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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

HARISH BAJAJ,)
EVGENII IAKOVLEV,) CASE NO. 2:22-cv-189
SHREYA KAMLESH SHAH,)
SHAIL SHETH,)
ROBERT WIEDMAN,)
HARSHA TEJA UPPALA,)
AMIT CHAUHAN,)
SUJATA PRATAP HODARKAR,)
SVETLANA KRYLOVA,)
SUNDAR MAHADEVAN,)
ALESSANDRO ANGELINI,)
MAGESH RATHINAM,)
ADAM DONOCIK,)

Plaintiffs,)

COMPLAINT

v.)

ANTONY J. BLINKEN, Secretary of State,)

RENA BITTER,)
Assistant Secretary of State,)

UR M. JADDOU, Director, United States)
Citizenship and Immigration Services,)

Defendants.)

INTRODUCTION

1
2 This civil action presents a pure question of law involving the plain meaning of a Federal
3 statute and a Congressional Act. Defendants have ignored or failed to apply the text and plain
4 meaning of two statutory provisions requiring them to issue visa numbers to the foreign national
5 investor Plaintiffs who qualify for classification as fifth preference employment creation
6 immigrants based on their investments in new commercial enterprises under regional centers
7 authorized by the Department of Homeland Security. Based on Defendants’ misapplication of
8 the law, or failure to apply the statutory provisions applicable in this case, Plaintiffs file this
9 Complaint seeking declaratory and injunctive relief under the Administrative Procedure Act. *See*
10 5 U.S.C. §§ 703, 706(1), (2)(A).

13 Plaintiffs are foreign national investors who committed at least \$500,000 each in capital
14 investments in new commercial enterprises in the United States through regional centers
15 approved by the Department of Homeland Security. Many of the Plaintiffs invested capital in
16 geographic areas suffering high levels of unemployment or in rural areas. Based on those
17 investments, Plaintiffs qualify for classification or have already been classified as fifth
18 preference employment creation immigrants under the Immigration and Nationality Act, as
19 amended, for purposes of obtaining conditional permanent resident status in the United States.
20 However, Defendants have blocked Plaintiffs’ pursuit of conditional permanent resident status
21 based on Defendants’ misapplication of the law.

24 Defendants refuse to issue immigrant visa numbers to Plaintiffs based on Defendants’
25 unlawful application of, or failure to apply, the Public Law section creating the Regional Center

1 Program and providing for a general set aside of visas for those investors with approved petitions
2 involving investments in authorized regional centers. *See* Public Law No. 102-395, Title VI
3 § 610(a) (Oct. 6, 1992); *see also* 8 U.S.C. § 1153, Statutory Notes - Immigration Program. The
4 text and plain meaning of the Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A)
5 unambiguously require Defendants to set aside visas for foreign national investors with petitions
6 based on their investments under the Regional Center Program. Defendants attempt to justify
7 their withholding of visa numbers based on Congress's failure to extend the temporal designation
8 under a separate provision of the Public Law relating to a specifically earmarked set aside of
9 visas for the Regional Center Program on a provisional basis. *See* Public Law No. 102-395, Title
10 VI § 610(b); *see also* 8 U.S.C. § 1153, Statutory Note - Immigration Program. However, despite
11 the lapse of the temporal designation under Section 610(b) of the Public Law, Section 610(a) of
12 the Public Law remains in effect and requires Defendants to issue visa numbers to Plaintiffs from
13 the general pool of visas specified in 8 U.S.C. § 1153(b)(5)(A) in line with all other foreign
14 national investors not participating in the Regional Center Program. By withholding visa
15 numbers from Plaintiffs, Defendants misapply or fail to apply Section 610(a) of the Public Law
16 contrary to the text and plain meaning of that provision and 8 U.S.C. § 1153(b)(5)(A).
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20 As a result of Defendants' unlawful withholding of visa numbers, Plaintiffs are prevented
21 from completing the process for obtaining conditional permanent resident status in the United
22 States through their qualifying investments under the Regional Center Program. Based on
23 Defendants' legal errors and related unlawful withholding of visa numbers, Plaintiffs seek a
24 declaration that Defendants' misapplication of, or failure to apply, Section 610(a) of the Public
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1 Law and 8 U.S.C. § 1153(b)(5)(A) is unlawful. *See* 5 U.S.C. § 703. Plaintiffs also seek an order
2 setting aside Defendants’ related decisions and actions along with an order compelling
3 Defendants to process and complete the adjudication of Plaintiffs’ applications or petitions. *See*
4 5 U.S.C. §§ 706(1), 706(2)(A).

6 **PARTIES**

7 1. Plaintiff Harish Bajaj is a citizen and national of India. Mr. Bajaj resides in Seattle,
8 Washington. He is residing in the United States pursuant to the Department of Homeland
9 Security’s granting him H-1B nonimmigrant status. The Department of Homeland Security also
10 approved Mr. Bajaj’s immigrant visa petition for classification as a fifth preference employment
11 creation immigrant based on his investment of at least \$500,000 in a new commercial enterprise
12 within an authorized regional center.

