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Creating Jobs Through EB-5 Investment

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Roberto Contreras IV, *Director*
Daniel J. Healy, *Director*
Patrick F. Hogan, *Director*
Joseph McCarthy, *Director*

Email: info@iiusa.org
Telephone: 202-795-9669
www.iiusa.org

K. David Andersson, *President Emeritus*
Stephen Yale-Loehr, *President Emeritus*
Robert C. Divine, *Vice President Emeritus*
Henry Liebman, *Director Emeritus*
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May 4, 2022

The Honorable Chief Magistrate Judge Vincent Chhabria
United States District Court for the Northern District of California
Phillip Burton Federal Building & United States Courthouse
450 Golden Gate Avenue
San Francisco, California 94102

RE: CASE NUMBER 3:22-cv-02487-JCS
Behring Regional Center, LLC v. Alejandro Mayorkas and Ur M. Jaddou

Dear Judge Chhabria:

Invest in the USA (IIUSA) is the U.S. national trade organization for EB-5 Regional Centers. IIUSA provides this declaratory letter on behalf of its members in full support of the plaintiff's, Behring Regional Center's, motion for a temporary restraining order in the above styled matter.

IIUSA, on behalf of its membership and all regional centers, was intimately involved with Congressional staff in developing the EB-5 Reform and Integrity Act of 2022 ("RIA"). The effort always had two primary goals: a) to reauthorize the Regional Center Program and b) to build in new "integrity" and accountability measures. These goals were *never* seen, by IIUSA and Congress, as mutually exclusive. Assuring integrity at the expense of the program itself is counterintuitive on its face and produces grotesquely absurd unintended consequences.

Nevertheless, and for reasons unknown, the U.S. Citizenship and Immigration Services ("USCIS") is interpreting the RIA as repealing section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C 1153 note) and calling for existing regional centers to seek re-designation by filing a new application with the USCIS under the RIA. Doing so is the equivalent of providing the country a new car and refusing to fill it with fuel.

Awaiting approval of such a new application (a process that could take months or years) before commencing post RIA enactment operations will gut the EB-5 regional center program leaving a mere programmatic shell in place; disallowing regional centers' ability to meet Congressional intent of job creation and economic development. Further, the absence of any operational regional centers will jeopardize the ability of thousands of EB-5 immigrant investors to continue their immigration process through no fault of their own. These outcomes are diametrically opposed to the reasons for

passing RIA in the first place: a) to reauthorize the Regional Center Program and b) to build in new “integrity” and accountability measures.

The USCIS interpretation would vitiate the RIA’s essential purpose as it will assuredly take many months or years before existing RIA compliant regional centers are so-called “re-designated.” Such extensive delay would thwart Congressional intent to reauthorize and reactivate a compliant Regional Center Program that provides so many economic benefits and assures legal immigration to thousands of investors.

For these reasons and others, IIUSA fully supports the plaintiff’s motion for a temporary restraining order in the above styled matter and respectfully asks this court to grant the temporary restraining order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron L. Grau", with a long horizontal flourish extending to the right.

Aaron L. Grau, IIUSA
Executive Director