then – regardless of whether we have agreed to expedited review – we will take the time needed to resolve the security issue and we will not act until we have achieved resolution.

I agree that we need to run enhanced security and integrity checks.

From my review of the chronology outlined below, I am concerned that a process breakdown occurred in this case. I think we should review and discuss the chronology to better understand the process and whether we need to make adjustments system-wide. I look forward to discussing.

Thank you again.
Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
([redacted]

From: [redacted]
Sent: Wednesday, January 30, 2013 6:42 PM
To: Mayorkas, Alejandro N; [redacted]
Subject: FW: SLS Las Vegas USCIS Response Letters

Ali and [redacted]

FYI, I'm forwarding the below email chain to you, [redacted], for visibility given the legislative interest, and you, Ali, given your interest in enhancing EB-5 security vetting and program integrity in general.

[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:49 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

The request in these cases involved multiple I-526 petitions (I believe there are about 47 currently pending and they requested that we expedite 23). It is my understanding that the decision to expedite a case just means that it will be moved up in the order in which it was received, but that the integrity of the process and the decision would remain the same. As far as I am aware CSC has already begun moving these cases up in the order but is otherwise processing them the same as they otherwise would be (e.g. holding those with security concerns in abeyance, issuing RFEs if the evidence is insufficient, etc).

Thanks,
[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:42 PM
To: [redacted]
Subject: Re: SLS Las Vegas USCIS Response Letters

I must disagree, we do not approved an expedite request prior to reviewing the case for security issues. As in this case, there are significant security concerns that will cause significant delays in having the security checks completed.

If USCIS informs the requestor that the request to expedite was approved, the requestor will expect some sort of action rather soon. In this case, we need FinCEN reports that could take a month or two, therefore the request should be denied so the requestor doesn't start to question why they have not receiving any actions by USCIS.

Has there been a decision on this request?

Thanks,
[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 04:20 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

[redacted]

Thanks for that important clarification.

[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:09 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

All:

I think it is important to note that any decision to expedite solely means that we will make a decision on a case as expeditiously as possible, but will still require security checks to be cleared, case otherwise must be approvable, etc. As such, even if the decision to expedite was granted, we still would work each case to 100% completion before issuing a decision. That means that some might get expedited RFE's, approvals, denials, security checks, etc., but it shouldn't mean that we have otherwise determined every case is approvable.

Hope that helps.

[redacted]

From: (Reid) <
Sent: Monday, January 14, 2013 4:01 PM
To:
Subject: RE: SLS Las Vegas

Hey
Sorry to keep bugging you on this. Our constituents are bugging us. Any news?

| U.S. Senator Harry Reid |

From: (Reid)
Sent: Friday, January 11, 2013 12:20 PM
To:
Subject: RE: SLS Las Vegas

Just checking in. Any update? I know that the Director agreed that the expedite requests should be reconsidered. What is the timeframe for their reconsideration? If this project is to move forward, the adjudications need to start coming pretty quickly...

From:
Sent: Wednesday, January 09, 2013 5:39 AM
To:
E
Subject: Re: SLS Las Vegas

Hey ... Thanks, we had briefed him for a possible call just before the holidays. I heard the call went well.

Thanks again.

From: (Reid)
Sent: Tuesday, January 08, 2013 01:50 PM Eastern Standard Time
To:
Subject: RE: SLS Las Vegas

Hey –
Left you a message, but I see that you still might be on vacation. We just confirmed that Senator Reid will be placing a call to Director Mayorkas at 130pm PT/430 pm ET about the petitions associated with the SLS Las Vegas. I just wanted to give you all a heads up in case you wanted to brief your boss on this.

Thanks –

[redacted]

[redacted] | Special Projects Manager | U.S. Senator Harry Reid | [redacted]

From: [redacted]
Sent: Tuesday, December 18, 2012 9:57 AM
To: [redacted] (Reid)
Cc: [redacted] E
Subject: FW: SLS Las Vegas

Hey [redacted]

Good afternoon. The attached notices were sent out to the attorneys of record late last night by the USCIS California Service Center EB-5 unit. If you need to discuss, I am running out of the office and then have a 2:00pm meeting, but will return to my desk around 3:00pm.

[redacted]

[redacted]

Make sure to visit "The Resources Guide for Congress" on our uscis.gov website at [redacted]

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From: USCIS Immigrant Investor Program
Sent: Monday, December 17, 2012 8:11 PM
To: [redacted] Congressional-Inquiries, CSC
Subject: RE: SLS Las Vegas

The expedite request for the I-526 petitions associated with SLS Lender LLC has been denied. We received expedite requests from four different law offices so we responded to all of them and e-mailed them the attached letters. Let me know if you need anything else.

[redacted]

From: [redacted]
Sent: Monday, December 17, 2012 3:49 PM

To: USCIS Immigrant Investor Program
Cc: [redacted]
Subject: Fw: SLS Las Vegas

[redacted]

Please see the clarification from Sen. Reid's staffer below and the attached spreadsheet with all of the related cases on this expedite request; there are actually 26 I-526 applications in total. I asked him to make sure their constituent alerts us once they receive Receipt numbers so that you/we can track them.

Thanks again, as always.

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Monday, December 17, 2012 05:46 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

There are actually 26; they just don't have all the receipt numbers yet, so they have only filed expedite requests for the 24 petitions that do have receipt numbers. Here's a comprehensive spread sheet as of last Thursday.
Thanks for following up; please let me know if there is anything else they are looking for.

From: [redacted]
Sent: Monday, December 17, 2012 2:14 PM
To: [redacted] (Reid)
Cc: [redacted])
Subject: FW: SLS Las Vegas
Importance: High

Hi again, [redacted]. FYI...see interim response below. You mentioned in your emails/requests that there were 25 cases and we are only showing 24 received. Can you please check with your constituents to make sure whether one more expedite request is still to be sent to us, or if there were only 24 instead of 25, as originally stated?

I will keep you posted and let you know as soon as a decision has been made on the expedite request/s.

[redacted]

[redacted]

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From: USCIS Immigrant Investor Program
Sent: Monday, December 17, 2012 4:53 PM
To: [redacted]; Congressional-Inquiries, CSC
Subject: RE: SLS Las Vegas

We received expedite requests for 24 I-526 petitions associated with RCW-10-319-10181 (Las Vegas Regional Center). Also, there are only 24 petitions referenced in the e-mails below. We are in the process of reviewing the expedite requests and we should have a decision on that soon. We will provide you with a copy of the decision once it is done.

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Wednesday, December 12, 2012 05:57 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

[redacted]
Here's a Privacy Release Form for [redacted], WAC 1390180685, one of SLS's British investors. Can you tell me when they decide on the expedite request for her petition? Assume that if they agree to expedite hers, they would also expedite the rest as the reasons are exactly the same.
Take care –
[redacted]

From: [redacted] (Reid)
Sent: Wednesday, December 12, 2012 9:44 AM
To: [redacted])
Subject: RE: SLS Las Vegas

[redacted] –
Here are the expedite requests for all but one of the rest.

[redacted]

WAC 1390253012

As of today, 24 of the 25 outstanding petitioners associated with the SLS Las Vegas project have asked that their petitions be expedited. I should have the last few and at least one PRF today.

One other thing that I wanted to bring to your attention – I found out some more information about the delay in getting these petitions filed. , the principal of the Regional Center, sent me the attached timeline of events leading up to where we are today. To summarize, a confluence of events led us to this point. First, the credit facility was only secured in May of this year, and JP Morgan initially only gave them to November to get 10% of the visas processed.

Around the same time as the credit facility was secured, USCIS was still dealing with the tenant-occupancy issue. I remember being on the call at the May 1, EB-5 Public Engagement, and recall that the tenant-occupancy issue was a very hot topic. Clearly, a development like this has the potential to run into tenant-occupancy issues, so the counsel for the Regional Center, H. Ronald Klasko, engaged USCIS in a series of discussions about the project. As a result of those discussions, the Regional Center did additional studies in an effort to avoid the issue all together.

The Las Vegas Regional Center and Stockbridge formalized their business relationships in June after these studies were conducted, and they started recruiting EB-5 investors in earnest in late June. Because of several different factors in China, not the least being the uncertainty of a lot of people because of the Communist Party leadership transition, it took them until September to file the first I-526.

Hope this sheds some light on the situation for you all.

From:
Sent: Tuesday, December 11, 2012 4:18 PM
To: (Reid)
Cc:)
Subject: Re: SLS Las Vegas

Ok, thanks again I will track and will look forward to getting the privacy releases so I can keep you posted on the progress of the request.

From: (Reid)
Sent: Tuesday, December 11, 2012 07:13 PM Eastern Standard Time
To:
Subject: RE: SLS Las Vegas

Yes, they were. The attorneys submitted them directly to the USCIS Investor Visa Program email address. I'm getting the Privacy Releases and the rest of the expedite requests lined up.

As an aside, the COO of Stockbridge/SBE Investments, the parent company of the SLS Las Vegas, will be in DC on Thursday to talk about this project. As you can imagine, this project is pretty important to Southern Nevada. It will

probably be the only "new" property opening up on the Strip for some time, and if their $300 million senior lending facility from JP Morgan Chase expires because these visas aren't processed expeditiously, it will be a huge setback for the project and the 8600 jobs associated with it.

Appreciate your efforts.

[redacted]

[redacted] | [redacted] | U.S. Senator Harry Reid

From: [redacted]
Sent: Tuesday, December 11, 2012 3:54 PM
To: [redacted] (Reid)
Cc: [redacted]
Subject: Re: SLS Las Vegas
Importance: High

Hi [redacted]

Thanks for the heads up. Was this expedite request formally submitted by your constituent to the EB-5 Unit as we discussed last week on the phone? If they were, I will begin to track it/them for you and let you know as soon as our EB-5 Unit has reviewed it/them and decided on the requests to expedite. Also, as you know, before we can discuss the cases in any specificity, I/we will also need privacy releases signed by at least one of the I-526 applicants, as we also discussed on the phone, and not signed by the attorney/s.

If these expedite requests have not been formally submitted by your constituent to the EB-5 Unit, I will ask that you please ask them to do so, as we cannot accept any pleading on any case. Once they have done so, I/we will be glad to follow/track it/them for you and as I mentioned above, will let you know once it has been decided on.

