

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



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

**TO:**

The Z Global Corporation  
250 Fischer Ave.  
Costa Mesa, CA 92626

**DATE:** May 16, 2017

**Application: Form I-924**

**A-Number:**

**File: ID1034350095 / RCW1034350095**

**NOTICE OF TERMINATION**

This letter shall serve as notification that U.S. Citizenship and Immigration Services ("USCIS") has terminated the designation of The Z Global Corporation (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

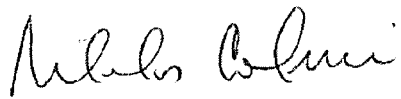
For an appeal, the Regional Center may request additional time to submit a brief within 30 calendar days of filing the appeal. Any brief, written statement, or evidence in support of an appeal that is not filed with Form I-290B must be directly sent within 30 days of filing the appeal to:

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

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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,

A handwritten signature in black ink, appearing to read "Nicholas Colucci". The signature is fluid and cursive, with the first name "Nicholas" and last name "Colucci" clearly distinguishable.

Nicholas Colucci  
Chief, Immigrant Investor Program

Enclosure: (1) Form I-290B with instructions  
(2) Notice of Intent to Terminate issued on March 20, 2017

cc: Shameem Hasan  
M. Thomassen & Associates  
250 Fischer Ave.  
Costa Mesa, CA 92626

**NOTICE OF TERMINATION**  
**Termination of Regional Center Designation Under the Immigrant Investor Program**  
**The Z Global Corporation**

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 July 18, 2013, USCIS designated and authorized the Regional Center's participation in the Program. On January 25, 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. The NOIT was sent by regular U.S. mail to the Regional Center's address of record and to the Regional Center's attorney of record. The NOIT was addressed to the listed principal of the Regional Center, Richard Shinn. On February 14, 2017, the NOIT was returned as undeliverable, marked "DECEASED." The copy of the NOIT sent to the Regional Center's attorney of record was not returned as undeliverable.

On review, USCIS discovered that the address of record for the Regional Center's attorney had changed, but USCIS had no record of any notification of any change in the principal of the Regional Center. Due to the change in the attorney of record's address, USCIS reissued the NOIT on March 20, 2017 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. The NOIT was sent by regular U.S. mail to the Regional Center's address of record and to the updated address of the Regional Center's attorney of record. Again, the NOIT was returned as undeliverable, marked "DECEASED," on April 26, 2017. The copy of the NOIT that was mailed to the Regional Center's attorney of record was not returned as undeliverable.

Since neither copy of the NOIT that was mailed to the Regional Center's attorney of record was returned, USCIS presumes that those copies were properly received by the attorney. USCIS notes that the attorney of record, Shameem Hasan, shares the same address as the Regional Center and—as addressed in the NOIT—was listed as a partner of PDC Capital Group LLC, the company that purchased the Regional Center in 2015.

To date, USCIS has not received a response from the Regional Center to the NOIT and the Regional Center has offered no evidence in opposition to 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, failed to pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX) and no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment 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.

As of the date of this notice, USCIS records indicate that the Regional Center has not provided a response to the NOIT and 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.

**2. Failure to Notify USCIS of Changes to the Regional Center**

The Form I-924 Instructions specify additional reporting requirements for regional centers in addition to the annual filing requirements in the Form I-924A. Page 1 of the Form I-924 Instructions states that a "regional center must notify USCIS within 30 days" of "changes of address, contact information, a change of duties among the regional center principals, changes to non-principal managing companies, contracting agents or similar changes". The Form I-924 Instructions at page 1 also state that a regional center must notify USCIS within 30 days:

- (1) if the regional center has any changes in its industries of focus;
- (2) if the regional center adds a new commercial enterprise associated with the regional center and/or seeks a preliminary determination of EB-5 compliance for an exemplar Form I-526, Immigrant Petition by Entrepreneur, for that new commercial enterprise, before individual entrepreneurs file their petitions; or
- (3) if the regional center has any changes in changes in the name, organizational structure or administration, capital investment instruments, or offering memoranda (including

changes in the economic analysis and underlying business plan used to estimate job creation) for a previously added new commercial enterprise associated with the regional center.

In addition, page 12 of the Form I-924 Instructions states that, "You must notify USCIS of any change to the mailing address of the regional center entity."

As explained in the NOIT, the Regional Center failed to provide requested information about the principals and managers of the Regional Center. USCIS first received notice that the Regional Center had been sold via a letter from Shameem Hasan, identified on the accompanying Form G-28 as attorney for the Regional Center. The letter stated that "there has been a change of ownership of Z Global Corporation. It is now owned by PDC Capital Group, LLC...."

