



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

Date: September 29, 2015

Next Bay Properties LLC Regional Center– Designation Terminated

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Notice of Termination

This letter shall serve as notification that U.S. Citizenship and Immigration Services ("USCIS") has terminated the designation of Next Bay Properties LLC Regional Center ("Next Bay") as a regional center under the Immigrant Investor Program ("Program") pursuant to Title 8 of the Code of Federal Regulations ("8 CFR") section 204.6(m)(6).

The regulation at 8 CFR § 204.6(m)(6) provides:

Termination of participation of regional centers. To ensure that regional centers continue 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, or increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis, on a cumulative basis, and/or as otherwise requested by USCIS, using a form designated for this purpose. USCIS will issue a notice of intent to terminate the participation of a regional center in the pilot program if a regional center fails to submit the required information or upon a determination 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. The notice of intent to terminate shall be made upon notice to the regional center and shall set forth the reasons for termination. The regional center must be provided 30 days from receipt of the notice of intent to terminate to offer evidence in opposition to the ground or grounds alleged in the notice of intent to terminate. If USCIS determines that the regional center's participation in the Pilot Program should be terminated, USCIS shall notify the regional center of the decision and of the reasons for termination. As provided in 8 CFR 103.3, the regional center may appeal the decision to USCIS within 30 days after the service of notice.

Procedural History

On March 31, 2011, USCIS designated Next Bay as a regional center and authorized its participation in the Program. USCIS approved Next Bay to operate under one NAICS code, as shown in the following table, and with a geographical area of San Joaquin County, California.

NAICS	Industry Name
23	Construction

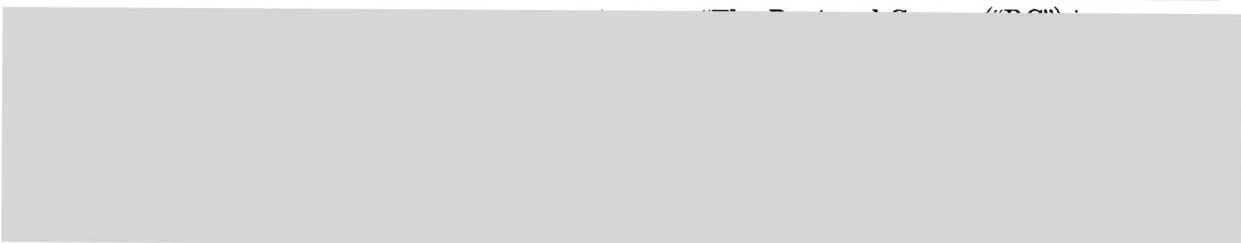
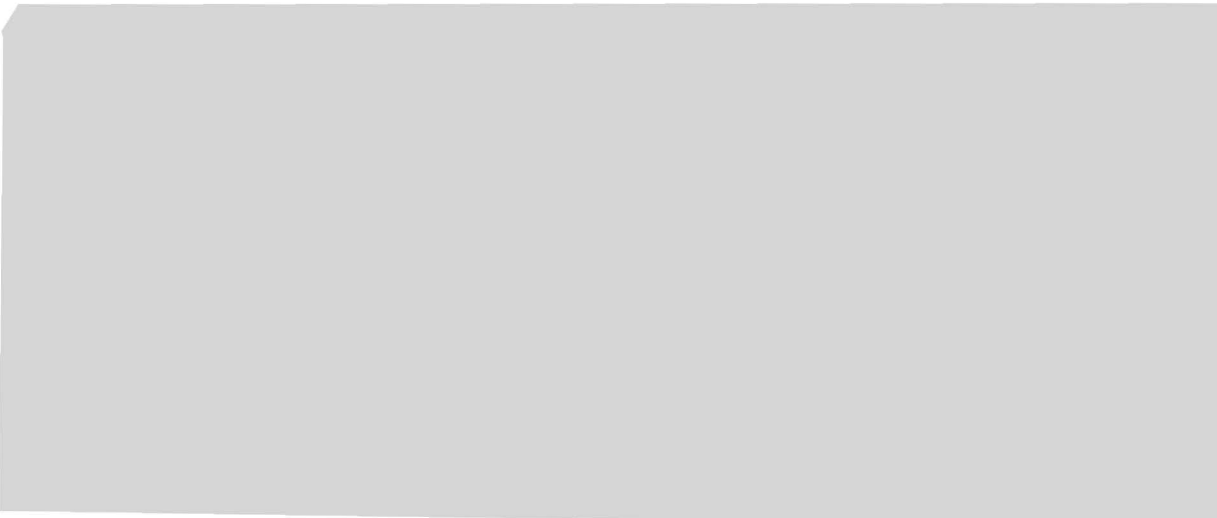
On June 19, 2015, USCIS issued to Next Bay a Notice of Intent to Terminate (“NOIT”) the Next Bay Properties LLC Regional Center’s participation in the Program because it no longer serves the purpose of promoting economic growth. The NOIT afforded Next Bay 30 calendar days from receipt of the notice to offer evidence in opposition to the grounds alleged in the NOIT. On July 23, 2015, USCIS received a response to the NOIT (the “NOIT Response”) which did not sufficiently address the grounds alleged in the NOIT. Accordingly, USCIS hereby terminates Next Bay’s participation in the Program.

Reasons for Termination

Failure to Demonstrate Promotion of Economic Growth

(b)(4)

Pursuant to 8 CFR 204.6(m)(6) and for the reasons set forth in the NOIT, USCIS has



(b)(4)

The evidence presented with the NOIT Response fails to demonstrate that Next Bay continues to promote economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. Instead, the NOIT Response provided

Conclusion

Next Bay has offered insufficient evidence to demonstrate continued promotion of economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. Thus, pursuant to 8 C.F.R. 204.6(m)(6), and for the reasons set forth above, USCIS has determined that Next Bay's participation in the Program should be terminated and hereby terminates Next Bay's participation in the Program.

Procedure to Appeal the Decision to Terminate

If you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you 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. You may also include a brief or other written statement and additional evidence in support of your 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.

You must send your 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: 290B
2501 S. State Highway 121
Business Suite 400
Lewisville, TX 5067

Your motion or appeal must be filed on Form I-290B and must be accompanied by a fee of \$630.00. The check or money order used for the Form I-290B filing fee must be drawn from a bank or other financial institution located in the United States and must be payable to U.S. Department of Homeland Security.

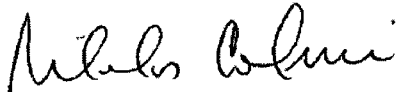
In support of your appeal, you may submit a brief or other written statement for consideration at the time of initial filing of the Form I-290B or within 30 calendar days of filing. If you are filing an appeal of this decision, you may, if necessary and for good cause, request additional time to submit a brief or other statement by submitting a written explanation for the need for additional time. Any brief, written statement or other evidence in support of an appeal that is not filed concurrently with Form I-290B, including any request for additional time for the submission of a brief must be sent directly to the Administrative Appeals Office (AAO) at:

USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

The appeal of the termination may not be filed directly with the AAO. The appeal of the termination must be filed in accordance with the Form I-290B instructions and at the address indicated above.

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,



Nicholas Colucci
Chief, Immigrant Investor Program

Enclosure:(1) Form I-290B with instructions