14 2. Plaintiff Evgenii Iakovlev is a citizen and national of Russia. Mr. Iakovlev has been
15 admitted to the United States as a B-2 visitor by the Department of Homeland Security. He is
16 temporarily residing in Renton, Washington. The Department of Homeland Security approved
17 Mr. Iakovlev’s immigrant visa petition for classification as a fifth preference employment
18 creation immigrant based on his investment of at least \$500,000 in a new commercial enterprise
19 within an authorized regional center.

21 3. Plaintiff Shreya Kamlesh Shah is a citizen and national of India. Ms. Shah resides in
22 Novato, California. She is residing in the United States pursuant to a period of authorized stay
23 granted by Department of Homeland Security based on the agency’s accepting her application
24 for adjustment of status, which is currently pending without final adjudication. Before Ms. Shah
25

1 filed her application for adjustment of status, the Department of Homeland Security approved her
2 immigrant visa petition for classification as a fifth preference employment creation immigrant
3 based on her investment of at least \$500,000 in a new commercial enterprise within an
4 authorized regional center.
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6 4. Plaintiff Shail Sheth is a citizen and national of India. Mr. Sheth resides in
7 Livingston, New Jersey. He is residing in the United States pursuant to the Department of
8 Homeland Security's granting him H-1B nonimmigrant status. The Department of Homeland
9 Security also approved Mr. Sheth's immigrant visa petition for classification as a fifth preference
10 employment creation immigrant based on his investment of at least \$500,000 in a new
11 commercial enterprise within an authorized regional center.
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13 5. Plaintiff Robert Wiedman is a citizen and national of Canada. Mr. Wiedman resides
14 in San Diego, California. He is residing in the United States pursuant to a period of authorized
15 stay granted by Department of Homeland Security based on the agency's accepting his
16 application for adjustment of status, which is currently pending without final adjudication.
17 Before Mr. Wiedman filed his application for adjustment of status, the Department of Homeland
18 Security approved his immigrant visa petition for classification as a fifth preference employment
19 creation immigrant based on his investment of at least \$500,000 in a new commercial enterprise
20 within an authorized regional center.
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23 6. Plaintiff Harsha Teja Uppala is a citizen and national of India. Mr. Uppala resides in
24 Fairfax, Virginia. He is residing in the United States pursuant to the Department of Homeland
25 Security's granting him H-1B nonimmigrant status. The Department of Homeland Security also
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1 approved Mr. Uppala's immigrant visa petition for classification as a fifth preference
2 employment creation immigrant based on his investment of at least \$500,000 in a new
3 commercial enterprise within an authorized regional center.
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5 7. Plaintiff Amit Chauhan is a citizen and national of India, currently residing in India.
6 The Department of Homeland Security approved Mr. Chauhan's immigrant visa petition for
7 classification as a fifth preference employment creation immigrant based on his investment of at
8 least \$500,000 in a new commercial enterprise within an authorized regional center. Based on
9 the approved petition, he filed an immigrant visa application with the Department of State.
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11 8. Plaintiff Sujata Pratap Hodarkar is a citizen and national of India, currently residing in
12 Singapore. The Department of Homeland Security approved Ms. Hodarkar's immigrant visa
13 petition for classification as a fifth preference employment creation immigrant based on her
14 investment of at least \$500,000 in a new commercial enterprise within an authorized regional
15 center. Based on the approved petition, she filed an immigrant visa application with the
16 Department of State.
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18 9. Plaintiff Svetlana Krylova is a citizen and national of Russia, currently residing in
19 Russia. The Department of Homeland Security approved Ms. Krylova's immigrant visa petition
20 for classification as a fifth preference employment creation immigrant based on her investment
21 of at least \$500,000 in a new commercial enterprise within an authorized regional center. Based
22 on the approved petition, she filed an immigrant visa application with the Department of State.
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24 10. Plaintiff Sundar Mahadevan is a citizen and national of Canada. Mr. Mahadevan is
25 temporarily residing in Dublin, California. He is temporarily residing in the United States
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1 pursuant to the Department of Homeland Security's granting him TN-1 nonimmigrant status.

2 The Department of Homeland Security also approved Mr. Mahadevan's immigrant visa petition
3 for classification as a fifth preference employment creation immigrant based on his investment of
4 at least \$500,000 in a new commercial enterprise within an authorized regional center. Based on
5 the approved petition, he has filed an immigrant visa application with the Department of State.
6

