

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services
Immigrant Investor Program

131 M Street, NE, Mailstop 2235
Washington, DC 20529



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

Date: September 17, 2024

John Roe
New York Immigration Fund LLC
267 Broadway, Floor #2
New York, NY, 10007

Application: Form I-956F
Application for Approval of an Investment in a Commercial Enterprise

Applicant(s): New York Immigration Fund LLC
RC2300002072

Re: Initial I-956F, Application for Approval of an Investment in a Commercial Enterprise
INF2460010125

On June 3, 2024, New York Immigration Fund LLC (“the Regional Center”) filed a Form I-956F to request an Initial I-956F, Application for Approval of an Investment in a Commercial Enterprise in accordance with section 203(b)(5)(F) of the Immigration and Nationality Act (“INA”). The Regional Center was initially approved for designation in the Regional Center Program (“the Program”)¹ on July 8th, 2010.

Specifically, the Form I-956F requests the following:

- Determination of EB-5 compliance for initial I-956F, Application for Approval of an Investment in a Commercial Enterprise.

Effective as of the date of this notice, and as discussed further below, USCIS approves the Regional Center’s request.

¹ INA § 203(b)(5)(E) and its predecessor at Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993, Pub. L. 102-395 (repealed by the EB-5 Reform and Integrity Act of 2022, Div. BB of the Consolidated Appropriations Act, 2022, Pub. L. No. 117-103).

I. Determination of EB-5 Compliance for an initial I-956F, Application for Approval of an Investment in a Commercial Enterprise

Through this Form I-956F and the documents submitted, the Regional Center requests determination of EB-5 compliance for an initial I-956F, Application for Approval of an Investment in a Commercial Enterprise. The Regional Center presented evidence asserting that 125 investors will invest \$100 million total EB-5 capital into NYIF Jersey City Towers LLC— the new commercial enterprise (NCE). The NCE will make a preferred equity investment into 808 Pavonia Member LLC, which will contribute the capital to the wholly owned subsidiary, 808 Pavonia Owner LLC, the job creating entity (JCE). The JCE intends to build a 49-story ground-up development of 595 market rate residential units, amenities and open spaces, 5050sq ft of ground retail, and parking with 56 parking spaces located at 808 Pavonia Avenue, Jersey City, New Jersey 07306.

After review of the documents submitted in connection with this request, USCIS has determined that the Regional Center has demonstrated that the initial I-956F, Application for Approval of an Investment in a Commercial Enterprise complies with EB-5 requirements.

The Regional Center asserts construction activity will last longer than 2 years. Therefore, USCIS approves the Form I-956F based on evidence submitted indicating that the investment from EB-5 petitioners will create sufficient direct jobs and indirect/induced jobs in accordance with INA § 203(b)(5)(E)(iv)(I) to support 125 EB-5 investors².

USCIS also approves the Regional Center's assertion that the JCE will be principally doing business within a high unemployment area.

The designation of the proposed area as a high unemployment area is valid until two years from the filing date of this I-956F³.

The approval of an I-956F shall be binding for purposes of the adjudication of subsequent Forms I-526E, Immigrant Petition by Regional Center Investor, filed by immigrants investing in the same offering

² INA § 203(b)(5)(E)(iv)(I) permits aliens seeking admission to satisfy only up to 90 percent of the job creation requirement with jobs that are estimated to be created indirectly through investment. An employee of the new commercial enterprise or job-creating entity may be considered to hold a job that has been directly created. If the jobs estimated to be created are created by construction activity lasting less than 2 years, Applicants may satisfy only up to 75 percent of the job creation requirement with jobs that are estimated to be created indirectly through investment. INA § 203(b)(5)(E)(iv)(II). If the number of direct jobs estimated to be created has been determined by an economically and statistically valid methodology, and such direct jobs are created by construction activity lasting less than 2 years, the number of such jobs that may be considered direct jobs for purposes of clause (iv) shall be calculated by multiplying the total number of such jobs estimated to be created by the fraction of the 2-year period that the construction activity lasts. INA § 203(b)(5)(E)(v)(II)(cc).

³ An immigrant investor who has invested the required amount of capital in a targeted employment area designated as a high unemployment area during the period in which the area is designated will not be required to increase the amount of investment due to the expiration of the designation.

described in this I-956F application, and of petitions by the same immigrants filed under INA § 216A unless—

- (I) the applicant engaged in fraud, misrepresentation, or criminal misuse;
- (II) such approval would threaten public safety or national security;
- (III) there has been a material change that affects eligibility;
- (IV) the discovery of other evidence affecting program eligibility was not disclosed by the applicant during the adjudication process; or
- (V) the previous adjudication involved a material mistake of law or fact.