Thanks again.

[redacted]

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Tuesday, December 11, 2012 06:11 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

[redacted] –
For your reference, here are the formal requests to expedite 11 of the 25 I-526s that we talked about last week. They are for the following investors:

[redacted]

I think that the other attorney (representing the balance of the 25 petitions) will be submitting his letter sometime today.

From: (Reid)
Sent: Wednesday, December 05, 2012 10:59 AM
To:
Subject: RE: SLS Las Vegas

It's . Thanks man.

From:
Sent: Wednesday, December 05, 2012 10:58 AM
To: (Reid)
Subject: Re: SLS Las Vegas

Hey , I'm at my , but will give you a call later this afternoon. What's the best number to call you on?

From: (Reid) [ ]
Sent: Wednesday, December 05, 2012 12:37 PM Eastern Standard Time
To:
Subject: SLS Las Vegas

Hi
I left you a message yesterday. Here's the information on the EB-5 petitions I was talking about on Friday for the SLS Resort, formerly the Sahara Hotel.

The new owners of the hotel are working with the American Dream Fund - Las Vegas Regional Center. I know that in Los Angeles, this group has been rather successful with the Immigrant Investor program. LVRC has submitted 25 I-526s, and is in the process of submitting 205 more petitions. The petitions support the $415M project, using a blend of financing from JP Morgan Chase (about $300M) and the EB-5 Program ($115M) to finance the project.

There are two main things that you need to know about here and necessitate the expedite of the processing of those 25 visas. First, JP Morgan Chase has said that if they don't see 10% of the visas approved by mid-January (so they can release the money from escrow in early February), then they will pull the financing from the project. The attorneys for the project sent me the whole financing agreement, and I can send it to you if you want, but it is about 200 pages long. For your convenience, I pulled out the section with the pertinent information and included it in the attachment.

Second, the project has secured several permits and licenses from Clark County that will expire in January. Complicating things, the ordinances that govern the permits have changed, so if the money is not released and construction does not start by early February, the project will be forced to redo many of its permits. These things aren't cheap either; it could cost the project several hundred thousand dollars if they are forced to replace expired permits.

I'll follow up with a phone call, but I wanted to make sure that you had all this information. Do you think that USCIS could expedite these petitions?

Re: SLS Las Vegas - call between D1 and Senator Reid

From: [redacted]

Sent: 1/24/2013 12:56:06 AM +00:00

To: "[redacted]

CC: [redacted]

Subject: Re: SLS Las Vegas - call between D1 and Senator Reid

Attachments:
1. image001.jpg
2. image002.jpg
3. image003.jpg
4. image004.jpg

[redacted]

I told Senator Reid's staffer that someone from USCIS would be reaching out to the petitioners or their attorneys, as you advised; below is his response:

"I've got a few people that they should really talk to:

[redacted]

PRESIDENT & CHIEF OPERATING OFFICER

SLS LAS VEGAS

[redacted] South Las Vegas, NV 89109

[redacted]

[redacted] www.slshotels.com <http://www.slshotels.com>

EM 0000536

SLS/Stockbridge Investments is represented by this attorney:

[redacted]

Attorney

Lionel Sawyer Collins

[redacted]

Las Vegas, NV 89101

[redacted]

[redacted]

[redacted] "

Thanks again.

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 01:12 PM Eastern Standard Time
To: [redacted]
Cc: McCament, James W; [redacted] Tynan, Natalie S; [redacted]
Subject: RE: SLS Las Vegas - call between D1 and Senator Reid

It is ok to let them know that someone from USCIS will be reaching out to the petitioners (their attorneys).

Thanks,

[redacted]

EM 0000537

From: [redacted]
Sent: Wednesday, January 23, 2013 1:09 PM
To: [redacted]
Subject: Re: SLS Las Vegas - call between D1 and Senator Reid

Thanks again [redacted] et al... Is it OK for us to let the Senator's office know that you will be reaching out to the petitioners?

[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 12:55 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas - call between D1 and Senator Reid

Hi [redacted]

To give you an update for the Senator's office on the SLS expedite request – we continue to review and consider the expedite request, and we will be reaching out to the applicant today for some additional information about their situation before we reach a final decision on whether the cases warrant expedited processing. Once we have additional clarification from the applicant, we should be able to quickly make a decision on the expedite request.

Thanks,

[redacted]

From: [redacted]
Sent: Friday, January 11, 2013 5:32 PM
To: [redacted]
Subject: FW: SLS Las Vegas - call between D1 and Senator Reid
Importance: High

Looping in [redacted]. We will review and get back to you.

From: [redacted]
Sent: Friday, January 11, 2013 5:10 PM
To: [redacted]
Subject: FW: SLS Las Vegas - call between D1 and Senator Reid
Importance: High

Hey [redacted]:

Happy New Year!! Hope all is well... As you may know, Ali had a call with Senator Reid on these I-526 cases on Tuesday of this week. While no guarantees were made on the call, Ali did promise the Senator that USCIS would take a "fresh look" at the expedite request and that we would get back to his staff and now staff is beginning to ping us.

I attached copies of the denial notices above, as well as some of the documentation that was provided with the expedite request. There is also some good background info on this long email string below.

I/we just wanted to know if you needed anything else from me/us and that you were aware of the call.

Thanks as always in advance for any info that you can share.

[redacted]

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From: USCIS Immigrant Investor Program
Sent: Monday, December 17, 2012 8:11 PM
To: [redacted] Congressional-Inquiries, CSC
Subject: RE: SLS Las Vegas

The expedite request for the I-526 petitions associated with SLS Lender LLC has been denied. We received expedite requests from four different law offices so we responded to all of them earlier today and e-mailed them the attached letters. Let me know if you need anything else.

[redacted]

From: [redacted]
Sent: Monday, December 17, 2012 3:49 PM
To: USCIS Immigrant Investor Program
Cc: [redacted]
Subject: Fw: SLS Las Vegas

[redacted]

Please see the clarification from Sen. Reid's staffer below and the attached spreadsheet with all of the related cases on this expedite request; there are actually 26 I-526 applications in total. I asked him to make sure their constituent alerts us once they receive Receipt numbers so that you/we can track them.

Thanks again, as always.

[redacted]

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Monday, December 17, 2012 05:46 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

There are actually 26; they just don't have all the receipt numbers yet, so they have only filed expedite requests for the 24 petitions that do have receipt numbers. Here's a comprehensive spread sheet as of last Thursday.

Thanks for following up; please let me know if there is anything else they are looking for.

From: [redacted]
Sent: Monday, December 17, 2012 2:14 PM
To: [redacted] (Reid)
Cc: [redacted]
Subject: FW: SLS Las Vegas
Importance: High

Hi again, [redacted]... FYI...see interim response below. You mentioned in your emails/requests that there were 25 cases and we are only showing 24 received. Can you please check with your constituents to make sure whether one more expedite request is still to be sent to us, or if there were only 24 instead of 25, as originally stated?

I will keep you posted and let you know as soon as a decision has been made on the expedite request/s.

[redacted]

[redacted]

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From: USCIS Immigrant Investor Program
Sent: Monday, December 17, 2012 4:53 PM

To: [redacted] Congressional-Inquiries, CSC
Subject: RE: SLS Las Vegas

We received expedite requests for 24 I-526 petitions associated with RCW-10-319-10181 (Las Vegas Regional Center). Also, there are only 24 petitions referenced in the e-mails below. We are in the process of reviewing the expedite requests and we should have a decision on that soon. We will provide you with a copy of the decision once it is done.

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Wednesday, December 12, 2012 05:57 PM Eastern Standard Time
To: R[redacted]
Subject: RE: SLS Las Vegas

[redacted]

Here's a Privacy Release Form for [redacted], WAC 1390180685, one of SLS's British investors. Can you tell me when they decide on the expedite request for her petition? Assume that if they agree to expedite hers, they would also expedite the rest as the reasons are exactly the same.

Take care –

[redacted]

From: [redacted] (Reid)
Sent: Wednesday, December 12, 2012 9:44 AM
To: '[redacted])
Subject: RE: SLS Las Vegas

[redacted]

Here are the expedite requests for all but one of the rest.

[redacted]

[redacted]

As of today, 24 of the 25 outstanding petitioners associated with the SLS Las Vegas project have asked that their petitions be expedited. I should have the last few and at least one PRF today.

One other thing that I wanted to bring to your attention – I found out some more information about the delay in getting these petitions filed. [redacted], the principal of the Regional Center, sent me the attached timeline of events leading up to where we are today. To summarize, a confluence of events led us to this point. First, the credit facility was only secured in May of this year, and JP Morgan initially only gave them to November to get 10% of the visas processed.

Around the same time as the credit facility was secured, USCIS was still dealing with the tenant-occupancy issue. I remember being on the call at the May 1, EB-5 Public Engagement, and recall that the tenant-occupancy issue was a very hot topic. Clearly, a development like this has the potential to run into tenant-occupancy issues, so the counsel for the Regional Center, H. Ronald Klasko, engaged USCIS in a series of discussions about the project. As a result of those discussions, the Regional Center did additional studies in an effort to avoid the issue all together.

The Las Vegas Regional Center and Stockbridge formalized their business relationships in June after these studies were conducted, and they started recruiting EB-5 investors in earnest in late June. Because of several different factors in China, not the least being the uncertainty of a lot of people because of the Communist Party leadership transition, it took them until September to file the first I-526.

Hope this sheds some light on the situation for you all.

[redacted]

From: [redacted]
Sent: Tuesday, December 11, 2012 4:18 PM
To: [redacted] (Reid)
Cc: [redacted])
Subject: Re: SLS Las Vegas

Ok, thanks again [redacted] I will track and will look forward to getting the privacy releases so I can keep you posted on the progress of the request.

[redacted]

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Tuesday, December 11, 2012 07:13 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

[redacted]

Yes, they were. The attorneys submitted them directly to the USCIS Investor Visa Program email address. I'm getting the Privacy Releases and the rest of the expedite requests lined up.