7 11. Plaintiff Alessandro Angelini is a citizen and national of Brazil, currently residing in
8 Brazil. The Department of Homeland Security approved Mr. Angelini's immigrant visa petition
9 for classification as a fifth preference employment creation immigrant based on his investment of
10 at least \$500,000 in a new commercial enterprise within an authorized regional center.
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12 12. Plaintiff Magesh Rathinam is a citizen and national of India. Mr. Rathinam resides
13 in Lusby, Maryland. He is residing in the United States pursuant to the Department of Homeland
14 Security's granting him H-1B nonimmigrant status. Mr. Rathinam filed with the Department of
15 Homeland Security an immigrant visa petition for classification as a fifth preference employment
16 creation immigrant based on his investment of at least \$500,000 in a new commercial enterprise
17 within an authorized regional center.
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19 13. Plaintiff Adam Donocik is a citizen and national of the Czech Republic, residing in
20 Cyprus. Mr. Donocik filed with the Department of Homeland Security an immigrant visa
21 petition for classification as a fifth preference employment creation immigrant based on his
22 investment of at least \$500,000 in a new commercial enterprise within an authorized regional
23 center.
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1 14. Defendant Antony J. Blinken is the Secretary of State. Defendant Blinken is charged
2 with the administration and enforcement of the Immigration and Nationality Act, as amended,
3 relating to the powers, duties, and functions of United States consular officers, except those
4 powers specifically reserved to consular officers in granting or refusing visas. *See* 8 U.S.C.
5 § 1104(a)(1). Defendant Blinken has supervisory control, through his subordinates, over the
6 issuance of visa numbers within the limits specified under the Immigration and Nationality Act,
7 as amended. *See* 22 C.F.R. § 42.51(a). Defendant Blinken has supervisory authority over
8 subordinate officials and employees of the Department of State responsible for determining
9 whether or to what extent immigrant visa numbers are available for use and issuance by United
10 States consulates overseas to foreign nationals. Defendant Blinken is sued in his official
11 capacity.
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14 15. Defendant Rena Bitter is the Assistant Secretary of State. Defendant Bitter is
15 charged with overseeing and administering the functions of the Bureau of Consular Affairs of the
16 United States Department of State, including determining whether or to what extent immigrant
17 visa numbers are available for use and issuance by the United States consulates overseas to
18 foreign nationals. Defendant Bitter exercises supervisory control over the allocation of
19 immigrant visa numbers, in part, by overseeing the issuance of the monthly visa bulletin. *See* 22
20 C.F.R. § 42.51(b). Defendant Bitter is sued in her official capacity.
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23 16. Defendant Ur M. Jaddou is the Director of the United States Citizenship and
24 Immigration Services (USCIS). Director Jaddou has authority to direct and oversee USCIS's
25 processing and adjudicating immigrant visa petitions filed by foreign national investors seeking
26

1 classification as employment-based fifth preference immigrants. *See* 6 U.S.C. § 271(b)(1); 8
2 U.S.C. §§ 1153(b)(5), 1154(a)(1)(H). Defendant Jaddou has authority to direct and oversee
3 USCIS's processing and adjudicating applications for adjustment of status filed by foreign
4 nationals. *See* 8 U.S.C. § 1255(a); 8 C.F.R. § 245.2(a). Director Jaddou is sued in her official
5 capacity.
6

7 JURISDICTION AND VENUE

8 17. The Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331. *See*
9 *Califano v. Sanders*, 430 U.S. 99, 106 (1977).
10

11 18. The United States has waived sovereign immunity over claims, other than relief
12 seeking money damages, relating to agency action or inaction from which a person has suffered a
13 legal wrong. *See* 5 U.S.C. § 702.

14 19. The Court is authorized to review agency action and inaction under the
15 Administrative Procedure Act (APA). *See* 5 U.S.C. §§ 702, 704, 706(1), (2).
16

17 20. Under the APA, the Court is authorized to compel agency action unlawfully
18 withheld. *See* 5 U.S.C. §§ 555(b), 558(c), 706(1).
19

20 21. The Court is authorized to issue orders for declaratory and injunctive relief. *See* 5
21 U.S.C. § 703; 28 U.S.C. § 2201.

22 22. Venue is proper in this District under 28 U.S.C. § 1391(e)(1)(C) because Plaintiff
23 Harish Bajaj resides in Seattle, Washington. Plaintiff Evgenii Iakovlev also temporarily resides
24 in this District.
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STATUTORY AND REGULATORY BACKGROUND

1
2 23. In 1990, Congress amended the Immigration and Nationality Act (INA) to provide
3 for classification of foreign nationals as “employment creation” fifth preference immigrants who
4 invest capital in new commercial enterprises in the United States to create full-time employment
5 for United States workers. *See* Immigration Act of 1990, Public Law No. 101-649, § 121(a)
6 (Nov. 29, 1990) (codified at 8 U.S.C. § 1153(b)(5)).

8 24. At all times relevant to this civil action, the minimum capital investment for the
9 foreign investor program was \$1 million, but foreign nationals could qualify for classification by
10 investing at least \$500,000 in a new commercial enterprise located in a “targeted employment
11 area.” 8 U.S.C. § 1153(b)(5)(C); 8 C.F.R. § 204.6(f)(1)-(2) (2019). A targeted employment area
12 is defined as “a rural area or an area which has experienced high unemployment (of at least 150
13 percent of the national average rate).” 8 U.S.C. § 1153(b)(5)(B)(ii).

15 25. To qualify for classification as a fifth preference employment creatin immigrant, the
16 foreign national’s investment must create full-time employment for not fewer than ten United
17 States workers. *See* 8 U.S.C. § 1153(b)(5)(A)(ii).

