



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

May 2, 2014

Jordan Thomas Schuetzle  
North Dakota/Minnesota EB-5 Regional Center  
4200 James Ray Drive  
Grand Forks, ND 58203

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

Applicant(s): North Dakota/Minnesota EB-5 Regional Center

Re: Request to Amend Regional Center Designation  
North Dakota/Minnesota EB-5 Regional Center  
RCW1316851163 / ID1031910017

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on June 17, 2013. The Form I-924 application was filed to request approval of an amendment to a previously approved regional center designation under the Immigrant Investor Program. The Immigrant Investor Program was established under § 610 of the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874).

**I. Executive Summary of Adjudication**

- A. Effective the date of this notice, USCIS approves the additional geographic area to include those areas listed in Section III of this notice.
- B. Effective the date of this notice, USCIS approves the additional industry categories listed in Section III of this notice.
- C. Effective the date of this notice, USCIS approves the change in the name of the Regional Center to North Dakota/Minnesota EB-5 Regional Center.

**II. Procedural History**

On April 19, 2011, USCIS approved the North Dakota/Minnesota EB-5 Regional Center for participation in the Immigrant Investor Program as a designated regional center. Based on the initial designation the North Dakota/Minnesota EB-5 Regional Center obtained approval for the following geographic area and industry categories:

State	Counties/Cities			
North Dakota and 20 counties in Minnesota	Kittson	Roseau	Marshall	Pennington
	Beltrami	Red Lake	Polk	Norman
	Clay	Otter Tail	Douglas	Pope
	Traverse	Stevens	Wilkin	Becker
	Mahnomen	Clearwater	Grant	Lake of the Woods

NAICS	Industry Name	Approval Date
11	Agriculture, Forestry, Fishing & Hunting	04/11/2011
31	Manufacturing	04/11/2011
33312	Construction Machinery Manufacturing	04/11/2011
333131	Mining Machinery Manufacturing	04/11/2011
3364	Aerospace Products & Parts Manufacturing	04/11/2011
51	Information	04/11/2011
541711	Research and Development in Biotechnology	04/11/2011
22112	Electric Power Transmission, Control and Distribution	04/11/2011
53	Real Estate	04/11/2011

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

**III. Amendment Request<sup>1</sup>**

Effective the date of this notice, USCIS approves the applicant’s amendment request to incorporate the following change(s):

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

**A. Geographic Area**

USCIS approves the applicant's amendment request to include the following geographic area:

<b>State</b>	<b>Counties/Cities</b>			
Minnesota (67 additional counties)	Aitkin	Anoka	Benton	Big Stone
	Blue Earth	Brown	Carlton	Carver
	Cass	Chippewa	Chisago	Cook
	Cottonwood	Crow Wing	Dakota	Dodge
	Fairbault	Fillmore	Freeborn	Goodhue
	Hennepin	Houston	Hubbard	Isanti
	Itasca	Jackson	Kanabec	Kandiyohi
	Koochiching	Lac qui Parle	Lake	Le Seur
	Lincoln	Lyon	McLeod	Martin
	Meeker	Mille Lacs	Morrison	Mower
	Murray	Nicollet	Nobles	Olmstead
	Pine	Pipestone	Ramsey	Redwood
	Renville	Rice	Rock	St. Louis
	Scott	Sherburne	Sibley	Stearns
	Steele	Swift	Todd	Wabasha
	Wadena	Waseca	Washington	Watonwan
Winona	Wright	Yellow Medicine		

**B. Industry Categories**

USCIS approves the applicant's amendment request to include the following industry categories:

<b>NAICS</b>	<b>Industry Name</b>
23	Construction
32-33	Manufacturing
48-49	Transportation and Warehousing
62	Health Care and Social Assistance
72	Accommodation and Food Service

**C. Name Change**

USCIS approves the applicant's amendment request to change its name to North Dakota/Minnesota EB-5 Regional Center.

#### **IV. Job Creation**

USCIS approves the geographic area and industry categories noted above based on the economic impact analysis presented and reviewed in conjunction with the adjudication of this regional center proposal.

This hypothetical project does not have the factual details necessary to be in compliance with the requirements described in Matter of Ho, 22 I&N Dec. 206 (Assoc. Comm'r 1998), and therefore, USCIS's approval of the hypothetical job creation estimates presented in the Form I-924 will not be accorded deference and may not be relied upon by an individual investor when filing the Form I-526. The business plan and job creation estimates will receive a de novo review by USCIS when an individual investor files Form I-526. Once an actual project is adjudicated upon the filing of the initial Form I-526, USCIS will give deference to subsequent Forms I-526 when the critical assumptions remain materially unchanged from the initially approved Form I-526.

When filing Form I-526, it will be the responsibility of the individual investor to submit a comprehensive, detailed and credible business plan, showing by a preponderance of the evidence that his or her investment in the new commercial enterprise will create not fewer than 10 full-time positions. If prior to filing a form I-829, the job creation estimated in the business plan submitted by the individual investor materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **V. Guidelines for Filing Form I-526 Petitions**

Each individual petition, in order to demonstrate that it is affiliated with the North Dakota/Minnesota EB-5 Regional Center, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain the following:

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

4. Legally executed organizational documents of the commercial enterprise.

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

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

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

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

The failure to timely file a Form I-924A Supplement for each fiscal year in which the regional center has been designated for participation in the Immigrant Investor Program will result in the issuance of an intent to terminate the participation of the regional center in the Immigrant Investor Program, which may ultimately result in the termination of the designation of the regional center.

The regional center designation is non-transferable.

#### **VII. Legal Notice**

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

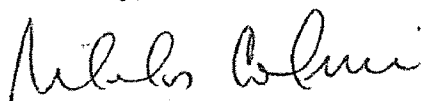
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representation whatsoever regarding the compliance of either the Regional Center or associated New Commercial Enterprises with such laws.

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

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

Sincerely,



Nicholas Colucci  
Chief, Immigrant Investor Program

cc: Bruce Gjovig  
North Dakota/Minnesota EB-5 Regional Center  
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