

U.S. Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

SCOPS 70/6.2.8

APR 17 2007

Justin M. Lee, President and CEO
Kansas Biofuel Regional Center, LLC
3250 Wilshire Blvd, Suite #1700
Los Angeles, CA 90010

Re: USCIS Approval of the Proposal of Kansas Biofuel Regional Center, LLC (KBRC) seeking designation as a Regional Center under the Immigrant Investor Pilot Program.

Pursuant to Section 610 of the Appropriations Act of 1993, the Kansas Biofuel Regional Center, LLC (KBRC) is approved and designated by USCIS. The purpose of the KBRC is to attract immigrant investor capital that is to be pooled in limited liability corporations (LLCs) that will promote economic growth through investments that focus on the development and operation of fuel grade ethanol production facilities within twenty-one (21) counties located in the southwest region of the State of Kansas. These are the Kansas counties of Clark, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearney, Lane, Meade, Morton, Ness, Scott, Seward, Sherman, Stanton, Stevens, Wallace and Wichita.

Based on its review and analysis of the material provided in support of the March 15, 2006 request for the KBRC designation and the supplementary material provided in response to a Request for Additional Evidence issued by USCIS on March 8, 2007, USCIS approves and designates the KBRC, LLC as a regional center to operate as part of the Immigrant Investor Pilot Program. This designation encompasses the business plan, job creation model and multipliers for the KBRC reflecting that the projects in the KBRC business plan promote economic growth related to a job creating enterprise by the infusion of capital invested through the KBRC from immigrant investors. In accepting the regional center designation proposal, USCIS has updated its records to reflect the KBRC's approval and designation, business plan, and job creation model and multipliers which provide for immigrant investor capital into the development and operation of fuel grade ethanol production facilities.

It is further noted that the economic analysis of the projected job-creating impacts of such capital investment projects provided in support of the approved proposal do not reflect construction activity and the resultant creation of temporary construction jobs that would disappear upon

completion of building fuel grade ethanol production facilities within the geographic bounds of the regional center. The job-creating impacts in the economic analysis were estimated by applying the RIMS II final demand multipliers for output, earnings and employment to the expenditure categories associated with ongoing (post-construction) fuel grade ethanol production facility operations.

As such, aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file individual petitions with USCIS for these new commercial enterprises located within the KBRC area comprised of the twenty-one contiguous counties in the southwest region of the State of Kansas, comprising the following individual counties: Clark, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearney, Lane, Meade, Morton, Ness, Scott, Seward, Sherman, Stanton, Stevens, Wallace and Wichita counties. The geographic focus of this area is comprised of both small urban and rural areas which have been designated as a Targeted Employment Area (TEA) by the State of Kansas as defined in 8 CFR 204.6(e). Therefore, the minimum capital investment threshold for any individual immigrant investment into a new commercial fuel grade ethanol production facility enterprise through the KBRC shall be not less than \$500,000.

Alien entrepreneurs who file petitions for commercial fuel grade ethanol production facility enterprises located in the KBRC area must fulfill all of the requirements set forth in 8 CFR 204.6, except that the petition need not show that the new commercial enterprises created ten new jobs indirectly as a result of the alien entrepreneur's investment. This determination has been established by way of the USCIS' acceptance of the economic analysis which is contained as part of the USCIS-approved KBRC proposal.

However, where creation of indirect jobs is based on a multiplier rooted in or based on underlying new "direct jobs" is claimed in support of an immigrant investor's individual I-526 petition affiliated with the KBRC, then to be credited with projected creation of any new "direct" jobs for "qualifying employees" the petition must be supported by:

- a comprehensive detailed business plan;
- supporting financial, marketing and related data, and
- an analysis providing a reasonable basis for projecting creation of any new direct jobs.

Each individual petition, in order to demonstrate that it is associated with the KBRC in conjunction with addressing all the requirements for an individual alien entrepreneur petition, shall also contain as supporting evidence relating to this approved regional center designation, the following:

1. A copy of this letter of approval and designation.
2. A copy of the approved regional center narrative proposal and, business plan.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the regional center economic analysis which has been approved by USCIS, which reflects

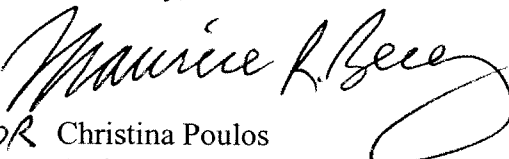
that investment by an individual alien investor of at least \$500,000 into a fuel grade ethanol production facility enterprise within the geographic area of the KBRC will create full-time employment positions, either directly or indirectly, for not fewer than ten qualified employees.

4. A legally executed copy of:
 - a. Kansas Biofuel Venture (KBV), LLC Confidential Information Memorandum
 - b. KBV, LLC Operating Agreement
 - c. KBV, LLC Subscription Agreement
 - d. KBRC Advisory Agreement
 - e. KBRC Marketing and Consulting Agreement
 - f. Alien Capital Investment Escrow Agreement and the Escrow instructions.

The approval and designation by USCIS of the KBRC does not reflect any determination on the merits of individual petitions filed by alien entrepreneurs under the Immigrant Investor Pilot Program. All petitions for alien entrepreneurs who invest within the regional center will be adjudicated by the USCIS on a case-by-case basis and each petition must be fully documented. The individual petitions must be submitted to the California Service Center.

If you have any questions concerning the KBRC Regional Center approval of your designation under the Immigrant Investor Pilot Program, please contact the USCIS Foreign Trader, Investor and Regional Center Program.

Sincerely,


FOR Christina Poulos
Acting Chief
Service Center Operations