19 26. Congress determined that the foreign investor program is important for job creation.
20 *See* 8 U.S.C. § 1153(b)(5)(A)(ii); 135 Cong. Rec. 101st Cong. S7772 (July 12, 1989) (statement
21 of Senator Simon) (importance of job creation); S. Rep. No. 101-55, at 21 (June 19, 1989)
22 (purpose of the program is to infuse capital into this country and create jobs for United States
23 workers).
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1 27. Congress defines worldwide immigration to the United States, with limited
2 exceptions, in terms of specific numerical limits by geographic region and category. *See* 8
3 U.S.C. § 1151(a)-(d). Every foreign national (whether a principal beneficiary or derivative)
4 falling within a numerically limited category who is issued an immigrant visa or who adjusts
5 status to a permanent resident while in the United States counts against the numerical limit for
6 the relevant category. *See* Dep’t of State, 9 *Foreign Affairs Manual* § 503.1-2(A).

8 28. Congress limited the number of employment-based immigrants for each fiscal year to
9 140,000. *See* 8 U.S.C. § 1151(d)(1); Dep’t of State, 9 *Foreign Affairs Manual* § 503.1-4(B).
10 Congress further directed that “Visas shall be made available, in a number not to exceed 7.1
11 percent of such worldwide level, to qualified immigrants seeking to enter the United States for
12 the purpose of engaging in a new commercial enterprise (including a limited partnership).” 8
13 U.S.C. § 1153(b)(5)(A)(1).

15 29. In 1992, Congress expanded the employment creation program by establishing a
16 “pilot program” authorizing “regional investment center[s]” in the United States for the
17 promotion of economic growth, including increased export sales, improved regional
18 productivity, job creation, and increased domestic capital investment. *See* Public Law No. 102-
19 395, Title VI § 610(a) (Oct. 6, 1992). Congress directed legacy INS to permit foreign nationals
20 admitted under the pilot program to establish reasonable methodologies for determining the
21 number of jobs created by the pilot program, including such jobs which are estimated to have
22 been created indirectly through revenues generated from increased exports resulting from the
23 pilot program. *Id.* § 610(c).

1 30. The pilot program allows economic units, whether public or private, engaged in the
2 promotion of economic growth to seek regional investor center status from the Department of
3 Homeland Security to authorize multiple foreign investors to fund proposed economic
4 development plans through pooled investments. *See* 58 Fed. Reg. 44606, 44608 (INS) (Aug. 24,
5 1993); *see also* 8 C.F.R. § 204.6(m)(3).
6

7 31. Congress directed the Secretary of State to “set aside” visas for the regional center
8 pilot program by providing that: “Of the visas otherwise available under section 203(b)(5) of the
9 Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), the Secretary of State, together with the
10 Attorney General, shall set aside visas for a pilot program to implement the provisions of such
11 section.” Public Law No. 102-395, Title VI § 610(a) (Oct. 6, 1992); *see also* 8 U.S.C. § 1153,
12 Statutory Note – Immigration Program (reflecting current amendments).
13

14 32. In a separate section of the Public Law, Congress provided an additional directive:
15 “For purposes of the pilot program established in subsection (a), beginning on October 1, 1992,
16 but no later than October 1, 1993, the Secretary of State, together with the Attorney General,
17 shall set aside 300 visas annually for five years to include such aliens as are eligible for
18 admission under section 203(b)(5) of the Immigration and Nationality Act and this section, as
19 well as spouses or children which are eligible, under the terms of the Immigration and
20 Nationality Act, to accompany or follow to join such aliens.” Public Law No. 102-395, Title VI
21 § 610(b); *see also* 8 U.S.C. 1153, Statutory Note – Immigration Program (reflecting current
22 amendments).
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1 33. In 1997, Congress increased the mandatory numerical set aside of visas under the
2 pilot program from 300 to 3000. *See* Public Law No. 105-119, Title I § 116(a)(1) (Nov. 26,
3 1997).

4 34. Through a series of successive acts, Congress amended Section 610(b) of Public Law
5 No. 102-395, Title VI to extend the temporal designation of that provision through June 30,
6 2021. *See* 8 U.S.C. § 1153, Statutory Note - Immigration Program; *see also* Public Law No.
7 116-260, Div. O, Title I, § 104 (Dec. 27, 2020). To date, Congress has not amended Section
8 610(b) to change the temporal designation beyond June 30, 2021.
9

10 35. Section 610(a) of Public Law No. 102-395, Title VI, remains in effect.

11 36. In 2000, Congress directed legacy INS to permit foreign nationals admitted under the
12 regional center pilot program to establish reasonable methodologies for determining the number
13 of jobs created by the pilot program, including such jobs which are estimated to have been
14 created indirectly through revenues generated from improved regional productivity, job creation,
15 or increased domestic capital investment resulting from the regional center pilot program. *See*
16 Public Law No. 106-396, § 402(b) (Oct. 30, 2000).
17

18 37. As a result of the statutory amendment, a foreign investor seeking classification as a
19 fifth preference employment creation immigrant based on investing in an approved regional
20 center may show the requisite job creation through indirect means based on economic modeling.
21 *See* 8 C.F.R. § 204.6(m)(7)(ii).
22

23 38. In 2012, Congress amended the Public Law to rename the “pilot program” the “EB-5
24 Regional Center Program.” Public Law No. 112-176, § 1(1) (Sept. 28, 2012).
25

