

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Immigrant Investor Program
131 M Street, NE, MS 2235
Washington, DC 20529



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

TO:

Allied Artists High Desert Regional Center LLC
Allied Artists International, Inc.
Attn: Sergio Ramos
PO Box 2035
City of Industry, CA 91746

DATE: July 12, 2017

Application: Form I-924

A-Number:

File: RCW1210950645 / ID1210950645

NOTICE OF TERMINATION

This letter shall serve as notification that U.S. Citizenship and Immigration Services ("USCIS") has terminated the designation of Allied Artists High Desert Regional Center LLC (the "Regional Center") as a regional center under the Immigrant Investor Program (the "Program") pursuant to Title 8 of the Code of Federal Regulations ("8 C.F.R.") section 204.6(m)(6). The reasons for the termination are explained, below:

(SEE ATTACHED)

If the Regional Center disagrees with this decision, or if the Regional Center has additional evidence that shows this decision is incorrect, the Regional Center may file a motion or an appeal to this decision by filing a completed Form I-290B, Notice of Appeal or Motion, along with the appropriate filing fee. A copy is enclosed. The Regional Center may also include a brief or other written statement and additional evidence in support of the motion or appeal. The Form I-290B must be filed within 33 days from the date of this notice. If a motion or appeal is not filed within 33 days, this decision is final.

The Regional Center must send the completed Form I-290B and supporting documentation with the appropriate filing fee to the address indicated below.

If using the U.S. Postal Service:

USCIS
P.O. Box 660168
Dallas, TX 75266

If using USPS Express Main/Courier:

USCIS
Attn: I-290B
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

For an appeal, the Regional Center may request additional time to submit a brief within 30 calendar days of filing the appeal. Any brief, written statement, or evidence in support of an appeal that is not filed with Form I-290B must be directly sent within 30 days of filing the appeal to:

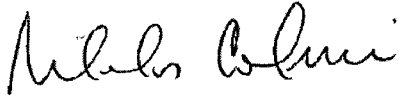
USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW, MS 2090

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Washington, DC 20529-2090

For more information about the filing requirements for appeals and motions, please see 8 C.F.R. § 103.3 or 103.5, or visit the USCIS website at www.uscis.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Colucci".

Nicholas Colucci
Chief, Immigrant Investor Program

Enclosure: (1) Form I-290B with instructions
(2) Notice of Intent to Terminate issued on April 13, 2017

cc: Allied Artists High Desert EB5 Regional Center, LLC
23 La Mesita Ranch Road.
Santa Fe, NM 87506

NOTICE OF TERMINATION
Termination of Regional Center Designation Under the Immigrant Investor Program
Allied Artists High Desert Regional Center LLC

The regulation at 8 C.F.R. § 204.6(m)(6) (*Continued participation requirements for regional centers*) provides:

(i) Regional centers approved for participation in the program must:

(A) Continue to meet the requirements of section 610(a) of the Appropriations Act.

(B) Provide USCIS with updated information annually, and/or as otherwise requested by USCIS, to demonstrate that the regional center is continuing to promote economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area, using a form designated for this purpose; and

(C) Pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX).

(ii) USCIS will issue a notice of intent to terminate the designation of a regional center in the program if:

(A) A regional center fails to submit the information required in paragraph (m)(6)(i)(B) of this section, or pay the associated fee; or

(B) USCIS determines that the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

(iii) A notice of intent to terminate the designation of a regional center will be sent to the regional center and set forth the reasons for termination.

(iv) The regional center will be provided 30 days from receipt of the notice of intent to terminate to rebut the ground or grounds stated in the notice of intent to terminate.

(v) USCIS will notify the regional center of the final decision. If USCIS determines that the regional center's participation in the program should be terminated, USCIS will state the reasons for termination. The regional center may appeal the final termination decision in accordance with 8 CFR 103.3.