If the Regional Center has any questions concerning its designation under the Immigrant Investor Program, please contact the USCIS by email at:

USCIS.ImmigrantInvestorProgram@uscis.dhs.gov

Sincerely,



Alissa L. Emmel
Chief Immigrant Investor Program

cc: Daniel Lundy, Esq.
Chiesa Shahinian Giantomasi PC
11 Times Square, 34th floor
New York, New York, 10036

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services
Immigrant Investor Program
131 M Street, NE, Mailstop 2235
Washington, DC 20529



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

Date: January 22, 2025

New York Immigration Fund, LLC
267 Broadway #2
New York, NY 10007

Application: Form I-956F
Application for Approval of an Investment in a Commercial Enterprise

Applicant(s): New York Immigration Fund, LLC
RC2300002072

Re: Amendment to a previously approved I-956F
INF2460011617

On November 7, 2024, New York Immigration Fund, LLC (“the Regional Center”) filed a Form I-956F to request an amendment to a previously approved I-956F¹ in accordance with section 203(b)(5)(F) of the Immigration and Nationality Act (“INA”). The Regional Center was initially approved for designation in the Regional Center Program (“the Program”)² on July 8th, 2010.

Specifically, the Form I-956F requests the following:

- Determination of EB-5 compliance for an amendment to a previously approved I-956F.

Effective as of the date of this notice, and as discussed further below, USCIS approves the Regional Center’s request.

¹ USCIS previously approved the initial I-956F (INF2460010125) on September 17, 2024.

² INA § 203(b)(5)(E) and its predecessor at Sec. 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993, Pub. L. 102-395 (repealed by the EB-5 Reform and Integrity Act of 2022, Div. BB of the Consolidated Appropriations Act, 2022, Pub. L. No. 117-103).

I. Determination of EB-5 Compliance for an initial I-956F, Application for Approval of an Investment in a Commercial Enterprise

Through this Form I-956F and the documents submitted, the Regional Center requests determination of EB-5 compliance for an initial I-956F, Application for Approval of an Investment in a Commercial Enterprise. The Regional Center presented evidence asserting that 145 investors will invest \$116,000,000 into NYIF Jersey City Towers, LLC – the new commercial enterprise (NCE). The NCE will invest in an equity interest in 808 Pavonia Member LLC (Subsidiary Name, 808 Pavonia Owner Urban Renewal LLC), the job creating entity (JCE). The JCE intends to construct and operate a 49-story ground up development containing a combination of 595 market rate residential units, along with extensive amenities and open spaces, 5,050 square feet of ground floor retail and a parking garage with 237 parking spaces and is located in Jersey City, New Jersey.

After review of the documents submitted in connection with this request, USCIS has determined that the Regional Center has demonstrated that the amendment to a previously approved I-956F complies with EB-5 requirements.

The Regional Center asserts construction activity will last longer than 2 years. Therefore, USCIS approves the Form I-956F based on evidence submitted indicating that the investment from EB-5 petitioners will create sufficient direct jobs and indirect/induced jobs in accordance with INA § 203(b)(5)(E)(iv)(I) to support 145 EB-5 investors³.

USCIS also approves the Regional Center's assertion that the JCE is principally doing business within a high unemployment area.

The designation of the proposed area as a high unemployment area is valid until two years from the filing date of this I-956F⁴.

The approval of an I-956F shall be binding for purposes of the adjudication of subsequent Forms I-526E, Immigrant Petition by Regional Center Investor, filed by immigrants investing in the same offering

³ INA § 203(b)(5)(E)(iv)(I) permits aliens seeking admission to satisfy only up to 90 percent of the job creation requirement with jobs that are estimated to be created indirectly through investment. An employee of the new commercial enterprise or job-creating entity may be considered to hold a job that has been directly created. If the jobs estimated to be created are created by construction activity lasting less than 2 years, Applicants may satisfy only up to 75 percent of the job creation requirement with jobs that are estimated to be created indirectly through investment. INA § 203(b)(5)(E)(iv)(II). If the number of direct jobs estimated to be created has been determined by an economically and statistically valid methodology, and such direct jobs are created by construction activity lasting less than 2 years, the number of such jobs that may be considered direct jobs for purposes of clause (iv) shall be calculated by multiplying the total number of such jobs estimated to be created by the fraction of the 2-year period that the construction activity lasts. INA § 203(b)(5)(E)(v)(II)(cc).

⁴ An immigrant investor who has invested the required amount of capital in a targeted employment area designated as a high unemployment area during the period in which the area is designated will not be required to increase the amount of investment due to the expiration of the designation.

described in this I-956F application, and of petitions by the same immigrants filed under INA § 216A unless—

- (I) the applicant engaged in fraud, misrepresentation, or criminal misuse;
- (II) such approval would threaten public safety or national security;
- (III) there has been a material change that affects eligibility;
- (IV) the discovery of other evidence affecting program eligibility was not disclosed by the applicant during the adjudication process; or
- (V) the previous adjudication involved a material mistake of law or fact.

If the Regional Center has any questions concerning its designation under the Immigrant Investor Program, please contact the USCIS by email at:

USCIS.ImmigrantInvestorProgram@uscis.dhs.gov

Sincerely,



Alissa L. Emmel
Chief Immigrant Investor Program

cc: Daniel Lundy, Esq.
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New York, NY 10036