1 39. An economic unit intending to participate in the Regional Center Program must
2 submit a proposal describing, among other things, how the economic unit focuses on a
3 geographic region of the United States, and how it will promote economic growth through
4 increased export sales, improved regional productivity, job creation, and increased domestic
5 capital investment. *See* 8 C.F.R. § 204.6(m)(3).
6

7 40. A putative regional center submits a request for designation by filing a Form I-924
8 application and supporting documents with the USCIS. *See* 8 C.F.R. § 103.7(b)(1)(i)(VV).
9

10 41. If USCIS approves the regional center designation, the agency identifies the
11 approved project and accords deference to the project terms, economic modeling, and projected
12 job creation in subsequent filings made by individual foreign investors participating in the
13 regional center. *See* USCIS, 6 *Policy Manual*, Part G, Chapter 3.C.2 & Chapter 4.A, available
14 at: <https://www.uscis.gov/policy-manual/volume-6-part-g>.
15

16 42. To continue participating in the Regional Center Program, the approved regional
17 centers must submit to USCIS an annual report using Form I-924A. *See* 8 C.F.R. § 204.6(m)(6).
18

19 43. An individual foreign investor seeking classification as a fifth preference immigrant
20 based on her investment in an approved regional center project must file a Form I526 petition
21 and supporting documents with USCIS. *See* 8 U.S.C § 1154(a)(1)(H); 8 C.F.R.
22 §§ 103.7(b)(1)(i)(W), 204.6(a).

23 44. The statute provides that “[a]fter an investigation of the facts in each case” the
24 Secretary of Homeland Security “shall, if he determines that the facts stated in the petition are
25 true and the alien in behalf of whom the petition is made . . . is eligible for preference” under
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1 Section 1153(b) “approve the petition and forward one copy thereof to the Department of State.”
2 8 U.S.C. § 1154(b).

3 45. If the foreign national investor is already admitted to the United States, she may use
4 the approved petition to apply for adjustment of status to a lawful permanent resident with
5 USCIS if an immigrant visa is immediately available. *See* 8 U.S.C. § 1255(a); 8 C.F.R.
6 § 245.1(a). USCIS relies upon the Department of State’s determination about whether visa
7 numbers are available for USCIS’s use in adjudicating applications for adjustment of status. *See*
8 USCIS, *When to File Your Adjustment of Status Application* (March 2022) (Exhibit A at 4).
9

10 46. If the foreign national investor is outside the United States, she may use the approved
11 petition to apply for an immigrant visa at a United States consulate overseas in the consular
12 district of her residence if an immigrant visa is available. *See* 8 U.S.C. §§ 1201(a)(1), 1202(a);
13 22 C.F.R. §§ 41.61(a), 42.32(e)(1), 42.41. The foreign national investor must present an
14 approved and valid immigrant visa to an immigration official at a port of entry to apply for
15 admission to the United States as an immigrant seeking permanent resident status. *See* 8 U.S.C.
16 §§ 1182(a)(7)(A)(I), 1225(a)(3).
17

18 47. Consular officers issue immigrant visas to foreign national applicants who otherwise
19 qualify for classification, but only if the Department of State determines that an immigrant visa is
20 available within the relevant category applicable to the immigrant visa applicant. *See* 22 C.F.R.
21 § 42.51(a)-(b).
22

23 48. The statute generally requires that immigrant visas be made available to intending
24 employment-based immigrants in the order in which the intending immigrant files her petition
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1 with USCIS. *See* 8 U.S.C. § 1153(e)(1); 22 C.F.R. § 42.54(a)(1). However, Congress permitted
2 USCIS to give priority to the processing of petitions filed under the Regional Center Program.
3 *See* Public Law No. 108-156, § 4(a)(2) (Dec. 3, 2003). Congress further provided that
4 notwithstanding the ordinary order of processing requirement, “immigrant visas made available
5 under such section 203(b)(5) may be issued to such aliens in an order that takes into account any
6 priority accorded” to the processing of petitions filed under the Regional Center Program. *Id.*

8 49. Defendants Blinken and Bitter oversee the allocation of available immigrant visas
9 that consular officers are permitted to issue to immigrant visa applicants under the publication of
10 a monthly visa bulletin through the Bureau of Consular Affairs. *See*
11 <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>.

13 50. If the foreign national investor is admitted to the United States pursuant to a valid
14 immigrant visa or through adjustment of status based on an approved Form I-526 petition, she is
15 admitted as a lawful permanent resident under a two-year conditional status. *See* 8 U.S.C.
16 § 1186b(a)(1).

18 **FACTUAL ALLEGATIONS**

19 **A. Plaintiffs’ Participation in the EB-5 Regional Center Program**

20 51. Plaintiff Bajaj invested at least \$500,000 in a new commercial enterprise in the
21 United States through a regional center authorized by the Department of Homeland Security.
22 Plaintiff invested capital in a project located in a targeted employment area. Based on that
23 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
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1 employment creation immigrant. On February 9, 2019, USCIS approved his immigrant visa
2 petition. USCIS assigned receipt number WAC1990002350 to the petition.

