



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

July 17, 2014
Gonzalo Lopez-Jordan
ARCG Nevada Regional Center LLC
1200 Brickell Avenue, Suite 1950
Miami, FL 33131

Application: Form I-924, Application for Regional Center under the Immigrant Investor Pilot Program

Applicant(s): ARCG Nevada Regional Center LLC

Re: Initial Regional Center Designation
ARCG Nevada Regional Center LLC
RCW1408751719 / ID1109550191

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on March 28, 2014. The Form I-924 application was filed to request approval of initial regional center designation under the Immigrant Investor Program. The Immigrant Investor Program was established under § 610 of the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874).

I. Executive Summary of Adjudication

Effective the date of this notice, USCIS approves the Form I-924 request to designate ARCG Nevada Regional Center LLC (formerly Geothermal Regional Center, LLC) as a qualifying participant in the Immigrant Investor Program.

II. History

Petitioner ARCG Nevada Regional Center, LLC (formerly Geothermal Regional Center LLC, a designated regional center since September 2011,) is seeking to amend its current name as stated and to expand the center's scope. Specifically, it seeks to expand its geographic area and industry sectors.

The requested Regional Center geographic area is reset to include the California counties of Inyo, San Bernardino, Riverside, and Imperial. These are contiguous to the current geographic area of Washoe, Humboldt, Pershing, Churchill, Lander, Elko, Lyon, Esmeralda, Mineral, and Nye Counties in Nevada.

ARCG also requests expansion of industry sectors to: NAICS 2300 – Construction; NAICS 2362 - Non-residential Building Construction; and NAICS 3251 - Basic Chemical Manufacturing.

The Managing Member of the Regional Center is now American Regional Center Group LLC, a Florida limited liability company formed on August 15, 2012. The former Managing Member - Nevada Regional Center LLC - merged with American Regional Center Group LLC. The individual owners of the original and surviving entities are identical - specifically, Gonzalo Lopez-Jordan and Santiago Steed each owned 50% of Nevada Regional Center LLC, and they presently have the same equity ownership interest in American Regional Center Group LLC.

Finally, petitioner requests USCIS consider its hypothetical business plan for Lithium Green Energy LLC intended to invest EB-5 funds in the Sm Calipatria Plant I (SmCP-1), a new commercial lithium extraction and lithium derivatives production facility by Simbol, Inc. in the Salton Sea geothermal field in Imperial County California. The offering is sponsored by ARCG Nevada Regional Center LLC.

III. Regional Center Designation

USCIS approves the applicant's request to focus, promote economic growth, and offer capital investment opportunities in the following geographic area and industry categories:

A. Geographic Area

State of Nevada, California	Counties/Cities	Counties/Cities
	California: Inyo, San Bernardino, Riverside, and Imperial	
	Nevada: Washoe, Humboldt, Pershing, Churchill, Lander, Elko, Lyon, Esmeralda, Mineral and Nye.	

Note: Pursuant to the Policy Memorandum on EB-5 Adjudications Policy (PM-602-0083), an amendment request is not required if investment opportunities arise outside the geographic area referenced above. USCIS will evaluate eligibility upon the filing of an initial Form I-526 related to that new investment opportunity.

B. Industry Categories

Industry Category	NAICS code
Alternative energy construction	237130
Construction	230000
Nonresidential Building Construction	236200
Chemical Manufacturing	325100

Note: Pursuant to the Policy Memorandum on EB-5 Adjudications Policy (PM-602-0083), an amendment request is not required if investment opportunities arise outside the industry categories

VI. Designee's Responsibilities in the Operations of the Regional Center

As provided in 8 CFR § 204.6 (m)(6), to ensure that the regional center continues 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, and increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis or as otherwise requested by USCIS. The applicant must monitor all investment activities under the sponsorship of the regional center and to maintain records in order to provide the information required on the Form I-924A Supplement to Form I-924. Form I-924A, Supplement to Form I-924 Application is available in the "Forms" section on the USCIS website at www.uscis.gov.

Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30th of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29th of the same calendar year.