As an aside, the COO of Stockbridge/SBE Investments, the parent company of the SLS Las Vegas, will be in DC on Thursday to talk about this project. As you can imagine, this project is pretty important to Southern Nevada. It will probably be the only "new" property opening up on the Strip for some time, and if their $300 million senior lending facility from JP Morgan Chase expires because these visas aren't processed expeditiously, it will be a huge setback for the project and the 8600 jobs associated with it.

Appreciate your efforts.

[redacted]

[redacted] | [redacted] | U.S. Senator Harry Reid

From: [redacted]
Sent: Tuesday, December 11, 2012 3:54 PM
To: [redacted] (Reid)
Cc: [redacted]
Subject: Re: SLS Las Vegas
Importance: High

Hi [redacted]:

Thanks for the heads up. Was this expedite request formally submitted by your constituent to the EB-5 Unit as we discussed last week on the phone? If they were, I will begin to track it/them for you and let you know as soon as our EB-5 Unit has reviewed it/them and decided on the requests to expedite. Also, as you know, before we can discuss the cases in any specificity, I/we will also need privacy releases signed by at least one of the I-

526 applicants, as we also discussed on the phone, and not signed by the attorney/s.

If these expedite requests have not been formally submitted by your constituent to the EB-5 Unit, I will ask that you please ask them to do so, as we cannot accept any pleading on any case. Once they have done so, I/we will be glad to follow/track it/them for you and as I mentioned above, will let you know once it has been decided on.

Thanks again.

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Tuesday, December 11, 2012 06:11 PM Eastern Standard Time
To: [redacted]
Subject: RE: SLS Las Vegas

[redacted]

For your reference, here are the formal requests to expedite 11 of the 25 I-526s that we talked about last week. They are for the following investors:

[redacted] WAC 1390069145
[redacted] WAC 1390192119
[redacted] WAC 1390011387
[redacted] WAC 1390022191
[redacted] WAC 1390075332
[redacted] WAC 1390087031
[redacted] WAC 1390096358
[redacted] WAC 1390192006
[redacted] WAC 1390214886
[redacted] WAC 1390231377
[redacted] WAC 1390180685

I think that the other attorney (representing the balance of the 25 petitions) will be submitting his letter sometime today.

[redacted]

From: [redacted] (Reid)
Sent: Wednesday, December 05, 2012 10:59 AM
To: [redacted]
Subject: RE: SLS Las Vegas

It's [redacted]. Thanks man.

From: [redacted]
Sent: Wednesday, December 05, 2012 10:58 AM
To: [redacted] (Reid)
Subject: Re: SLS Las Vegas

Hey [redacted], but will give you a call later this afternoon. What's the best number to call you on?

[redacted]

[redacted]

From: [redacted] (Reid) [redacted]
Sent: Wednesday, December 05, 2012 12:37 PM Eastern Standard Time
To: [redacted]
Subject: SLS Las Vegas

[redacted]

I left you a message yesterday. Here's the information on the EB-5 petitions I was talking about on Friday for the SLS Resort, formerly the Sahara Hotel.

The new owners of the hotel are working with the American Dream Fund - Las Vegas Regional Center. I know that in Los Angeles, this group has been rather successful with the Immigrant Investor program. LVRC has submitted 25 I-526s, and is in the process of submitting 205 more petitions. The petitions support the $415M project, using a blend of financing from JP Morgan Chase (about $300M) and the EB-5 Program ($115M) to finance the project.

There are two main things that you need to know about here and necessitate the expedite of the processing of those 25 visas. First, JP Morgan Chase has said that if they don't see 10% of the visas approved by mid-January (so they can release the money from escrow in early February), then they will pull the financing from the project. The attorneys for the project sent me the whole financing agreement, and I can send it to you if you want, but it is about 200 pages long. For your convenience, I pulled out the section with the pertinent information and included it in the attachment.

Second, the project has secured several permits and licenses from Clark County that will expire in January. Complicating things, the ordinances that govern the permits have changed, so if the money is not released and construction does not start by early February, the project will be forced to redo many of its permits. These things aren't cheap either; it could cost the project several hundred thousand dollars if they are forced to replace expired permits.

I'll follow up with a phone call, but I wanted to make sure that you had all this information. Do you think that USCIS could expedite these petitions?

[redacted] | [redacted] | U.S. Senator Harry Reid

Message Headers:

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RE: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

From: "[redacted]

Sent: 1/23/2013 12:07:15 AM +00:00

To: "[redacted]

[redacted] [redacted]>

Subject: RE: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

I see the distinction between the source of the two sets of funds, but I don't see how that changes the position that USCIS is not a party to the terms of the loan (copies of which were not provided).

From: [redacted]
Sent: Tuesday, January 22, 2013 1:31 PM
To: [redacted]
Subject: RE: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

Hi [redacted]

But here we are talking about two different amounts to be released, right? There is the EB-5 escrow account, and then there is a separate JP Morgan account for the additional financing (the $300 million Senior Loan). The Senior Loan is separate from the EB-5 funds in escrow, so I am not sure we can simply cite to that argument as we have done in other cases where the funds are tied up in escrow. Here, the release of the funds from the Senior Loan appear to be contingent on the approval of 23 I-526s (10% of the EB-5 investors), which was a condition imposed by the various lenders who financed the loan (approximately 35 lenders according to the expedite request). The key to the request here is that the delay will jeopardize the financing that has been arranged for the project (the senior loan, not the EB-5 funds). Please let me know your thoughts on the compelling interest argument related to the loss or delay in the release of the senior financing.

EM 0000552

Thanks,
[redacted]

From: [redacted]
Sent: Tuesday, January 22, 2013 4:07 PM
To: [redacted]
Subject: FW: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

H[redacted]

We reconsidered the expedite request from Las Vegas Regional Center, SLS Hotel and Casino. The I-924 was approved in May of 2010.

The associated I-526s are recently filed (oldest is October 2012) and the initial filing has not yet gone through economist view. It is currently queued up for their review/preparation of the analysis. Once this step is completed, we will begin ljudication of all 47 petitions.

There is no basis for expedite indicated in the request other than that unexpected delays and increasing processing times now threaten the senior financing that is secured in escrow waiting for 23 approvals. The cases are not outside of processing time and there is no statute or regulation that requires the use of escrow agreements as an intermediary step in the EB5 capital investment process. Petitioners may invest into the NCE while the form I-526 is pending.

We recommend denial of this request.

[redacted]

---

rom: [redacted]
Sent: Thursday, January 17, 2013 10:53 AM
To: [redacted]

EM 0000553

Cc: [redacted]
Subject: RE: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

FYI – attached please find a revised expedite request from AREDC.

From: [redacted]
Sent: Thursday, January 17, 2013 10:22 AM
To: [redacted]
Subject: Congressinal Inquiry Letter regarding EB-5 Expedite Requests

[redacted]

[redacted] and I would like to discuss the attached inquiry letters with you sometime next week (more specific ime to come). They both are regarding requests to expedite.

[redacted]

[redacted]

[redacted])
HQ - Service Center Operations
U.S. Citizenship and Immigration Services

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RE: Expedite Request for SLS Lender, LLC

From: "[redacted]>
Sent: 1/25/2013 10:51:10 PM +00:00
To: "Mayorkas, Alejandro N" <[redacted]
Subject: RE: Expedite Request for SLS Lender, LLC

I don't know but in the EB-5 context I wouldn't be surprised if it is zero. Historically requests based on other than humanitarian reasons for individual investors have generally not been considered compelling. The expedite criteria can be whatever we choose since none of this is covered by statute or regulation. Rather than try to change this at CSC, I very much favor pulling the expedite decisions up to HQ as a first phase in standing up the new office. We don't need to hire anyone for that, we just need to designate an appropriate individual or group of individuals to make those decisions and CSC will execute. Operationally, it matters little which cases go first so executing decisions made elsewhere should not be problematic. We'll still need to develop criteria consistent with your vision, but it will be much easier than managing a change that will be short lived at CSC.

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 3:50 PM
To: [redacted]
Subject: RE: Expedite Request for SLS Lender, LLC

Thanks, [redacted] I would be pleased to assist in developing a fair expedite process. How many expedites have we approved in the past 12 months?

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 3:27 PM
To: Mayorkas, Alejandro N
Subject: Re: Expedite Request for SLS Lender, LLC

I understand. CSC would also have accepted an explanation as to why pursuing an extension was not practical. They felt it was important to have that on record as opposed to assuming it wasn't an option.

There is a genuine concern with the need to distinguish this case from others. Given this community, we anticipate this expedite will garner attention and that similar requests will increase significantly. Additionally, folks are already asking why some cases are being adjudicated before theirs so a rigorous expedite protocol is perceived as necessary for fairness and to defend against criticism.

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 02:58 PM
To: [redacted]
Subject: RE: Expedite Request for SLS Lender, LLC

Thank you, [redacted] I'm not privy to the communications between [redacted] and the CSC, nor need I be.
With respect to the expedite request, even independent of the DOC letter, I don't understand portions of the request for more evidence, especially requesting proof of a request to the lender for more time. I find that to be far afield of where we should be.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]@[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 2:08 PM
To: Mayorkas, Alejandro N
Subject: RE: Expedite Request for SLS Lender, LLC

Ali,

The decision to ask for additional evidence to support the expedite request was made without benefit of the DoC letter. Even without the DoC letter, CSC began to expedite the economists review so they would be positioned to meet the deadline. I believe the DoC letter tips the scale in favor of approving the expedite request now without any additional information. I believe CSC is of the same opinion, but I wanted them to express that to [redacted] rather than have me do that. I'm trying to finesse the issue of who is making this decision, and it has become difficult with some of the communications between [redacted] and the CSC.

From: Mayorkas, Alejandro N
Sent: Friday, January 25, 2013 1:16 PM
To: [redacted]
Subject: RE: Expedite Request for SLS Lender, LLC

[redacted] I mentioned to you the Department of Commerce letter, which I read, because it underscores our need to develop expertise on a fast/urgent track (the Department with the relevant expertise believes that, contrary to our adjudication, the expedite criteria have been met). I did not wish to get involved in the case itself. Having now read your email, I am surprised by our response. For example, the petitioner has to present evidence of a request for an extension of time from the funder, or an explanation of why such a request was not submitted? Are we imposing that condition ourselves now? I will defer to those with adjudications experience. I must ask whether, based on the deal document and given the Department of Commerce's view, are we following the law applicable to the standard of proof? I would like each of your views.