3 52. Based on the approved immigrant visa petition, on March 19, 2021, Plaintiff Bajaj
4 filed with USCIS an application to adjust his status to a lawful permanent resident. USCIS
5 assigned receipt number LIN2190333334 to the application.
6

7 53. USCIS has refused to act on Plaintiff Bajaj's pending application for adjustment of
8 status. *See* Exhibit B. USCIS's refusal to act on his application is based on Defendants'
9 unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI
10 by withholding a visa number from Plaintiff contrary to the Section 610(a) of the Public Law and
11 8 U.S.C. § 1153(b)(5)(A).
12

13 54. Plaintiff Shah invested at least \$500,000 in a new commercial enterprise in the
14 United States through a regional center authorized by the Department of Homeland Security.
15 Plaintiff invested capital in a project located in a targeted employment area. Based on that
16 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
17 employment creation immigrant. On April 8, 2020, USCIS approved her immigrant visa
18 petition. USCIS assigned receipt number WAC1790306301 to the petition.
19

20 55. Based on the approved immigrant visa petition, on April 23, 2020, Plaintiff Shah
21 filed with USCIS an application to adjust her status to a lawful permanent resident. USCIS
22 assigned receipt number WAC2090110486 to the application.
23

24 56. USCIS has refused to act on Plaintiff Shah's pending application for adjustment of
25 status. *See* Exhibit B. USCIS's refusal to act on her application is based on Defendants'
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1 unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI
2 by withholding a visa number from Plaintiff contrary to the Section 610(a) of the Public Law and
3 8 U.S.C. § 1153(b)(5)(A).

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5 57. Plaintiff Sheth invested at least \$500,000 in a new commercial enterprise in the
6 United States through a regional center authorized by the Department of Homeland Security.
7 Plaintiff invested capital in a project located in a targeted employment area. Based on that
8 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
9 employment creation immigrant. On September 21, 2020, USCIS approved his immigrant visa
10 petition. USCIS assigned receipt number WAC1990337165 to the petition.
11

12 58. Based on the approved immigrant visa petition, on October 15, 2020, Plaintiff Sheth
13 filed with USCIS an application to adjust his status to a lawful permanent resident. USCIS
14 assigned receipt number LIN2190040113 to the application.

15 59. USCIS has refused to act on Plaintiff Sheth's pending application for adjustment of
16 status. *See* Exhibit B. USCIS's refusal to act on his application is based on Defendants'
17 unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI
18 by withholding a visa number from Plaintiff contrary to Section 610(a) of the Public Law and 8
19 U.S.C. § 1153(b)(5)(A).
20

21 60. Plaintiff Wiedman invested at least \$500,000 in a new commercial enterprise in the
22 United States through a regional center authorized by the Department of Homeland Security.
23 Plaintiff invested capital in a project located in a targeted employment area. Based on that
24 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
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1 employment creation immigrant. On May 12, 2020, USCIS approved his immigrant visa
2 petition. USCIS assigned receipt number WAC2090000439 to the petition.

3
4 61. Based on the approved immigrant visa petition, on June 3, 2020, Plaintiff Wiedman
5 filed with USCIS an application to adjust his status to a lawful permanent resident. USCIS
6 assigned receipt number WAC2090128354 to the application.

7
8 62. USCIS has refused to act on Plaintiff Wiedman's pending application for adjustment
9 of status. *See* Exhibit B. USCIS's refusal to act on his application is based on Defendants'
10 unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI
11 by withholding a visa number from Plaintiff contrary to Section 610(a) of the Public Law and 8
12 U.S.C. § 1153(b)(5)(A).

13
14 63. Plaintiff Uppala invested at least \$500,000 in a new commercial enterprise in the
15 United States through a regional center authorized by the Department of Homeland Security.
16 Plaintiff invested capital in a project located in a targeted employment area. Based on that
17 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
18 employment creation immigrant. On March 24, 2020, USCIS approved his immigrant visa
19 petition. USCIS assigned receipt number WAC1790418811 to the petition.

20
21 64. Based on the approved immigrant visa petition, on April 24, 2020, Plaintiff Uppala
22 filed with USCIS an application to adjust his status to a lawful permanent resident. USCIS
23 assigned receipt number WAC2090113202 to the application.

24
25 65. USCIS has refused to act on Plaintiff Uppala's pending application for adjustment of
26 status. *See* Exhibit B. USCIS's refusal to act on his application is based on Defendants'

1 unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI
2 by withholding a visa number from Plaintiff contrary to Section 610(a) of the Public Law and 8
3 U.S.C. § 1153(b)(5)(A).

4
5 66. Plaintiff Chauhan invested at least \$500,000 in a new commercial enterprise in the
6 United States through a regional center authorized by the Department of Homeland Security.
7 Plaintiff invested capital in a project located in a targeted employment area. Based on that
8 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
9 employment creation immigrant. On March 31, 2021, USCIS approved his immigrant visa
10 petition. USCIS assigned receipt number WAC1890189145 to the petition.

11
12 67. Based on the approved immigrant visa petition, on August 17, 2021, Plaintiff
13 Chauhan filed an immigrant visa application with the United States consulate in Mumbai. The
14 Department of State assigned the confirmation number AA00A9G9WT to the application.

