



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

December 8, 2015

Luke Hwang
Twin Development LLC Regional Center – **Designation Terminated**
6215 62nd Ave. W
University Place, WA 98467

Notice of Termination

This letter shall serve as notification that U.S. Citizenship and Immigration Services (USCIS) has terminated the designation of Twin Development LLC Regional Center ("Twin Development 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 June 18, 2015, USCIS issued to Twin Development Regional Center a NOIT for Twin Development Regional Center's participation as a regional center in the Program because it no longer serves the purpose of promoting economic growth. Twin Development Regional Center's I-924A filings do not

reveal any EB-5 capital investment or job creation for fiscal years 2011, 2012, 2013, or 2014. In addition, although USCIS designated Twin Development Regional Center as a regional center on October 28, 2009, the I-924A filings do not report any approved Form I-526s, Immigrant Petitions by Alien Entrepreneurs, or I-829s, Petition by Entrepreneur to Remove Conditions. Further, as of the date of this termination, USCIS records indicate that no I-526 or I-829 petitions are pending for investments associated with Twin Development Regional Center. Finally, the statute which created the regional center program provides that a regional center shall be “consistent with the purpose of concentrating pooled investment.” Twin Development has not achieved that purpose as no capital investments have been pooled by the regional center as evidenced by the absence of any I-526 petitions being filed since the regional center was initially designated in 2009.

The NOIT response cover letter states in part, “The reaffirmation correspondence of February 25, 2015, makes no limitation on the reaffirmation of TDRC’s regional center status or requests additional information from TDRC.” As for specific USCIS procedures, each regional center that remains designated for participation in the Program as of the end of a fiscal year (September 30), must submit the Form I-924A Supplement with the required supporting documentation on or before December 29. USCIS reviews the I-924A for each regional center for each fiscal year. Upon our review of the I-924A or if the regional center fails to file the Form I-924A, USCIS may issue a Notice of Intent to Terminate (NOIT) to the regional center. Issuance of a NOIT signifies USCIS’s intention to terminate the regional center’s participation in the Program. Typically, subsequent to issuance of the NOIT and review of the regional center’s response to the NOIT, USCIS may either issue the regional center a termination notice or a reaffirmation notice. A termination notice is a final action and serves to terminate a regional center’s participation in the Program. A reaffirmation notice serves to notify the regional center that USCIS reaffirms the regional center’s designation. There is no specific validity period for the reaffirmation letter, just as there is no specific validity period for regional center approval letters. The regional center is designated until it is terminated, either upon request by the regional center or action by USCIS.

The cycle begins again the following fiscal year with a regional center’s filing of the I-924A to demonstrate the regional center’s continued eligibility for the regional center designation. Upon review of the next I-924A, USCIS determines whether the regional center continues to serve the purposes of the Program. USCIS may again initiate termination proceedings to a regional center’s designation for participation in the Program if the regional center fails to file the I-924A or upon a determination that the regional center no longer serves the purpose of promoting economic growth. (Thus, USCIS’s February 25, 2015 reaffirmation notice was written subsequent to Twin Development Regional Center’s reply to our NOIT issued September 8, 2014. The next cycle then began with USCIS’s review of your I-924A for fiscal year 2014.)

The evidence presented with the NOIT response fails to demonstrate that Twin Development Regional Center continues to promote economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. Instead, in addition to the cover letter, the NOIT response consists of two one-page letters, both dated almost 30 days after the NOIT was issued, of potential investment interest and architectural planning. Pursuant to the NOIT, Twin Development Regional Center had 30 calendar days from receipt of the NOIT to offer evidence in opposition to the grounds alleged in the NOIT. The evidence submitted in response to the NOIT, received on August 5, 2015, does not meet the preponderance of evidence standard to justify allowing Twin Development Regional Center to continue participating in the EB-5 Program. Thus, pursuant to 8 CFR § 204.6(m)(6), and for the reasons set forth above, USCIS hereby terminates Twin Development 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.

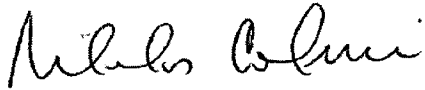
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Sincerely,



Nicholas Colucci

Chief, Immigrant Investor Program

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

(2) Notice of Intent to Terminate issued on June 18, 2015

cc: Shahzad Qadri
Wong Fleming
2340 130th Ave. Northeast, Suite D-150
Bellevue, WA 98005

Twin Development LLC Regional Center
31740 23rd Avenue South
Federal Way, WA 98003