Thanks. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 12:56 PM
To: Mayorkas, Alejandro N
Cc: [redacted] Q
Subject: FW: Expedite Request for SLS Lender, LLC

[redacted]

I spoke with CSC a few minutes ago. They had already taken steps to expedite even though they have asked for evidence in support of the expedite requests. The files were delivered to the economists yesterday for their review with an understanding of the urgency. The thinking was that they wanted to be positioned to meet the deadline assuming the requested evidence would be provided.

From: [redacted]
Sent: Wednesday, January 23, 2013 8:34 PM
To: [redacted]
Subject: Re: Expedite Request for SLS Lender, LLC

Hi [redacted]

This looks great. Thanks for all your hard work on this.

Thanks,
[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 08:26 PM Eastern Standard Time
To: [redacted]
Subject: FW: Expedite Request for SLS Lender, LLC

[redacted]

We have received several expedite requests submitted for the Las Vegas Regional Center (NCE SLS Lender, LLC). My last count was 17 requests. (There also appears to be several different names being used for the NCE, but we have confirmed all the requests are related.) We are planning to send the same response to all requesters using the Immigrant Investor Mailbox. Just as a side note, there are currently only 47 of the potential 230 I-526 petitions filed at this time.

[redacted]

Mr. / Ms. ,

At this time, additional information is required to facilitate the adjudication of your request for expedited processing of the I-526 petition(s) associated with SLS Lender, LLC. Please provide the following:

- Copies of the executed agreement with JP Morgan securing funds held in escrow awaiting twenty three (23) EB-5 approvals.
- Explanation and evidence of efforts made to obtain an extension on the agreement with JP Morgan. If this is not an option for SLS Lender LLC, please provide an explanation with supporting evidence as to why this is not feasible.
- The expedite request indicates potential for severe financial loss and that expediting the adjudication of the petitions is of compelling interest to the US. Considering the nature and investment requirements of the immigrant investor program, please explain and provide evidence that demonstrates how this potential for loss is extraordinary and should mandate the prioritization of these petitions over other EB-5 investor petitions.

Respectfully,

USCIS Immigrant Investor Program

Message Headers: [redacted]

[redacted]

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PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_DELETED_BY_DEVICE:	true
PR_RIM_INTERNET_MESSAGE_ID:	<5EA7531ADCB423449530DB6532CFF61213943E4FF9@DC2-EXMB-C1-06.cis1.cisr.uscis.dhs.gov>

[redacted]

RE: SLS Las Vegas USCIS Response Letters

From: [redacted]>
Sent: 1/29/2013 10:02:49 PM +00:00
To: 1. [redacted]>
CC: 1. [redacted]>
Subject: RE: SLS Las Vegas USCIS Response Letters

All:

I agree a call would be best. I think the reality is that the issues we are seeing are the result of the quick moving nature of this case and the fact that there are various parts involved. The expedite issue is a different chain than the congressional interest which is different than the FBI concerns, etc. This is where cross-communication becomes key. The FBI reached out on Friday with a concern on one individual which we quickly pulled and had BCU and CFDO start reviewing. Then this morning, they contacted about two others, one which has high-side reporting and possible ties to other investors, who may or may not be within LVRC and the SLS Lending project. Overall, the vulnerability within EB-5 and only checking TECS SQ11 on 526 petitioners has already been highlighted, which is why SCOPS has been pushing for enhanced checks and FinCEN reports, as this is what would help close the vulnerabilities.

Anyway, let me know when to be available for a call as I think it is most important to talk about the future of this case and others that may be like it, cross communication, etc. because the reality is, we are where we are for all various sorts of reasons.

[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:41 PM
To: [redacted]
Subject: Re: SLS Las Vegas USCIS Response Letters

[redacted]

I have not been on any email chains about this case.

Has the request been approved? If so, who conducted the security review?

Thanks. I highly recommend that no applicants are approved prior to having FinCEN, NCTC, and TIDE checked on each one.

Thanks
[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 04:27 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

I think it would be very useful to have a call within SCOPS to make sure we are all on the same page in terms of how these cases will be handled. This is the first time in all the discussions about the expedite request for these cases that I have heard about security issues or issues with background checks for these cases, and as far as I am aware CSC had the initial filing already in the queue for the economists to review.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:09 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

All:

I think it is important to note that any decision to expedite solely means that we will make a decision on a case as expeditiously as possible, but will still require security checks to be cleared, case otherwise must be approvable, etc. As such, even if the decision to expedite was granted, we still would work each case to 100% completion before issuing a decision. That means that some might get expedited RFE's, approvals, denials, security checks, etc., but it shouldn't mean that we have otherwise determined every case is approvable.

Hope that helps.

[redacted]

++++++++++++++++++++

[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 4:04 PM
To: [redacted]
Subject: RE: SLS Las Vegas USCIS Response Letters

[redacted] – can you confirm that the expedite request has been granted?

From: [redacted]
Sent: Tuesday, January 29, 2013 3:51 PM
To: [redacted]
Subject: Re: SLS Las Vegas USCIS Response Letters
Importance: High

[redacted]

You indicated that the expedite request has been approved, is this true?
I don't know of any circumstance in which expedite request are approved prior to security checks being conducted and cleared; are you sure that the request was approved?
We have received information that there are significant security/criminal suspicions on several of the I-526 applicants. This is just on the few that we have checked, there is high side information on one applicant and others have highly suspicious money transfersj such that the FBI has recommended that USCIS review the BSA data prior to approving these cases. Due to these finding, I highly recommend denying the request and submitting every applicant filing under this Regional Center for TIDE and NCTC checks and BSA data request and reviewed prior to adjudications. Obviously, if we are to request these security checks and FinCEN intelligence reports on these applicants, we cannot expedite the request.

[redacted]

Thanks
[redacted]

From: [redacted]
Sent: Tuesday, January 29, 2013 02:57 PM
To: [redacted]
Subject: FW: SLS Las Vegas USCIS Response Letters

[redacted] – do we have any national security concerns with this RC? The decision to expedite has been made.

Thanks,
[redacted]

From: [redacted]
Sent: Friday, January 25, 2013 9:02 PM
To: [redacted]
Subject: Fw: SLS Las Vegas USCIS Response Letters

[redacted]

Please see the email below from
Senator Reid's staffer regarding the response that was sent by the SLS petitioners.

Thanks as always.
[redacted]

From: [redacted] (Reid) [redacted]
Sent: Friday, January 25, 2013 06:53 PM Eastern Standard Time
To: [redacted]
Subject: FW: SLS Las Vegas USCIS Response Letters

Can you guys make sure that the Immigrant Investor program gets these documents and the documents here:
[redacted].

Let me know if they need anything else.

From: [redacted]
Sent: Friday, January 25, 2013 3:47 PM
To: [redacted] (Reid)
Subject: FW: SLS Las Vegas USCIS Response Letters

[redacted]

Please see email chain below and attachments. We have emailed and Fed Ex'd these letters and exhibits to the USCIS this afternoon. If you care to reference any of the exhibits attached please access them through this file sharing site.
[redacted].

Have a good weekend!

[redacted]

From: [redacted]om>
Date: Friday, January 25, 2013 3:03 PM
To: [redacted]
Subject: USCIS Response Letters

Attached please find the letters that have been sent to the USCIS in response to their questions received yesterday. The "ADF Cover Letter" includes the "Joint Venture Letter" as an exhibit and references all petitions that have been filed. The law firms that have been contacted by USCIS will also be sending the same "ADF Cover Letter" on their letterhead on behalf of their respective clients. As some of you know from Jennifer's e-mail, the ADF and Klasko letters are being e-mailed and sent by Fedex to USCIS today. Please let me know if you would like a copy of all the exhibits referenced in the "Klasko Letter." Thank you for all your comments and assistance...

Best,

[redacted]

[redacted] | Managing Director
Stockbridge Real Estate Funds

[redacted]

New York, NY 10036

[redacted]

Message Headers:

	Received: [redacted]
	To: "Thomas, Ronnie D" [redacted]
[redacted]_[redacted]	[redacted]
[redacted]_[redacted]	[redacted]
[redacted]_MSG_FOLDER_ID:	-7
PR_RIM_PAGER_TX_FLAG:	true
PR_RIM_MSG_REF_ID:	-1399702670

[redacted]

PR_RIM_INTERNET_MESSAGE_ID: <57FD7D410328F048A44CB60D6C5CEF280660946CB3@DC2-EXMB-C1-01.cis1.cisr.uscis.dhs.gov>

Fw: From [redacted] President CMB Regional Centers

From: "[redacted]>
Sent: 6/10/2013 9:01:55 AM +00:00
To: "[redacted]
Subject: Fw: From [redacted] President CMB Regional Centers

I didn't have a chance to check the STAT-5 list. Can you let me know the status of this one?

[redacted]
[redacted] | Immigrant Investor Program
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: [redacted]
Sent: Sunday, June 09, 2013 05:11 PM Eastern Standard Time
To: [redacted]
Subject: From [redacted] President CMB Regional Centers

[redacted]

Director, Vermont Service Center, USCIS/DHS

Dear Director,

My name is [redacted] I'm the President, owner and operator of the CMB Regional Centers. My involvement with EB-5 predates the Regional Center pilot program. I had the pleasure of sitting next to [redacted] before his presentation to the IIUSA group of which I am a board member. His presentation was extremely positive in the direction that the USCIS was heading in the adjudications of EB-5 petitions. I was extremely happy to put a face and a voice to many of his reasonable statements he made. One of the loudest messages that came through was the USCIS was committed to customer service.