15
16 68. The Department of State has refused to act on Plaintiff Chauhan's pending
17 application for an immigrant visa. *See* Dep't of State, X *Visa Bulletin* 63 § D (March 2022),
18 [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html)
19 [march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C). The Department of State's refusal to act on his application is
20 based on Defendants Blinken and Bitter's unlawful application of, or refusal to apply, Section
21 610(a) of Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff
22 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).

23
24 69. Plaintiff Hodarkar invested at least \$500,000 in a new commercial enterprise in the
25 United States through a regional center authorized by the Department of Homeland Security.

1 Plaintiff invested capital in a project located in a targeted employment area. Based on that
2 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
3 employment creation immigrant. USCIS approved the petition on September 25, 2020, and
4 subsequently transmitted the approved petition to the Department of State for visa processing.
5 USCIS assigned receipt number WAC1890074927 to the petition.
6

7 70. Based on the approved immigrant visa petition, on December 22, 2020, Plaintiff
8 Hodarkar filed an immigrant visa application with the Department of State. The Department of
9 State assigned the confirmation number AA009VS3XP to the application.
10

11 71. The Department of State has refused to act on Plaintiff Hodarkar's pending
12 application for an immigrant visa. *See* Dep't of State, *X Visa Bulletin* 63 § D (March 2022),
13 [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html)
14 [march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C). The Department of State's refusal to act on her application is
15 based on Defendants Blinken and Bitter's unlawful application of, or refusal to apply, Section
16 610(a) of Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff
17 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
18

19 72. Plaintiff Krylova invested at least \$500,000 in a new commercial enterprise in the
20 United States through a regional center authorized by the Department of Homeland Security.
21 Plaintiff invested capital in a project located in a targeted employment area. Based on that
22 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
23 employment creation immigrant. On August 24, 2020, USCIS approved her immigrant visa
24 petition. USCIS assigned receipt number WAC1890209906 to the petition.
25
26
27

1 73. Based on the approved immigrant visa petition, on September 22, 2020, Plaintiff
2 Krylova filed an immigrant visa application with the Department of State. The Department of
3 State has currently assigned case number TBL2021688001 to the application.
4

5 74. The Department of State has refused to act on Plaintiff Krylova's pending
6 application for an immigrant visa. *See* Dep't of State, X *Visa Bulletin* 63 § D (March 2022),
7 [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html)
8 [march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C). The Department of State's refusal to act on her application is
9 based on Defendants Blinken and Bitter's unlawful application of, or refusal to apply, Section
10 610(a) of Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff
11 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
12

13 75. Plaintiff Mahadevan invested capital in a new commercial enterprise in the United
14 States through a regional center authorized by the Department of Homeland Security. Based on
15 that investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
16 employment creation immigrant. On August 10, 2020, USCIS approved his immigrant visa
17 petition. USCIS assigned receipt number WAC1790314912 to the petition.
18

19 76. Based on the approved immigrant visa petition, on January 5, 2021, Plaintiff
20 Mahadevan filed an immigrant visa application with the Department of State. The Department
21 of State assigned case number MTL2020790006 to the application.
22

23 77. The Department of State has refused to act on Plaintiff Mahadevan's pending
24 application for an immigrant visa. *See* Dep't of State, X *Visa Bulletin* 63 § D (March 2022),
25 <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for->
26

1 march-2022.html (Exhibit C). The Department of State’s refusal to act on his application is
2 based on Defendants Blinken and Bitter’s unlawful application of, or refusal to apply, Section
3 610(a) of Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff
4 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
5

6 78. Plaintiff Angelini invested at least \$500,000 in a new commercial enterprise in the
7 United States through a regional center authorized by the Department of Homeland Security.
8 Plaintiff invested capital in a project located in a targeted employment area. Based on that
9 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
10 employment creation immigrant. On April 13, 2021, USCIS approved his immigrant visa
11 petition. USCIS assigned receipt number WAC1990016847 to the petition.
12

13 79. On January 5, 2022, USCIS sent Plaintiff Angelini’s approved immigrant visa
14 petition to the Department of State for visa processing. However, the Department of State
15 refuses to take further action on Plaintiff’s approved petition. *See Dep’t of State, X Visa Bulletin*
16 *63 § D (March 2022), [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-
18 bulletin/2022/visa-bulletin-for-march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-
17 bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C).*

19 80. The Department of State’s refusal to take further action in Plaintiff Angelini’s case is
20 based on Defendants Blinken and Bitter’s unlawful application of, or refusal to apply, Section
21 610(a) of Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff
22 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
23

24 81. Plaintiff Rathinam invested at least \$500,000 in a new commercial enterprise in the
25 United States through a regional center authorized by the Department of Homeland Security.
26
27

1 Plaintiff invested capital in a project located in a targeted employment area. Based on that
2 investment, on September 10, 2019, Plaintiff filed an immigrant visa petition with USCIS for
3 classification as a fifth preference employment creation immigrant. USCIS assigned receipt
4 number WAC1990332620 to the petition.
5

6 82. USCIS has refused to act on and fails to complete a final adjudication of Plaintiff
7 Rathinam's pending immigrant visa petition. *See* Exhibit B. USCIS's refusal to act on or
8 complete the adjudication of Plaintiff's petition is based on Defendants' unlawful application of,
9 or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI by withholding a visa
10 number from Plaintiff contrary to Section 610(a) of the Public Law and 8 U.S.C.
11 § 1153(b)(5)(A).
12