(vi) A regional center may elect to withdraw from the program and request a termination of the regional center designation. The regional center must notify USCIS of such

election in the form of a letter or as otherwise requested by USCIS. USCIS will notify the regional center of its decision regarding the withdrawal request in writing.

I. Procedural History

On February 8, 2013, USCIS designated and authorized the Regional Center's participation in the Program. On April 13, 2017, USCIS issued a Notice of Intent to Terminate ("NOIT") to the Regional Center which afforded the Regional Center 30 days from receipt of the NOIT to offer evidence in opposition to the grounds alleged in the NOIT. On May 16, 2017, USCIS received a response to the NOIT (the "NOIT Response"), which did not sufficiently address the grounds alleged in the NOIT. Accordingly, USCIS has determined that the Regional Center's participation in the Program should be terminated. Pursuant to 8 C.F.R. § 204.6(m)(6)(v) and through this Notice of Termination, USCIS hereby terminates the Regional Center's participation in the Program.

II. Reasons for Termination

USCIS has determined that the Regional Center failed to submit the required information and failed to pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX) as required by 8 C.F.R. § 204.6(m)(6).

A. Failure to Submit Required Information to USCIS

As indicated in the NOIT, the Regional Center failed to provide information to USCIS on its annual Form I-924A filing for fiscal year 2016. Under 8 C.F.R. § 204.6(m)(6)(i)(B), a regional center must:

Provide USCIS with updated information annually, and/or as otherwise requested by USCIS, to demonstrate that the regional center is continuing to promote economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area, using a form designated for this purpose.

1. Failure to Submit Form I-924A

The Form I-924A instructions state that each designated regional center must file a Form I-924A for each fiscal year (October 1 through September 30) within 90 days after the end of the fiscal year (on or before December 29 of the calendar year in which the fiscal year ended). The form instructions further state that failure to timely file a Form I-924A for each fiscal year in which the regional center has been designated for participation in the Program will result in the issuance of an intent to terminate the participation of the regional center in the Program, which may ultimately result in the termination of the approval and designation of the regional center.

In the NOIT Response, the Regional Center submitted a letter from Kim Richards, Chairman and CEO of Allied Artists Film & Music Groups, dated May 11, 2017. In the letter, Mr. Richards stated that the Regional Center was "in a state of organizational flux as a result of the unexpected death of its managing

member, Robert M. Johnstone¹.” Mr. Richards went on to explain that the Regional Center’s failure to submit a Form I-924A for fiscal year 2016 was “being rectified concurrently with [his] letter.” The Regional Center provided a copy of an I-924A for fiscal year 2016, but did not provide any evidence to show that it had actually filed the I-924A and paid the appropriate fee.

As of the date of this notice, USCIS records indicate that the Regional Center has not filed a Form I-924A for fiscal year 2016. Due to the Regional Center’s failure to file Form I-924A, as required by the regulations and the Form I-924A instructions, USCIS terminates the Regional Center’s participation in the Program.

III. Conclusion

For the reasons described above and set forth in the NOIT and pursuant to 8 C.F.R. 204.6(m)(6), USCIS has determined that the Regional Center has failed to submit the required information to USCIS and has failed to pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX) and hereby terminates the Regional Center’s participation in the Program.

If the Regional Center disagrees with this decision, or if the Regional Center has additional evidence that shows this decision is incorrect, the Regional Center may file a motion or an appeal to this decision by filing a completed Form I-290B, Notice of Appeal or Motion, along with the appropriate filing fee. A copy is enclosed. The Regional Center may also include a brief or other written statement and additional evidence in support of the motion or appeal. The Form I-290B must be filed within 33 days from the date of this notice. If a motion or appeal is not filed within 33 days, this decision is final.

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2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

¹ According to the Yamhill Valley News Register, Robert M. Johnstone passed away on or about October 31, 2015, approximately 18 months before the Regional Center submitted the NOIT Response. “Attorney Robert Johnstone remembered,” November 10, 2015, <http://newsregister.com/>, last accessed July 10, 2017.

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