I have over a dozen Regional Center projects that have passed the I-526 stage and 5 Regional Center projects that have achieved the I-829 stage. We are currently working on our 24th project and by the end of the year will have achieved raising and employing over $1 billion in EB-5 capital in projects in the United States. CMB would never claim they were the sole responsible party and creating jobs because the good people in the communities that face is incredibly high unemployment I really the ones that helped us create over 25,000 now approaching 30,000 new jobs in the United States. Over the years we have had our fair share of RFE's and none we have not been able to overcome. I personally see RFE's as an adjudicator's method of asking questions. Frankly some of the past RFE's I thought were do to the fact that the adjudicators did not understand the process others were we did not do a good enough job in explaining what we're doing. Over the years we have had re-occurring RFE's where the adjudicators asked the exact same question. To avoid this happening we now have a list of past RFE's listed in every single I-526 and point to the page and section of the I-526 where the past asked questions are detailed. I don't want this to be a long letter so I will get to the point. CMB is one of the most experienced Regional Centers in existence today. We know how to build an I-526 project such that it will pass muster with the USCIS adjudicators. We have a problem with a particular project; CMB infrastructure investment group X which is a project centered on the building Goodyear its new world headquarters and rehabilitating the headquarters that was built in the year 1900. Because the USCIS was taking so long to adjudicate I-526's I thought I would file an

[redacted]

I-924 concurrently and base my escrow release on either an approval of the I-924 or an I-526 whichever came faster as an approval of either would release all the funds ($104 million) to a worthwhile job creating endeavor. We are now one year waiting for an I-526 and worse, we did get adjudicated on the I-924 and got an RFE that was responded to and today we are over 120 days since our response was filed without a word from the USCIS!

I can't tell you how many times I have heard at the CSC meetings that the USCIS has 60 days to respond to an RFE response however they pride themselves on trying to get it done in 30 days. Today we are twice what the statute requires of the USCIS. There is nothing difficult in the RFE and I cannot get an answer. What I find frightening is the I-924 is supposed to be a preapproval process and if the USCIS ever expects good projects it cannot take over one year to tell us whether the project qualifies or not. Every one of my petitions is reviewed by attorney [redacted] simply because I know he will be tougher on me that the USCIS ever has been. If I can pass muster with him on my I-526 I know the USCIS will approve the petition. All of the attorneys who file petitions are given a template of the final approved I-526 petition.

This is a fantastic project that is being held up for some unknown reason. What is blatantly unfair about our I-526 petitions are over 300 other I-526 petitions that were filed **after** our petitions have been adjudicated. The facts are undeniable that someone is getting special treatment. The Regional Center that is developing the Nevada Las Vegas casino is advertising they only have to wait three months for I-526 adjudications. And in checking it seems to be true. I do not understand? I am asking you to at least look into why the I-924 response in our CMB group X RFE is still sitting on someone's desk **120** days. I further would ask you to look into who is getting favorable treatment before it becomes an extreme political football The current situation does not make sense as all of our projects are structured the same and all of our prior projects have been approved.

We filed our I-924 exemplar on June 11, 2012 and the very first CMB Group X I-526 filed (WAC#1290389605) was filed June 15, 2012

Our unique Identifier on the stalled RFE: ID1031910107; Receipt Number: RCW1216350685; Regional Center Name: CMB Summit LLC.

I wrote to the USCIS several times and their latest response on May 21 stated;

Mr. [redacted]

We apologize for the delay; however, the case is currently under review. We are aware that the case is beyond the normal processing time and we appreciate your continued patience. We will issue a notice of action as soon as possible.

Respectfully,

USCIS Immigrant Investor Program

As you can see the USCIS agrees the case is beyond normal processing time yet I still can't get an answer. This is why am seeking your assistance please look into it so that we can begin the job creation Akron Ohio desperately needs.

Respectfully,

[redacted]

Fw: From [redacted] President CMB Regional Centers

[redacted]

President CMB regional centers

PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_REF_ID:	693391673
PR_RIM_PAGER_TX_FLAG:	false
PR_RIM_MSG_STATUS:	1
PR_RIM_MSG_FOLDER_ID:	-226

[redacted]

From: [redacted]
Sent: Friday, January 11, 2013 4:05 PM
To: [redacted]
Subject: RE: I-526 expedite request

The processing times are too long. I think with the new T/O memo and some thought about what decisions need to be made with which of the 3 Forms we should be able to improve those processing times.

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From: [redacted]
Sent: Friday, January 11, 2013 4:01 PM
To: [redacted]
Subject: RE: I-526 expedite request

I can understand the reluctance, but in light of our current processing times, I think we need to reconsider how we view expedite requests and be mindful that some cases may truly warrant expedited treatment to avoid severe financial loss or because the compelling interest (in creating jobs, etc) may truly be impacted by the delay in processing.

From: [redacted]
Sent: Friday, January 11, 2013 12:46 PM
To: [redacted]
Subject: RE: I-526 expedite request

I will take a look at this. I am not sure that expedition of requests was ever fully implemented? I know that [redacted] pushed back hard on not allowing for expedited requests in the stakeholder engagements.

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From: [redacted]
Sent: Friday, January 11, 2013 12:25 PM
To: [redacted]
Subject: I-526 expedite request

Hi [redacted]

The attached expedite request, and the decision to not expedite, was brought to my attention and I was wondering what we need to do to have someone at CSC (I presume [redacted]) review this to make sure we are comfortable with the decision that this case did not warrant expedited treatment. The letter that was sent declining expedited treatment just contained a short statement that basically said while job creation is a compelling interest (one shared by all EB-5 petitions), there was not sufficient justification to expedite these cases.

EM 0000748

From the letter it does not appear that we fully considered the request, particularly the explanation that severe financial loss would result if the petitions were not expedited. Also, it seems like we did not fully consider the timing related to the financing of the project in determining if there is a compelling interest justifying expediting these petitions as compared to others.

I guess I am a little surprised that this request did not warrant expedited treatment.

Thanks,

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, January 23, 2013 1:04 PM
To: [redacted]
Subject: Re: RC expedites

Thank you so much! They were going to approve the Klasko request, but I talked then into asking for more information (like whether the loan could be renegotiated).

----- Original Message -----
From: [redacted]
Sent: Wednesday, January 23, 2013 12:35 PM
To: [redacted]
Subject: Fw: RC expedites

Sharing. Not sure it will help or hurt

----- Original Message -----
From: [redacted]
Sent: Wednesday, January 23, 2013 12:23 PM Eastern Standard Time
To: [redacted]
Subject: RC expedites

I don't want to be a burden or add fuel to any type of fire. But I've seen some emails regarding an expedite request which arguably could cause us some issues down stream. We've historically been quite conservative on the economic impact argument because many of the economic schemes with regards to holding and timed release of funds are financial agreements negotiated by RC or JCE enterprises and investors. These terms are agreed upon by those parties and not dictated by the government. With that said my main concern is the inadvertent opening of the proverbial Pandora's box with others in this small and tightly knit community quickly figuring out what scheme will get that expedite and then exploiting it. My concern is setting a precedent that we won't be able to sustain, the resources we will expend adjudication the requests and possible fallout if we treat folks differently. I would argue our past practice has served us well and we have lots of other more urgent issues we can and should focus on. In my opinion [redacted] is chosing the wrong battle right now and to some degree burning capital when he should be building a team. Sorry for sticking my nose in from afar but I see a bit of a train wreck

From: (Reid) <
Sent: Friday, February 01, 2013 3:40 PM
To:
Subject: RE: just left you a voicemail

Ron Klasko, the EB-5 attorney that Director Mayorkas referenced on the call, wants to talk to about some technical things related to the petitions. I think that has called , but I realize that he might still be spending a lot of time with his newborn. Can you guys pass along to that would like to ask him a few questions?
Thanks, guys.

From:
Sent: Thursday, January 31, 2013 3:33 PM
To: (Reid);)
Subject: Re: just left you a voicemail

Hey The adjudicators will look at the evidence that has been submitted and determine whether they either have sufficient evidence to move forward or will need more evidence and I am sure all of that will be covered in the RFE/s if needed.

Have a good weekend.

From: (Reid)
Sent: Thursday, January 31, 2013 06:15 PM Eastern Standard Time
To:
Subject: RE: just left you a voicemail

–

Thanks again for the call. I really appreciate the Director following up personally with us.

I've got a question for you... I know the constituents will ask...

There are plans to do 230 visas here, so the development is going to need to show at least 2300 jobs. According to their documents, the development will create 8600 direct and indirect jobs. Why can't they just make an adjudication showing that they're up to 2300?

Let me know –

From: [redacted]
Sent: Thursday, January 31, 2013 3:04 PM
To: [redacted] (Reid); [redacted] (Reid)
Cc: [redacted]
Subject: RE: just left you a voicemail

You're very welcome, [redacted]. I'm glad we could have the call tonight to discuss.

[redacted]

[redacted]

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From: [redacted] (Reid) [redacted]
Sent: Thursday, January 31, 2013 5:46 PM
To: [redacted] (Reid)
Cc: [redacted]
Subject: RE: just left you a voicemail

Thanks, guys. We appreciate very much that Dir. Mayorkas took the time to call us personally, even though it was to deliver bad news.

From: [redacted]
Sent: Thursday, January 31, 2013 5:36 PM
To: [redacted] (Reid); [redacted] (Reid)
Cc: [redacted]
Subject: Re: just left you a voicemail

Thank you, [redacted]

[redacted]

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From: [redacted] (Reid)[redacted]
Sent: Thursday, January 31, 2013 05:34 PM Eastern Standard Time
To: [redacted] (Reid) [redacted]>
Cc: [redacted]
Subject: RE: just left you a voicemail

[redacted]

From: [redacted]
Sent: Thursday, January 31, 2013 2:26 PM
To: [redacted] (Reid); [redacted] (Reid)
Cc: [redacted]
Subject: Re: just left you a voicemail

Thanks [redacted]. We are now dialing in.

[redacted]
U.S. Citizenship & Immigration Services (USCIS)
U.S. Department of Homeland Security (DHS)
[redacted]0 [redacted]

WARNING: This e-mail may contain material which is sensitive or confidential in nature. If you are not the intended recipient, please notify the sender and delete all copies. To conserve resources, please do not print this e-mail unless necessary.

From: [redacted] (Reid)[redacted]
Sent: Thursday, January 31, 2013 05:23 PM Eastern Standard Time
To: [redacted] (Reid) [redacted]
Cc: [redacted]
Subject: RE: just left you a voicemail

Dial [redacted] and use meeting [redacted]

From: [redacted]Reid)
Sent: Thursday, January 31, 2013 2:22 PM
To: [redacted] (Reid); [redacted]
Cc: [redacted]
Subject: RE: just left you a voicemail

That's a good idea

From: [redacted] (Reid)
Sent: Thursday, January 31, 2013 5:21 PM
To: [redacted] (Reid)
Cc: [redacted]
Subject: RE: just left you a voicemail

I can set you guys up with a conference call number.