Pursuant to the notification from Mr. Hasan, USCIS issued two requests for evidence on February 5, 2016 and May 31, 2016, respectively, requesting additional information about the Regional Center's principals and managers. In response to the requests, the Regional Center has asserted that Richard Shinn was the sole owner of PDC Capital Group, LLC and the only person with beneficial interest in that company.

In the NOIT, USCIS pointed out that PDC Capital Group, LLC appeared, in fact, to have several partners and managers, and that the business license for the Regional Center listed several individuals as officers and directors. As of the date of this Notice, the Regional Center has not provided the requested information.

Additionally, as two NOITs addressed to the Regional Center and its listed principal, Richard Shinn, have been returned as undeliverable due to "DECEASED," it appears that Mr. Shinn has passed away and unclear who, if anyone, is considered to be the principal of the Regional Center. As of the date of this Notice, USCIS has not received any notice regarding a change in the principal, ownership, or management of the Regional Center and the Regional Center has not filed any Forms I-924 seeking amendment of the Regional Center's designation to reflect such a change in principal, ownership, or management. Due to the Regional Center's failure to notify USCIS of changes in the Regional Center and failure to file a Form I-924 seeking approval for the changes in the Regional Center, as required by the regulations and the Form I-924 instructions, USCIS has determined that the Regional Center has failed to provide information as required by 8 C.F.R. § 204.6(m)(6)(i)(B).

#### **B. Failure to Continue to Serve the Purpose of Promoting Economic Growth**

Regional centers are designated for the promotion of economic growth and must continue to meet the requirements of section 610(a) of the Appropriations Act as amended, and promote economic growth in a manner that does not conflict with requirements for classification under section 203(b)(5) of the Immigration and Nationality Act ("INA"), removal of conditions on lawful permanent residence under section 216A of the INA, and implementing regulations following their designation. According to section 610(a) of the Appropriations Act, economic growth includes increased export sales, improved regional productivity, job creation, or increased domestic capital investment. *See also* 8 C.F.R. § 204.6(m)(6)(ii)

(“USCIS will issue a notice of intent to terminate the designation of a regional center in the program if. . . 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.”).

The reasons why a regional center may no longer serve the purpose of promoting economic growth are varied and “extend beyond inactivity on the part of a regional center.” 75 FR 58962. For example, depending on the facts, a regional center that takes actions that undermine investors’ ability to comply with EB-5 statutory and regulatory requirements such that investors cannot obtain EB-5 classification through investment in the regional center may no longer serve the purpose of promoting economic growth. *See* Section 610(a)-(b) of the Appropriations Act (stating that one purpose of a regional center is to concentrate pooled investment in defined economic zones and accomplishing such pooled investment by setting aside visas for aliens classified under INA 203(b)(5)). Likewise, a regional center that fails to engage in proper monitoring and oversight of the capital investment activities and jobs created or maintained under the sponsorship of the regional center may no longer serve the purpose of promoting economic growth in compliance with the Program and its authorities.

When derogatory information arises (such as evidence of inaction, mismanagement, theft, or fraud by the regional center or related entities), USCIS weighs all relevant factors in the totality of the circumstances to determine whether the regional center is continuing to serve the purpose of promoting economic growth. Such factors may include the seriousness of the derogatory information, the degree of regional center involvement in the activities described in the derogatory information, any resulting damage or risk imposed on investors and the economy, as well as any mitigating, corrective, or restorative actions taken or forthcoming to redress the situation.

USCIS has considered all evidence in the record “for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence,” in determining whether the Regional Center’s continued participation is justified under the regulations by a preponderance of the evidence. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). For the reasons set forth below, USCIS has determined by a preponderance of the evidence that the Regional Center no longer serves the purpose of promoting economic growth in compliance with the Program.

#### ***1. Lack of Regional Center Activity***

As noted in the NOIT, the Regional Center’s Form I-924A filings for fiscal years 2014 and 2015 do not report any EB-5 capital investment or job creation. In addition, although USCIS designated the Regional Center on July 19, 2017, the Form I-924A filings do not report any pending or approved Forms I-526 filed by petitioners who have made or are actively in the process of making investments associated with the Regional Center.

As of the date of this notice, USCIS records indicate that the Regional Center has not provided a response to the NOIT and the Regional Center's filings do not otherwise indicate that it has conducted activity that serves the purposes of the Program, including the "purpose of concentrating pooled investment" as required by section 610(a) of the Appropriations Act<sup>1</sup>.

In the absence of evidence of increased export sales, improved regional productivity, job creation, or increased domestic capital investment, USCIS concludes that the Regional Center no longer serves the purpose of promoting economic growth.

### **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, has failed to pay the fee provided by 8 CFR 103.7(b)(1)(i)(XX) and no longer serves the purpose of promoting economic growth 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.

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:

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<sup>1</sup> USCIS Policy Manual, Volume 6, Part 6, Chapter 3.



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