The failure to timely file a Form I-924A Supplement for each fiscal year in which the regional center has been designated for participation in the Immigrant Investor Program will result in the issuance of an intent to terminate the participation of the regional center in the Immigrant Investor Program, which may ultimately result in the termination of the designation of the regional center.

The regional center designation is non-transferable.

VII. Legal Notice

This approval and designation of a Regional Center under the Immigrant Investor Program does not constitute or imply an endorsement or recommendation by USCIS, the United States Government or any instrumentality thereof, of the investment opportunities, projects or other business activities related to or undertaken by such Regional Center. Except as expressly set forth in this approval and designation, USCIS has not reviewed any information provided in connection with or otherwise related to the Regional Center for compliance with relevant securities laws or any other laws unrelated to eligibility for designation as a Regional Center. Accordingly USCIS makes no determination or representation whatsoever regarding the compliance of either the Regional Center or associated New Commercial Enterprises with such laws.

Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with all laws and regulations related to such investment offerings and activities may result in the issuance by USCIS of a notice of intent to terminate the Regional Center designation.

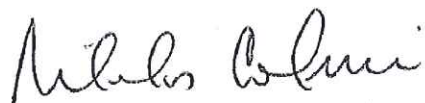
If the applicant has any questions concerning the regional center designation under the Immigrant Investor Program, please contact the USCIS by email at USCIS.ImmigrantInvestorProgram@uscis.dhs.gov.

Sincerely,

ARCG Nevada Regional Center, LLC

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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

cc: Lincoln Stone
Stone Grzegorek Gonzalez LLP
800 Wilshire Blvd, Suite 900
Los Angeles, CA 90017

referenced above. USCIS will evaluate eligibility upon the filing of an initial Form I-526 related to that new investment opportunity.

IV. Job Creation

USCIS approves the geographic area and industry categories noted above based on the economic impact analysis presented and reviewed in conjunction with the adjudication of this regional center proposal.

This hypothetical project does not have the factual details necessary to be in compliance with the requirements described in Matter of Ho, 22 I&N Dec. 206 (Assoc. Comm'r 1998), and therefore, USCIS's approval of the hypothetical job creation estimates presented in the Form I-924 will not be accorded deference and may not be relied upon by an individual investor when filing the Form I-526. The business plan and job creation estimates will receive a de novo review by USCIS when an individual investor files Form I-526. Once an actual project is adjudicated upon the filing of the initial Form I-526, USCIS will give deference to subsequent Forms I-526 when the critical assumptions remain materially unchanged from the initially-approved Form I-526.

When filing Form I-526, it will be the responsibility of the individual investor to submit a comprehensive, detailed and credible business plan, showing by a preponderance of the evidence that his or her investment in the new commercial enterprise will create not fewer than 10 full-time positions. If prior to filing a form I-829, the job creation estimated in the business plan submitted by the individual investor materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

V. Guidelines for Filing Form I-526 Petitions

Each individual petition, in order to demonstrate that it is affiliated with the ARCG Nevada Regional Center LLC, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain the following:

1. A copy of this regional center approval notice and designation letter including all subsequent amendment approval letters (if applicable).
2. An economic impact analysis which reflects a job creation methodology required at 8 CFR § 204.6 (j)(4)(iii) and shows how the capital investment by an individual immigrant investor will create not fewer than ten (10) indirect jobs for each immigrant investor.
3. A comprehensive, detailed and credible business plan for an actual project that contains the factual details necessary to be in compliance with the requirements described in Matter of Ho, 22 I&N Dec. 206 (Assoc. Comm'r 1998).
4. Legally executed organizational documents of the commercial enterprise.

Note: The project reviewed with this Form I-924 application is a hypothetical project. Organizational and transactional documents associated with the new commercial enterprise (NCE) submitted with this Form I-924 have not been reviewed to determine compliance with program requirements since these documents will receive de novo review in subsequent filings (e.g., an amended Form I-924 application with a Form I-526 exemplar or the first Form I-526 petition filed by an investor under the regional center project).