



U.S. Citizenship
and Immigration
Services

HOOPRD 70/6.2.8

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Secretary
Mr. James Rowley
Deputy Secretary
Commonwealth of Pennsylvania
Department of Community and Economic Development
Harrisburg, PA 17120

APR 13 2007

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Executive Director, Office of Trade Policy
Commonwealth of Pennsylvania
Department of Community and Economic Development
400 N Capitol St NW Suite 390
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Re: Pennsylvania Department of Community and Economic Development Regional Center

Pursuant to Section 610 of the Appropriations Act of 1993, the Commonwealth of Pennsylvania Department of Community and Economic Development (PDCED) application for designation by U.S. Citizenship and Immigration Services for designation as a Regional Center to participate in the Immigrant Investor Pilot Program is approved. This approval and designation is for a PDCED Regional Center is for the contiguous geographic area encompassing the following twenty-three (23) counties of western Pennsylvania: Erie, Crawford, Mercer, Venango, Lawrence, Butler, Clarion Beaver, Armstrong, Allegheny, Indiana, Westmoreland, Washington, Greene, Fayette, Somerset, Cambria, Blair, Bedford, Warren, Forest, Jefferson and Clearfield. Also, within the above defined contiguous geographic area, the delineated Targeted Employment Areas (TEAs) within the Pittsburgh, Pennsylvania Standard Metropolitan Statistical Area (SMSA); delineated TEAs within the city of Pittsburgh; and delineated TEAs within the Erie and Johnstown, Pennsylvania SMSAs.

However, a separate request dated February 9, 2007, to add within the Regional Center a separate non-contiguous geographic area located at the far eastern end of the Commonwealth encompassing a portion of Bucks County, specifically the areas of Bristol, Borough, Tullytown Borough, Morrisville Borough, Falls Township, Bensalem Township, and Bristol Township, is refused. A proposed regional center needs to encompass a clearly defined and delineated “contiguous” geographic area and the proposed additional area is not contiguous to the 23-county area which has been designated above.

The new commercial enterprise investment focus of the PDCED Regional Center will concentrate on financing projects and developing commercial enterprises in the following eight (8) target industries:

1. Tourism and hospitality
2. Technology
3. Transportation
4. Manufacturing and Trade
5. Health Services
6. Agriculture and Food Production
7. Higher Education
8. Leasehold Improvements to Commercial Office & Mixed-Use Spaces

As such, aliens seeking immigrant visas through the Immigrant Investor Pilot Program may file individual petitions with USCIS for investments into financing projects and developing commercial enterprises in the above cited eight (8) target industries located within the PDCED regional center area comprised of the contiguous geographic area encompassing the following twenty-three (23) counties of western Pennsylvania: Erie, Crawford, Mercer, Venango, Lawrence, Butler, Clarion Beaver, Armstrong, Allegheny, Indiana, Westmoreland, Washington, Greene, Fayette, Somerset, Cambria, Blair, Bedford, Warren, Forest, Jefferson and Clearfield; and in the delineated Targeted Employment Areas (TEAs) within the Pittsburgh, Pennsylvania Standard Metropolitan Statistical Area (SMSA); delineated TEAs within the city of Pittsburgh; and delineated TEAs within the Erie and Johnstown, Pennsylvania SMSAs.

The geographic focus of this area is comprised of both rural areas and certain urban areas which have been designated as a Targeted Employment Area (TEA) by the Commonwealth of Pennsylvania as defined in 8 CFR 204.6(e). Therefore, the minimum capital investment threshold for any individual immigrant investment into a new commercial enterprise through the PDCED Regional Center shall be not less than \$500,000.

Alien entrepreneurs who file petitions for commercial enterprises located in the PDCED Regional Center 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 PDCED Regional Center's approved proposal and its indirect job creation analysis and multipliers within the approved PDCED application package.

However, where preservation or creation of "direct jobs" are claimed in support of an immigrant investor's individual I-526 petition affiliated with the PDCED Regional Center, then:

- To be credited for preserving/maintaining pre-existing direct jobs for "qualified employees" within a "troubled business" as defined by the regulations at Part 204.6(e), the individual I-526 petition must be supported by probative evidence of the number of full time (35 hours per week) qualified employees for the 1 to 2 years prior to filing the petition whose positions shall be preserved/maintained throughout the alien's period of conditional residency. Such evidence should include copies of quarterly state employment tax reports, Forms W-2, Forms I-9, and any other pertinent employment records sufficient to demonstrate the number of "direct" qualifying pre-existing full time jobs in the specified troubled business have been preserved/maintained, and any other pertinent employment records sufficient to demonstrate the number of employees before the investment.
- To be credited with projected creation of new "direct" jobs for "qualifying employees" upon filing the I-526 petition, then the petition must be supported by a comprehensive detailed business plan and supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of the new direct jobs.

Each individual petition, in order to demonstrate that it is associated with the PDCED Regional Center, in conjunction with addressing all the requirements for an individual alien entrepreneur petition, shall also contain as supporting evidence relating to this 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's economic analysis which has been approved by USCIS, which reflects that investment by an individual alien investor of at least \$500,000 into a commercial enterprise in a targeted industry within the geographic area of the PDCED Regional Center will preserve and/or create full-time employment positions, either directly or indirectly, for not fewer than ten qualified employees.
4. A legally executed copy of:
 - a. the Confidential Information Memorandum;

- b. the Escrow Agreement
- c. the escrow instructions
- d. the Limited Partnership Agreement
- e. any CIM Amendment, and
- f. color coded maps clearly delineating the PDCED Regional Center geographic boundaries

The approval and designation by USCIS of the PDCED as a regional center 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 USCIS Texas Service Center.

If you have any questions concerning the PDCED Regional Center approval and 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