



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION



December 10, 2021

Ms. Ur Mendoza Jaddou  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, Maryland 20588

**Re: USCIS to continue to hold in abeyance EB-5 Immigrant Investor Regional Center Program-related petitions and applications**

Dear Ms. Jaddou:

On behalf of the American Immigration Lawyers Association (AILA), Invest in the USA (IIUSA), and the EB-5 Investment Coalition (EB-5IC), we write to express our concern regarding the lapse of the EB-5 Immigrant Investor Regional Center (RC) Program and to urge U.S. Citizenship and Immigration Services (USCIS) to continue to hold EB-5 RC-related petitions and applications beyond the end of calendar year 2021 to allow Congress sufficient time to reauthorize the EB-5 RC program.

By way of background, at midnight on June 30, 2021, the statutory authorization relating to the EB-5 RC program expired. In response to this lapse, USCIS currently indicates on its website<sup>1</sup> that it will hold all pending Form I-526, Immigrant Petition by Alien Investor, Form I-924, Application for Regional Center Designation, and Form I-485, Application to Register Permanent Residence or Adjust Status that are dependent on the lapsed statutory authority and were filed before the end of the statutory authorization in abeyance until the end of calendar year 2021, at which time it will reevaluate the hold. As a result of the RC program's lapse, there are an estimated 100,000 individuals who have injected billions of dollars into the U.S. economy who are now stuck in immigration limbo. The U.S. State Department has confirmed that there are approximately 83,000 EB-5 investors with approved EB-5 petitions and their family members who remain pending abroad awaiting visa interviews.<sup>2</sup> In addition, there are 12,798 pending EB-5 petitions at USCIS

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<sup>1</sup> *EB-5 Immigrant Investor Program*, U.S. CITIZENSHIP & IMMIGRATION SERV., <https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program> (last reviewed/updated Oct. 4, 2021) (noting that “until further notice, we will hold (that is, not act on) any pending petition or application of these form types that is dependent on the lapsed statutory authority and was filed before the end of the statutory authorization. At the end of calendar year 2021, unless there is new legislation for regional centers, we will reevaluate whether to keep this hold in place.”).

<sup>2</sup> See *EB-5 Visa Update with Charlie Oppenheim & Post-Hoc Expert Analysis*, INVEST IN THE USA (Nov. 19, 2020), <https://iiousa.org/wp-content/uploads/2020/11/Virtual-Industry-Forum-Visa-Update.pdf> (noting an estimated 83,003 EB-5 applicants (investors and families) with petitions on file at NVC and USCIS as of October 1, 2020).

for EB-5 investors (not including any of their dependent family members).<sup>3</sup> Taken together, nearly 100,000 individuals who have invested in good faith are impacted by the EB-5 RC program lapse with all processing halted on their cases.

On December 3, 2021, President Biden signed into law H.R. 6119, the “Further Extending Government Funding Act” which includes a short-term continuing resolution that funds the federal government through February 18, 2022. EB-5 RC program reauthorization legislation is expected to be included in future appropriation bills. As EB-5 RC reauthorization legislation is actively being discussed in Congress and is highly anticipated, we respectfully urge USCIS to continue to hold all pending EB-5 RC-related petitions and applications in abeyance beyond the end of calendar year 2021 to allow Congress sufficient time to finalize and pass legislation reauthorizing the EB-5 RC program. We also respectfully request USCIS to update its website to alert the public and EB-5 stakeholders of the additional holding period beyond calendar year 2021.

EB-5 investors’ capital has helped keep our economy buoyant even in these turbulent economic times in the midst of the COVID-19 pandemic. The federal government and Congress must do all they can in return to keep the immigration process on track for those investors who invested in good faith through the EB-5 program and maintain confidence in this important job-creating program which benefits the U.S. economy and local communities.

Please address any concerns or questions to AILA’s Director of Government Relations Sharvari (Shev) Dalal-Dheini at (202) 507-7621 or by email at [SDalal-Dheini@aila.org](mailto:SDalal-Dheini@aila.org).

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

INVEST IN THE USA (IIUSA)

EB-5 INVESTMENT COALITION

cc: Tracy Renaud, Acting Deputy Director, U.S. Citizenship and Immigration Services  
Felicia Escobar Carrillo, Chief of Staff, Office of the Director  
Michael Valverde, Acting Associate Director, Field Operations Directorate  
Amanda Baran, Chief, Office of Policy and Strategy  
Carrie M. Selby, Acting Associate Director, External Affairs Directorate  
Phyllis Coven, Citizenship and Immigration Services (CIS) Ombudsman, Office of the  
CIS Ombudsman  
Nathan Stiefel, Deputy Ombudsman, Office of the CIS Ombudsman  
Elissa McGovern, Chief of Policy, Office of the CIS Ombudsman

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<sup>3</sup> See *USCIS Quarterly Statistics*, U.S. CITIZENSHIP & IMMIGRATION SERV.:  
[https://www.uscis.gov/sites/default/files/document/data/Quarterly\\_All\\_Forms\\_FY2021Q3.pdf](https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2021Q3.pdf).