From: [redacted]
Sent: Thursday, January 31, 2013 2:19 PM
To: [redacted] (Reid)
Cc: [redacted] (Reid); [redacted]
Subject: RE: just left you a voicemail

Great, thanks [redacted]. I've let the Director know and we'll call you in 5 minutes. What is the best number to call you? (Will you also patch [redacted] in as well?)

[redacted]

[redacted]

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From: [redacted] (Reid) [redacted]
Sent: Thursday, January 31, 2013 5:17 PM
To: [redacted]
Cc: [redacted] (Reid)
Subject: just left you a voicemail

We can speak now – though I need to be walking out of the office not later than 5:45 tonight, but [redacted] can also handle this without me and is available. Tomorrow also would work. Thanks for your message.

[redacted]
[redacted]
Senate Majority Leader Harry Reid
The Capitol, s-221
[redacted]

SLS Hotel & Casino, Las Vegas

Exhibit 5

USCIS I-526 Petition Receipt Log

December 10, 2012

	Investor Name	Date Filed I-526	Attorney	USCIS Receipt No.
1	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

[redacted]

From: Mayorkas, Alejandro N
To: Smith, Douglas A; Kroloff, Noah
Subject: RE: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.
Date: Friday, February 01, 2013 12:59:57 PM

Douglas,
We recognize the need to adjudicate the EB-5 cases in far shorter a period of time and, in fact, we have articulated a goal of 90-day adjudications when the new program office is up and running.

Law Enforcement Sensitive: That being said, please also recognize that, overarching, we have national security and law enforcement responsibilities and those responsibilities will not be compromised by processing time goals.

Thanks. Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
[redacted]

From: Smith, Douglas A[redacted]
Sent: Friday, February 01, 2013 11:57 AM
To: Mayorkas, Alejandro N; Kroloff, Noah
Subject: Re: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Ali, it is not about weighing to tell them which way to decide, it its weighing in to get it done one way or another. People have a right to expect we can make a decision faster then a year.

From: Mayorkas, Alejandro N
Sent: Friday, February 01, 2013 11:18 AM
To: Smith, Douglas A; Kroloff, Noah
Subject: RE: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Douglas,
I cannot weigh in. It is not appropriate for me to do so.

The attorney sent an email to me and I responded that I could not weigh in, but that I would forward her email to the appropriate individual. I will do the same here.

We are making structural changes to improve the program dramatically (e.g., creating a new program office with individuals with the requisite expertise). In the interim, we are retaining on an emergency/contract basis individuals with top-tier economic/business expertise.

Thanks. Ali

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
[redacted]
Washington, DC 20529
([redacted]
[redacted]@[redacted]

From: Smith, Douglas A [redacted]
Sent: Friday, February 01, 2013 10:44 AM
To: Kroloff, Noah
Cc: Mayorkas, Alejandro N
Subject: Re: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Ali, see below. I know you are hesitant to weigh in, but the plant will be forced to close unless this can be resolved today. Thanks for your immediate attention to this.

From: Kroloff, Noah
Sent: Friday, February 01, 2013 10:41 AM
To: Smith, Douglas A
Cc: Mayorkas, Alejandro N
Subject: Re: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Not familiar with this, but looping the two of you directly

From: Smith, Douglas A
Sent: Friday, February 01, 2013 10:39 AM Eastern Standard Time
To: Kroloff, Noah
Subject: Fw: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Any way you can kick Ali into gear? If this doesn't get resolved by COB today, the plant will have to shut down and lay off 100 people on Monday.

From: Simone Williams [m[redacted]
Sent: Tuesday, January 29, 2013 10:21 AM
To: Smith, Douglas A
Subject: Further to our conversation today re Gulf Coast Funds Management and GreenTech Automotive Inc.

Hello Doug,

As we discussed, we received another 6 RFEs from USCIS requesting basically the same information as the first RFE we received for [redacted] (Receipt #: WAC-12-903-20340). Furthermore, as you are aware, we still have an I-829 Petition that has remained pending for over one year ([redacted]; Receipt #: WAC 12-091-00217). This I-829 petition was filed on December 30, 2011 and has been pending for over one year, despite the fact that this petition does not involve any tenant-occupancy issues. Obviously, USCIS's undue delay in issuing a decision in our I-829 and I-526 RFE cases, is becoming a serious issue for us. In fact, the delay continues to threaten the ongoing operations of GTA because GTA relies on EB-5 investors as a key source of funding for its projects and (i) such delay is hampering our ability to bring in new EB-5 investors and (ii) the EB-5 money raised in our current offering is being held in escrow pending approval of the I-526 petitions.

We need USCIS to issue a decision on the I-829 and RFE for [redacted] as soon as possible. Please note that three of the four issues raised in [redacted]s RFE and the subsequent 6 RFEs were already reviewed and accepted by USCIS when they approved 92 of our previous I-526 petitions. Our response to the 4 issues raised in the RFE can be summarized as follows:

a. The RFE requests evidence that our temporary facility (the "Pilot Production Facility") in Horn Lake, Mississippi is located in a TEA.
Our response: The funds raised by the New Commercial Enterprise (NCE) will be used for the continuation of the design and construction of the JCE's permanent automobile manufacturing facility in Tunica County, Mississippi, and for the purchase and installation of certain fixtures. GTA has not changed its plan to build a manufacturing facility on 100 acres of land it owns in Tunica, Mississippi (the "Permanent Facility"). GTA will transfer all its employees at the Pilot Production Facility to the Permanent Facility in Tunica once it is complete. The temporary positions in Horn Lake will not be counted toward the total job creation. Those positions will only be created when such employees are permanently relocated to the permanent facility. Accordingly, it is not necessary to demonstrate that Horn Lake is located in a TEA.
b. The RFE requests that the Economic report by Evans, Carroll & Associates should clearly show that indirect employment effects were not double counted.
Our response: We submitted a supplement to the economic report, prepared by [redacted], which clearly shows, that indirect employment effects were not double counted. The average automobile considered by the IMPLAN multipliers has a gas engine for power and utilizes a small and inexpensive lead-acid battery mainly to start the car before the engine provides the power. Electric vehicles actually have two batteries: the first is the same in function and price to the battery above, the second (the "EV Battery") provides the energy to power the vehicle. EV Batteries cost approximately 100 to 200 times more than the cost of a traditional car battery, and range from 35% and 74% of the cost of the entire vehicle. Only the first small battery to start the car is included in the IMPLAN multiplier, so no portion of the multiplier for the EV Battery is included in the IMPLAN multiplier and therefore there is no double counting.
c. The RFE asks that we submit a comprehensive business plan specific to GreenTech Automotive Partnership A-3 LP.
Our response: Pursuant to this request, we provided the Overall Business Plan prepared with the PPM for this NCE. The Overall Business Plan is compliant with Matter of Ho, supra and includes a market analysis; the manufacturing process; materials required and supply sources; marketing strategy; the business' organizational structure; and its personnel's experience. The plan also specifies the employees at the Pilot Production Facility as of the date of the plan (who will be transferred to the permanent plant), and the anticipated direct employees to be hired listed by job title, description, and average wage. The plan includes timelines and income projections.
d. The RFE requests further information regarding a section of the PPM for the NCE regarding "Prior Financing."
Our response: We explain why this language should not be read to indicate that rescission rights are likely or are expected to materially affect the business of the JCE. In addition, we provided a list of transactions that the JCE is currently engaged in, which could be used to pay such rescission rights; in the unlikely event that all or a large portion of the investors were issued and exercised rescission rights.

We really appreciate your assistance in looking into this matter for us and any help you can offer. If you need anything further, please do not hesitate to contact me at [redacted]

Thanks much,
Simone

D. Simone Williams

General Counsel
Gulf Coast Funds Management, LLC
[redacted]
McLean, VA 22102
[redacted]
www.gulfcoastfunds.com

From: Terry Mcauliffe
To: Smith, Douglas A
Subject: Re: EB-5
Date: Tuesday, December 04, 2012 11:04:53 AM

Thx

Sent from my iPhone

On Dec 4, 2012, at 8:01 AM, "Smith, Douglas A" [redacted] wrote:

> Understatement. I have your entire case being looked at by the ombudsman office to try and get it closed. So frustrating.
>
> ---
>
> **From:** Terry Mcauliffe [redacted]
> **Sent:** Tuesday, December 04, 2012 10:59 AM
> **To:** Smith, Douglas A
> **Subject:** Fwd: EB-5
>
> Bizarre
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Simone Williams [redacted]
> > **Date:** December 4, 2012, 7:50:52 AM PST
> > **To:** Terry Mcauliffe [redacted]
> > **Subject: RE: EB-5**
> >
> > Terry: I had a chance to introduce myself to and briefly chat with Director Mayorkas at yesterday's meeting. I advised him that I worked for GCFM, our project is Greentech Automotive, in which you are the Chairman and that our I-829 and I-526 petitions have been pending way beyond processing times. He acted surprised and said "you haven't heard anything yet?", that we should have received something by now and he'll look into it. Perhaps you may wish to follow up with him again.
> >
> > Thanks,
> > Simone
> >
> > D. Simone Williams
> > *General Counsel*
> > **Gulf Coast Funds Management, LLC**
> > [redacted]
> > McLean, VA 22102
> > [redacted]

[redacted]

From: Simone Williams
Sent: Monday, December 03, 2012 3:05 PM
To: Terry Mcauliffe
Subject: Re: EB-5

FYI: I'm currently attending a meeting with Director Mayorkas in person at USCIS.

