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VIA EMAIL

June 27, 2017

Nicholas Colucci
Chief, Immigrant Investor Program Office
U.S. Citizenship & Immigration Services
Washington, DC

RE: Publishing of Regional Center I-526 and I-829 Data to USCIS Website

Dear Mr. Colucci:

On behalf of Invest in the USA (IIUSA), the national not-for-profit industry trade association of the EB-5 Regional Center industry and its over 260 Regional Center members, I write to express our disappointment in the publishing of I-526 and I-829 approval and denial data by Regional Center for 2014 through May 31, 2017¹. IIUSA and its members have long-advocated for transparent operations of USCIS, the Immigrant Investor Program Office (IPO) and the EB-5 Regional Center Program; however, in just the first two days of being aware this information was publicly available, it was brought to our attention that the data was entirely inaccurate.

Every Regional Center member we have spoken with over this 48 hour period indicated that the data published on the USCIS website for their specific Regional Center did not match the reality of their actual approvals and denials. This includes several Regional Centers who had never received a denial, yet data showed they had several, or other Regional Centers who had multiple approvals in one year, but USCIS records reflected far less. If this is the case for a small sampling of Regional Centers, it likely the case for vast majority of the Regional Centers included in the list.

Given the gross discrepancy between the USCIS data and Regional Centers' track records, we appreciate that this information was removed from the website in a timely manner. However, the publishing of the data still caused a major market disturbance and until USCIS has taken the necessary steps to confirm all data with Regional Center records and rectified discrepancies, this should remain off the website. However, even though the data was removed, the information was downloaded by an unknown number of stakeholders and will remain in the public domain, continuing to cause damage to the businesses on the list. Regional Centers should be given the opportunity to review the data USCIS intends to publish and provide any supporting

¹ <https://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/immigrant-investor-regional-centers>

information to remedy incorrect data before it is made public. One thought on the discrepancy in denial numbers was that petition withdrawals were being counted towards denials. This, in many cases, still does not completely account for the data inaccuracies, but nonetheless should be addressed and categorized as a separate statistic as a withdrawal is not the same as a denial.

Inaccurate reflection of data in this capacity can and did have immediate negative ramifications on the business of these organizations that are seeking to bring much needed economic development to communities around the country. And even though the data was removed from USCIS's website, the information continues to circulate, allowing damage to these businesses reputations to persist. Additionally, inflation of approval for any Regional Center's data will create a false sense of success and positive track record that would also be detrimental to the overall integrity of the Program.

IIUSA has long been one of the strongest advocates for data reporting and transparency and in that spirit have over the last six years made over 160 Freedom of Information Act (FOIA) requests to USCIS to collect data on the EB-5 Program in order to stimulate an informed marketplace. In addition, using the data from the more than 45,000 pages of FOIA responses we received, IIUSA produces in-depth data analytics and research to inform the EB-5 industry and other key stakeholders. Some examples of the resources we have created from information we have collected via FOIA include:

- The peer-reviewed studies on the economic impacts of the EB-5 immigration program 2010-2011, 2012, and 2013²;
- First edition of *EB-5 Investor Market Report*³, a quantitative and qualitative analysis of established and emerging EB-5 investor markets;
- Data reports on USCIS adjudication trends about I-526/I-829 petitions and I-924 applications; and more.

Because it matters how this information is subsequently released, IIUSA has diligently developed a process by which we collect this data, break it down, painstakingly analyze it and ultimately disseminate it but not without first seeking input from stakeholders. We pride ourselves as a data-driven organization, so our staff has spent literally countless hours collecting and analyzing data. With this in mind, we respectfully request that USCIS disclose, in detail, the process it undertook for data integrity before releasing this information.

Thank you for your immediate consideration of this important topic. IIUSA looks forward to working with you to ensure accurate and beneficial public data of the EB-5 Program in our shared endeavor to increase transparency. Do not hesitate to contact me to discuss this further.

Sincerely,



Peter D. Joseph
Executive Director

² Available for download at: <http://iiusa.org/eb5-economicimpactmap/>

³ Available for download at: <http://iiusa.org/investor-origin-map/>