



U.S. Citizenship  
and Immigration  
Services

September 29, 2014

Justin Lee  
Southwest Biofuels Regional Center – **Designation Terminated**  
3250 Wilshire Blvd., Suite 1404  
Los Angeles, CA 90010

### Notice of Termination

This letter shall serve as notification that U.S. Citizenship and Immigration Services (USCIS) has terminated the designation of Southwest Biofuels Regional Center 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 . . . [P]rogram 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 . . . 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.

### **Reasons for Termination**

On August 14, 2014, USCIS issued to Southwest Biofuels Regional Center a Notice of Intent to Terminate (“NOIT”) its participation as a regional center in the Program for failure to timely file Form I-924A, Supplement to Form I-924 (“Form I-924A”). As noted above, the purpose of a Form I-924A filing is to provide USCIS with updated information to demonstrate that the regional center is continuing to promote economic growth, improved regional productivity, job creation, or increased domestic capital investment in the approved geographic area. The NOIT afforded Southwest Biofuels Regional Center 30 calendar days from receipt to offer evidence in opposition to the grounds alleged in the NOIT.

To date, USCIS has not received a response from Southwest Biofuels Regional Center to the NOIT and Southwest Biofuels Regional Center has offered no evidence in opposition to the grounds alleged in the NOIT. Further, as stated in the NOIT, USCIS records reflect that Southwest Biofuels Regional Center failed to submit the required Form I-924A for fiscal year 2013. Thus, pursuant to 8 CFR § 204.6(m)(6), and for the reasons set forth above, USCIS hereby terminates Southwest Biofuels Regional Center’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 calendar days from the date of this notice. If a motion or appeal is not filed within 33 calendar 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 U.S Postal Service:**

USCIS  
P.O. Box 660168  
Dallas, TX 75266

**If using USPS Express Mail/Courier:**

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

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.

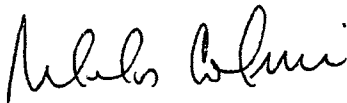
In support of your appeal, you may submit a brief or other written statement for consideration at the time of initial filing of the Form I-290B or within 30 calendar days of filing. If you are filing an appeal of this decision, you may, if necessary and for good cause, request additional time to submit 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  
20 Massachusetts Avenue, NW  
Mail Stop 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](http://www.uscis.gov).

Sincerely,



Nicholas Colucci  
Chief, Immigrant Investor Program

Enclosures: (1) Form I-290B with instructions  
(2) Notice of Intent to Terminate issued on August 14, 2014

cc: Frank Lincoln, Esq.  
3250 Wilshire Blvd., Suite 1410  
Los Angeles, CA 90010