Sent from my iPhone

On Dec 3, 2012, at 2:47 PM, "Terry Mcauliffe"
[redacted] wrote:

> Please provide me details.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Smith, Douglas A"
> > <[redacted]>
> > **Date:** December 3, 2012, 7:18:35 AM PST
> > **To:** Terry <[redacted]
> > **Subject: EB-5**
> >
> > Terry, heading to USCIS this afternoon. Do you have the project number that you called me about last week? I will see what I can find out.
> >
> > Douglas A. Smith
> > Assistant Secretary
> > Private Sector Office
> > Department of Homeland Security
> > [redacted]
> >
> > Click here to receive Private Sector Community Preparedness Email Updates

From: [redacted] on behalf of Smith, Douglas A
To: Smith, Douglas A; [redacted]
Subject: Meeting with Assistant Secretary Smith and Chairman McAuliffe

---

When: Friday, March 04, 2011 1:30 PM-2:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Office of Chairman McAuliffe

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*~*

[redacted]
McLean, VA

Parking: Under building

POC – Chairman McAulifffe: [redacted]
POC – Assistant Secretary Smith: [redacted]

Meeting with Tom Rosenfeld

Meeting Title:	Meeting with Tom Rosenfeld
From:	"[redacted] - [redacted]
To:	1. "Mayorkas, Alejandro N" <IRMMAIL/MBX SERVERS - CIS/RECIPIENTS/ANMAYORK>
	[redacted] - [redacted]>
	3. [redacted] - [redacted]
Sent:	10/13/2010 2:41:12 PM +00:00
Location:	Office of the Director
Start Time:	10/25/2010 6:00:00 PM +00:00
End Time:	10/25/2010 7:00:00 PM +00:00
Duration:	1 hours
Reminder Time:	10/25/2010 6:00:00 PM +00:00
Is Recurring:	false
Recurrence Type:	Not
Recurrence Pattern:	
Response Status:	5
Busy Status:	Tentative
Attendees:	[redacted]

When: Monday, October 25, 2010 2:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Office of the Director

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Will include Ron Klasko and [redacted].

Staff: [redacted]

Colors:	0
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PR_RIM_MSG_REF_ID:	-2121560789
PR_RIM_DELETED_BY_DEVICE:	true
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urn:schemas:calendar:version:	2.0

EM-0000999

On Jul 29, 2011, at 2:28 PM, tom@[redacted]n wrote:

That's good news... I just flew into the Bahama's. I'll be here until Monday. But, I'll have Marsha send you the 2 page summary... Mayorkas has the 2 pager and the detail response to the Request for Evidence from the USCIS that you've seen. Most impt. thing for Mayorkas to understand is that slate financing is truly industry std. and that it is really unrealistic to give specific details for a movie that will be made in 9 months or undetermined future date.

Best,
Tom

Marsha,

Pl. Email John the 2 page Sony summary and a brief summary of the EB-5 Program (can get from our website or 3 page summary.

Thanks,
Tom
Sent via BlackBerry by AT&T

-----Original Message-----
From:[redacted]" <[redacted]n>
Date: Fri, 29 Jul 2011 10:53:01
To: <tom@[redacted]n>
Subject: Re:

Hi Tom.
Some good news I think. It turns out one of our gang of 12 (guys we go on vacation with once a year) is Majorkas' career advisor and actually advised him on his current position.
He feels completely comfortable picking up the phone and calling him.
He is a lawyer but has no background in EB 5 issues so he has asked for a one page summary of how it works and where we are in the process.
Of course I could draft something but you are so much better informed, perhaps you should do it.
Just let me know.
PS[redacted] did call Toronto but she hasn't heard back yet.
Best
JD

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: tom@[redacted] [mailto:tom@c[redacted]]
Sent: Tuesday, July 26, 2011 02:51 PM
To:[redacted]
Subject: Fw:

Hi [redacted]

I hope you had, or are still having, a great holiday... Are you back?... Is there a convenient time for me to call you?
Thanks,
Tom

------Original Message------
To: [redacted]
Subject: Re:
Sent: Jul 21, 2011 10:50 AM

[redacted]

You are the best! I very much appreciate your and [redacted]s time and efforts on behalf of [redacted] and the film... [redacted] was thrilled to learn that [redacted]a will be submitting it to Howard for viewing... Man, you are making me look good; I owe you.

Regarding Venice, it was just submitted pursuant to the application instructions.

Best,
Tom

------Original Message------
From: [redacted]
To: Tom Rosenfeld
Subject: Re:
Sent: Jul 21, 2011 1:29 AM

Spoke to [redacted]. She agrees Roadside should view the movie now and she is submitting it to Howard who will see it in the next day or so.

You or [redacted] should feel free to talk to her about it.
Could you tell me the name of the person she submitted the film to for Venice. One of my Italian friends is on the board of directors of the festival. I will be happy to call him. It might not do any good but it can't hurt.
Good luck with Mallorkas.
Best
JD

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Tom Rosenfeld [mailto:[redacted]n]
Sent: Wednesday, July 20, 2011 03:58 PM
To: [redacted]
Subject: Re:

[redacted], sorry I could not get back to you sooner... I had a scheduled conference call with USCIS Dir. Mayorkas - not why I called, but I'll update you when we speak. Please give me another time to call.

Best regards,
Tom

Tom Rosenfeld
Wall Street Plaza
[redacted]
New York, N.Y. 10005
[redacted]

On Jul 20, 2011, at 5:40 PM, John Dellaverson wrote:

> I am back in my room in London. Can you call me on my cell? [redacted]
>
> ---
>
> Sent from my BlackBerry Wireless Handheld
>
> ----- Original Message -----
>
> From: Tom Rosenfeld [mailto:tom@[redacted]]
>
> Sent: Wednesday, July 20, 2011 01:23 PM
>
> To: John Dellaverson
>
> Subject: Re:
>
> Hi John,
>
> I understand that you extended your trip and I hope all is well. Is there a convenient time and number I can call you at?
>
> Thanks,
>
> Tom

Tom Rosenfeld

Wall Street Plaza

[redacted]

New York, N.Y. 10005

[redacted]

[redacted]

[redacted]

On Jul 13, 2011, at 1:20 AM, John Dellaverson wrote:

> Just spoke to [redacted]. She will be calling you shortly. She liked the film and thought it was very well directed. She will do all she can to help.
>
> Best
>
> JD
>
> ---
>
> Sent from my BlackBerry Wireless Handheld
>
> ----- Original Message -----
>
> From: Tom Rosenfeld [mailto[redacted]]
>
> Sent: Tuesday, July 12, 2011 01:56 PM
>
> To: John Dellaverson
>
> Subject: Re:
>
> You the best!

Tom Rosenfeld

Wall Street Plaza

[redacted]

New York, N.Y. 10005

[redacted]

On Jul 12, 2011, at 4:38 PM, John Dellaverson wrote:

> I have already called her. I am now in London and expect to talk to her shortly.
>
> Best
>
> JD
>
> ---
>
> Sent from my BlackBerry Wireless Handheld
>
> ----- Original Message -----
>
> From: Tom Rosenfeld
> [mailto:tom@[redacted]]
>
> Sent: Tuesday, July 12, 2011 01:02 PM
>
> To: John Dellaverson
>
> Cc: [redacted]@[redacted]>
>
> Subject:
>
> Hi John,

I sincerely hope your trip is going well... I also hope and assume that you are not retrieving any stray wallets.

[redacted] I did try and contact [redacted] to determine if she has seen [redacted]s movie and was kind enough to make some calls on her behalf. Understandably, she didn't return my call.

I hate to bother you during your trip, but could you kindly reach out to [redacted] and determine whether she has seen the movie, made any calls or is willing to make some calls on our behalf...

Thanks very much and take care,

Tom

Tom Rosenfeld

Wall Street Plaza

[redacted]

New York, N.Y. 10005

[redacted]

[redacted]

[redacted]

Sent via BlackBerry by AT&T

[redacted]
Vice President, Client Relations
CanAm Enterprises, LLC
Wall Street Plaza

[redacted]
New York, NY 10005
[redacted]
Website: http://www.canamenterprises.com/

This may contain confidential material. If you are not an intended recipient, please notify the sender, delete immediately, and understand that no disclosure or reliance on the information herein is permitted. We may monitor email to and from our network.

RE: Visa Issue

From: "Mayorkas, Alejandro N" <Alejandro.N.Mayorkas@uscis.dhs.gov>
Sent: 10/19/2012 9:07:06 PM +00:00
To: 1. "Kroloff, Noah" <US[redacted]>
2. [redacted]n>
CC: 1. [redacted]
Subject: RE: Visa Issue

[redacted]

As we discussed publicly in an EB-5 - related engagement earlier this week, issues arose as a result of different RFE responses we received in a large number of cases and we are resolving those issues. We anticipate that certain cases will move quickly as a result.

It would not be appropriate for us to have case-specific direct communications.

Thank you. Alejandro Mayorkas

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Kroloff, Noah [mailto:[redacted]V]
Sent: Friday, October 19, 2012 4:37 PM
To: [redacted]
Cc: Mayorkas, Alejandro N; [redacted]
Subject: RE: Visa Issue

[redacted]

Thanks for bringing to my attention. By way of this email, I am connecting you with CIS Director Ali Mayorkas, who runs the agency responsible for administering the EB-5 program. I believe Gov. Rendell and he have also spoken. I will pass along to the Secretary that you and Director Mayorkas are now in touch.

Thanks,

Noah

From: [redacted]l
Sent: Friday, October 19, 2012 9:52 AM
To: Kroloff, Noah
Subject: Visa Issue
Importance: High

Noah –

Thank you for your email yesterday and your offer to help me with a visa issue. Tom Rosenfeld of CanAm is experiencing unexplainable adjudication delays regarding a $240 million Time Warner EB-5 project slated for California. As noted in the attached letter, our mutual friend, Ed Rendell, has briefed you on this matter. I am hoping that you can provide the status of this application other than to note that USCIS Immigrant Investor Program adjudicators continue their work on this case.

Anything that you can do to shed some light on this is greatly appreciated.

Best,

Ben Barnes

[redacted]

Message Headers:

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Received: from D1ABLPRHQ101.DSA.DHS (10.16.146.31) by
 D2ASEPRCI043.cis1.cisr.uscis.dhs.gov (10.238.177.45) with Microsoft SMTP
 Server (TLS) id 8.2.255.0; Fri, 19 Oct 2012 17:07:25 -0400
Received: from D2ASEPRCI035.cis1.cisr.uscis.dhs.gov (10.238.177.37) by
 D1ABLPRHQ101.DSA.DHS (10.16.146.31) with Microsoft SMTP Server id 14.2.318.4;
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EM-0001029

RE: EB5 check

From: "Mayorkas, Alejandro N" [redacted]
[redacted]>
Sent: 6/24/2011 9:02:35 PM +00:00
To: "[redacted]
[redacted]
Subject: RE: EB5 check

This is very helpful to my understanding of the requirements (and, in this particular case, the deficiencies). Thank you, [redacted].

Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Friday, June 24, 2011 4:55 PM
To: Mayorkas, Alejandro N
Subject: RE: EB5 check

I would not even begin to pretend to be an expert in this area. I sent this on to our real SMEs who will get us the right answer. And if I misspoke below, I will let you know ASAP. This will be a learning experience for both of us.

I believe that for bullet one the RFE is based on the current submissions and the lack of specificity. In the Gulf Coast Amendment I believe we had such significant overarching issues with the geographic scope of the proposed amendment to include the Commonwealth of Virginia I don't think we were focusing on the actual Virginia location. The actual physical location within Virginia was more a minor issue when compared to including Virginia in the Gulf Coast Regional Center.

This Regional Center was filed as an actual investment plan and not a hypothetical (exemplar) plan. Under the rubric of an actual investment plan they would need to define the location and be able to establish the timelines. We need to know exactly the plan is because it will be noted on the approval notice that I-526 applicant's will file the documentation associated with the RC and this plan has been approved by USCIS. The documentation with respect to the location could be a sales agreement, copy of the deed, a letter between the seller and buyer, a lease or whatever shows the location of the property. In the alternative under an exemplar plan we wouldn't need that level

EM-0001075

of specificity and in this RFE we are giving them that option to basically opt out of the actual model and move into an exemplar model. However, generally folks who want to attract immediate investors prefer the actual plan because the I-526 generally has less chance of receiving an RFE etc. In this case, the RFE is based on the regional center's request for review as an actual plan and is the basis for the more detailed requirements. They can choose to go under the exemplar process if they want.

As for timelines, there are internal conflicts within the record where it states that they are calculating duration of the construction phase at 18 months and then it changes to 24 months. This is a material issue because the economic analysis they provided is based on the crediting of construction jobs which per our policy guidance we will only credit construction jobs if the construction project lasts two year. (6/17/09 memo). In addition, if they don't have a location we have to add in time for such things as location purchase/lease, permit acquisition etc which makes the timeline determination dependent on the location selection which undermines the request to be considered under the actual investment plan. They want to use early investor fund for activities associated with the architectural design/construction etc which impacts not only timelines but also job creation. So the simple answer is time estimates can be acceptable as long as they sound reasonable and reflect what they actually are trying to do. In this case they have been trying roll this plan out for well over two years and they still don't seem to have specificity which an actual plan requires.

The risk for us is if this is approved with these less than specific plans under the actual model, folks will file their I-526s and get RFEs requesting the specific information and evidence we are currently requesting. We are trying to take care of getting the documentation at this regional center stage because they filed as an actual investment plan in the hopes to not have to present anything more detailed at the I-526 stage. They can opt to change this filing into an exemplar filing and we can approve it if we are reasonably satisfied that the jobs will be created within the required EB5 timeframe. Even if the opt to be considered under an exemplar plan, they need a reasonable high level timeline that lays out the timeframe of this project to allow for construction jobs to be created.

I hope this helps and didn't further muddy the waters.

Have a good weekend.

From: Mayorkas, Alejandro N
Sent: Friday, June 24, 2011 3:48 PM
To: [redacted]
Subject: RE: EB5 check

Thank you, [redacted].

I understand there to be two deficiencies, one with respect to the timeline for the project and the other with respect to the specific location of the automotive plant. A few questions come to mind:

- Were these deficiencies identified in response to the prior submission, or has the new submission changed so as to raise these issues for the first time?
- How can a proposal be required to identify the specific location of the plant before the proposal is approved? If I am a petitioner, I would not purchase real estate to build the plant before I knew the proposal was approved.

- Are time estimates sufficient for the timeline?

Thanks very much. I am eager to learn as much as possible about the EB-5 program because it is the source of considerable attention and, given the job creation potential, appropriate interest.

Thanks so much. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]W.

Washington, DC 20529

[redacted]

[redacted]

From: [redacted]
Sent: Friday, June 24, 2011 3:21 PM
To: Mayorkas, Alejandro N
Subject: FW: EB5 check

Here it is

From: [redacted]
Sent: Friday, June 17, 2011 4:44 PM
To: [redacted]
Cc: [redacted] Q
Subject: RE: EB5 check

Hi [redacted],

FYI - The CSC issued an RFE on this case for one specific issue (after I talked the ISO off of the ledge for including a ridiculous issue given the Gulf Coast history), attached.

I am going to be on leave this next week, but will be in DC on Monday morning through Friday afternoon.

Thanks,

[redacted]

From: [redacted]
Sent: Thursday, June 09, 2011 5:07 PM
To: [redacted]
Subject: RE: EB5 check

[redacted],

Please let me know when the case is assigned for adjudication.

Thanks,

[redacted]

From: [redacted]
Sent: Thursday, June 09, 2011 3:31 PM
To: [redacted]
Subject: RE: EB5 check

Yes. Please expedite based on the previous filing history.

From: [redacted]
Sent: Thursday, June 09, 2011 3:25 PM
To: [redacted]

Subject: RE: EB5 check

Hi [redacted]

This case is a re-filing in the sense that it is filed by the entity that is going to operate the VA-based factory for the Greentech Automotive plant. You may recall that we denied a succession of Gulf Coast RC amendments that sought to extend the geographic scope of that RC to Southern VA so that this VA automotive plant could be an EB-5 project for the LA/MS-based regional center. The last USCIS action in those cases was to deny a motion to reopen the Gulf Coast RC amendment denial and to certify the decision to the AAO where it remains pending.

Let me know if you want me to ask the CSC to consider expediting this case in light of this tortured history.

Thanks,

[redacted]

From: [redacted]
Sent: Tuesday, June 07, 2011 11:14 PM
To: [redacted]
Subject: Fw: EB5 check

Hi [redacted] - do we know if this is a re-filed case?

From: [redacted]
Sent: Tuesday, June 07, 2011 03:49 PM
To: 'Mayorkas, Alejandro N' <[redacted]>
Subject: RE: EB5 check

Ali,

SCOPS checked the status of this case. It was filed on 4/28/11. The processing time for an I-924 is 6 months so this case is not off track or in a black hole. I don't know what the petitioner claims so if there is something else that

we are not aware of please let me know.

Thanks Ali,

[redacted]

From: Mayorkas, Alejandro N [mailto:[redacted]]
Sent: Thursday, May 26, 2011 1:15 PM
To: [redacted]
Subject: FW: EB5 check

[redacted]

Here is another EB-5 case about which there appears to be some concern re delays. Can you look into this? We need to continue to bring great focus with respect to this program.

Thanks very much. Ali

Alejandro N. Mayorkas

Director

U.S. Citizenship and Immigration Services

[redacted]

Washington, DC 20529

[redacted]

[redacted]

From: Smith, Douglas A[redacted]]
Sent: Thursday, May 26, 2011 11:57 AM
To: Mayorkas, Alejandro N
Subject: EB5 check

A – you mind seeing if you can get any intel on this one. Seems to be in a black hole. Thanks

Petitioner: Virginia Center for Foreign Investment and Job Creation LLC

Petition Number: RCW 1111850202

Douglas A. Smith

Assistant Secretary

Private Sector Office

Department of Homeland Security

[redacted]

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PR_RIM_MSG_REF_ID:	-1301456507
PR_RIM_PAGER_TX_FLAG:	true
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PR_RIM_MSG_ON_DEVICE_3_6:	true
PR_RIM_MSG_FOLDER_ID:	-5
PR_RIM_INTERNET_MESSAGE_ID:	<05661EAD2B418E459B644834588E850A0993782788@DC2-EXMB-C1-05.cis1.cisr.uscis.dhs.gov>

FW: URGENT - Suspend Processing - Gulf Coast Funds Mgmt., LLC

From: "[redacted]
Sent: 4/16/2013 6:50:38 PM +00:00
To: "[redacted]
Subject: FW: URGENT - Suspend Processing - Gulf Coast Funds Mgmt., LLC

From: [redacted]
Sent: Thursday, February 07, 2013 3:29 PM
To: [redacted]
Subject: FW: URGENT - Suspend Processing - Gulf Coast Funds Mgmt., LLC
Importance: High

Please make a note of the following.

From: [redacted]
Sent: Thursday, February 07, 2013 3:27 PM
To: [redacted]
Subject: Fw: URGENT - Suspend Processing - Gulf Coast Funds Mgmt., LLC
Importance: High

Please notify your officers and update the watch list.

From: [redacted]
Sent: Thursday, February 07, 2013 06:09 PM Eastern Standard Time
To: [redacted]
Subject: URGENT - Suspend Processing - Gulf Coast Funds Mgmt., LLC

CSC:

Effective immediately, please suspend processing of any Gulf Coast Funds Mgmt., LLC related cases (924, 526, 829). Also, if any cases have been adjudicated in the last couple of days, especially with the expedite request that was submitted, please notify us of those cases.

[redacted]

++++++++++++++++++++

[redacted]

Service Center Operations

U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

Message Headers: Received: from DC2-EXMB-C1-08.cis1.cisr.uscis.dhs.gov ([fe80::59f4:c727:[redacted]

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PR_RIM_MSG_FOLDER_ID: -3
PR_RIM_MSG_ON_DEVICE_3_6: true
PR_RIM_MSG_REF_ID: -402284585

PR_RIM_PAGER_TX_FLAG: true
PR_RIM_INTERNET_MESSAGE_ID:
<F7E6463E8A5CE441B2D33CEAA34A08B807DBD9A875@DC2-EXMB-C1-08.cis1.cisr.uscis.dhs.gov>

From: "[redacted]

Sent: 1/18/2013 3:48:24 PM +00:00

To: "Mayorkas, Alejandro N" <[redacted]

Subject: Message: Ali, please call Tom Rosenfeld of CANAM Enterprises, [redacted]. He said it was urgent and that you know the subject matter <eom>

[redacted]

Office of the Director

USCIS

Department of Homeland Security

[redacted]

Message Headers: [redacted]