Navigating EB-5 Visa Usage Statistics: A Historical and Current Perspective

Thanks to the Visa Control and Reporting Division at the U.S. Department of State, IIUSA received preliminary results of the latest statistics on EB-5 visa usage in fiscal year (FY) 2017 through July. Although the data is subject to change, the statistics have empowered our analysis to shed some light on the visa capacity issue that is increasingly challenging for the entire EB-5 industry.

EB-5 Visa Usage Overview

As of July 2017, more than 8,650 EB-5 visas were used [via Consulate Processing overseas and Adjustment of Status in U.S. Citizenship and Immigration Services (USCIS)] in FY2017. Although the EB-5 Program generates billions of dollars in capital investment and supports hundreds of thousands of U.S. jobs, it only accounts for a small portion of the annual allocations of all immigrant visa categories. In addition, since FY2008, a total of 66,271 EB-5 visas were used in exchange for more than $20 billion in capital investment that have stimulated a variety of economic development projects across the country and created hundreds of thousands jobs in local communities. Despite the fact that over 33,000 EB-5 visas remained unused in the last decade, the EB-5 Immigrant Investor Program has proven to be an economic development policy that utilizes global connections to generate significant impact on local economies in U.S.

In particular, the EB-5 Regional Center Program (the “Program”) is the major driving force to attract foreign investment since FY2008. As illustrated by Figure 1, in the last five years, over 90% of the EB-5 visas were used by applicants (including principle investors and their eligible family members) who invested in EB-5 Regional Center projects. Moreover, the preliminary statistics shows that approximately 97% of the EB-5 visa were issued to applicants invested in an EB-5 project located in a Targeted Employment Area (“TEA”), among which Regional Center projects in TEAs account for the vast majority of EB-5 visa usage in the last 10 years.

Regional Center Projects in TEA Account for over 92% of EB-5 Visa Usage in FY2017 (as of July)

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<td>11</td>
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<td>8,087</td>
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<td>9,597</td>
<td>9,088</td>
<td>8,017</td>
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<tr>
<td>Grand Total</td>
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<td>1,885</td>
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<td>10,692</td>
<td>9,764</td>
<td>9,847</td>
<td>8,954</td>
<td>66,271</td>
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* Through July 2017. Preliminary results provided by U.S. Department of States. Final statistics are subject to change.

Data Source: U.S. Department of State
Prepared by: Lee Li, Policy Analyst, IIUSA

[Table 1]

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[Figure 1]
Additionally, our analysis found that 17% of the EB-5 visas were issued via Adjustment of Status (“AOS”) with USCIS, a minor increase from last fiscal year. In fact, on average, only 6% of the Chinese investors obtained their EB-5 visas via AOS, while this percentage among applicants from other countries is much larger (approximately 36%). With the growth of visa usage by investors from the regions other than mainland China in the last three years, we anticipate that the percentage of EB-5 visa issued by AOS could continue to increase.

**TOP FIVE COUNTRIES FOR EB-5 VISA USAGE IN FY2017**

Overall, applicants from mainland China continue to dominate the EB-5 visa usage in FY2017, accounting for over 6,700 (or 78% of all) EB-5 visas as of July. Based on the preliminary visa usage data, Vietnam, Brazil, South Korea, and India are also included in the top 5 countries. Respectively they used 353 (or 4%), 220 (3%), 157 (2%) and 142 (2%) EB-5 visas in FY2017 (as of July). Particularly, Brazil moved up one spot from FY2016 and replaced South Korea to rank as the third biggest country in terms of EB-5 visa usage in FY2017.

As shown by Figure 4, the percentage of EB-5 visas issued to applicants from mainland China has incrementally declined from 85% in FY2014 to about 75% in FY2016. However, we saw a small increase of 3% in EB-5 visa usage by Chinese applicants in FY2017 (as of July).

**MOVEMENTS OF FINAL ACTION DATE ON EB-5 VISA BULLETIN**

The Visa Bulletin, published by the Department of State, determines whether the visa number is available for the applicants to proceed in their immigration processes. In May 2015, the Visa Bulletin officially showed EB-5 visa retrogression for applicants from mainland China for the first time, listing the “Final Action Date” (the “FAD”) as May 1, 2013. As of October 2017, the EB-5 FAD for Chinese investors on the Visa Bulletin has moved forward to June 22, 2014. That is, the FAD has advanced 417 days (or approximately 14 months) in the last 30 months. In particular, as illustrated by Figure 5, the EB-5 FAD for Chinese applicants moved forward 228 days (or 7.6 months) from May to December in 2015; while it only advanced for 97 days (or 3 months) in 2016 and 85 days from January to October in 2017.

Furthermore, Figure 6 compares the year-over-year monthly movement of the EB-5 FAD on the Visa Bulletin from May 2015 to October 2017. On average, EB-5 FAD for
EB-5 Final Action Dates for Chinese Applicants Moved Forward 417 Days since April 2015 (97 Days in 2016 and 85 Days in 2017 through October)

Year-over-year comparisons of “EB-5 Final Action Days” movement on Visa Bulletins:

- 2015: 228 Days
- 2016: 97 Days
- 2017: 85 Days

From Q4 FY2014 to FY2016, Over 26,900 Chinese Principle Investors have Filed an I-526 Petition for their Commitment of Investing in an EB-5 Project


- China (Mainland)
- Other Countries

November 2017 Visa Bulletin

EB-5 Final Action Date for Chinese Applicants: June 22, 2014 ≈ Q4, FY2014

From May 2015 to October 2017, it took 30 months (or 2.5 years) to move forward the EB-5 FAD 14 months. However, as illustrated by Figure 7, due to the surge of the popularity of the Program, an even larger number of EB-5 investors from mainland China filed their I-526 petition in FY2015 to FY2016. It is anticipated they will face an even slower advancement of the EB-5 FADs.

Visa capacity has become the biggest issue that prohibits the Program from fully realizing its potential of connecting global entrepreneurs to promote local economic development in U.S. Hardly would any solution for this issue be feasible without the legislative actions by Congress. There has never been a moment more critical for the EB-5 industry to work together and proactively advocate for the Program. IIUSA is proud to continue representing its members in Washington DC by using fact-based research as well as its policy platform to work with administrative and legislative entities to address this important issue.