13 83. Plaintiff Donocik invested at least \$500,000 in a new commercial enterprise in the
14 United States through a regional center authorized by the Department of Homeland Security.
15 Plaintiff invested capital in a project located in a targeted employment area. Based on that
16 investment, on November 5, 2019, Plaintiff filed an immigrant visa petition with USCIS for
17 classification as a fifth preference employment creation immigrant. USCIS assigned receipt
18 number WAC2090020172 to the petition.
19

20 84. USCIS has refused to act on and fails to complete a final adjudication of Plaintiff
21 Donocik's pending immigrant visa petition. *See* Exhibit B. USCIS's refusal to act on or
22 complete the adjudication of Plaintiff's petition is based on Defendants' unlawful application of,
23 or refusal to apply, Section 610(a) of Public Law No. 102-395, Title VI by withholding a visa
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1 number from Plaintiff contrary to Section 610(a) of the Public Law and 8 U.S.C.
2 § 1153(b)(5)(A).

3 85. Plaintiff Iakovlev invested at least \$500,000 in a new commercial enterprise in the
4 United States through a regional center authorized by the Department of Homeland Security.
5 Plaintiff invested capital in a project located in a targeted employment area. Based on that
6 investment, Plaintiff filed an immigrant visa petition for classification as a fifth preference
7 employment creation immigrant. On January 20, 2021, USCIS approved his immigrant visa
8 petition. USCIS assigned receipt number WAC1890071394 to the petition.
9

10 86. On July 20, 2021, USCIS sent Plaintiff Iakovlev's approved petition to the
11 Department of State for visa processing. However, the Department of State has refused to
12 engage in further visa processing for Plaintiff. *See* Dep't of State, X *Visa Bulletin* 63 § D (March
13 2022), [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html)
14 [for-march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C). The Department of State's refusal to act is based on
15 Defendants Blinken and Bitter's unlawful application of, or refusal to apply, Section 610(a) of
16 Public Law No. 102-395, Title VI by withholding a visa number from Plaintiff contrary to
17 Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
18

19 87. Plaintiffs suffered and continue to suffer ongoing harm based on Defendants'
20 misapplication of the law and refusal to complete the processing of their petitions or
21 applications. As a result of Defendants' actions and failures to act, Plaintiffs are prevented from
22 pursuing to conclusion the process for obtaining conditional lawful permanent resident status in
23
24
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27

1 the United States based on their qualifying investments in new commercial enterprises located in
2 approved regional centers.

3 **B. Defendants Blinken and Bitter’s Withholding the Issuance of Visa Numbers**

4
5 88. In June 2021, Defendants Blinken and Bitter caused the Bureau of Consular Affairs to
6 issue a visa bulletin for July 2021 stating that No I5 or R5 visas may be issued overseas, or final
7 action taken on adjustment of status cases, after June 30, 2021. *See* Dep’t of State, X *Visa*
8 *Bulletin* 55 § D (July 2021), [https://travel.state.gov/content/travel/en/legal/visa-law0/visa-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2021/visa-bulletin-for-july-2021.html)
9 [bulletin/2021/visa-bulletin-for-july-2021.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2021/visa-bulletin-for-july-2021.html) (Exhibit D). “IR and “R5” refer to the fifth
10 preference immigrant investor regional center category. *Id.* § A.5(A) & (B).

11
12 89. In February 2022, Defendants Blinken and Bitter caused the Bureau of Consular
13 Affairs to issue a visa bulletin for March 2022 stating that No I5 or R5 visas may be issued
14 overseas, or final action taken on adjustment of status cases, after June 30, 2021. *See* Dep’t of
15 State, X *Visa Bulletin* 63 § D (March 2022), [https://travel.state.gov/content/travel/en/legal/visa-](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html)
16 [law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html](https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-march-2022.html) (Exhibit C). “IR and “R5” refer to
17 the fifth preference immigrant investor regional center category. *Id.* § A.5(A) & (B).

18
19 90. From July 2021 to the current date, Defendants Blinken and Bitter directed the
20 Department of State to withhold the issuance of visa numbers to foreign national investors with
21 approved Form I-526 petitions under authorized regional centers.

22
23 91. Defendants Blinken and Bitter have refused to issue visa numbers to Plaintiffs
24 Chauhan, Hodarkar, Krylova, and Mahadevan based solely on the assumption that Section
25 610(a) of Public Law No. 102-395, Title VI does not permit the Department of State to issue any
26

1 visa numbers to foreign national investors with approved Form I-526 petitions based on
2 investments in regional centers when Congress failed to extend the temporal term of Section
3 610(b) of the Public Law after June 30, 2021.

4
5 92. Defendants Blinken and Bitter refuse to process further the approved petitions of
6 Plaintiffs Angelini and Iakovlev based solely on the assumption that Section 610(a) of Public
7 Law No. 102-395, Title VI does not permit the Department of State to issue any visa numbers to
8 foreign national investors with approved Form I-526 petitions based on investments in regional
9 centers when Congress failed to extend the temporal term of Section 610(b) of the Public Law
10 after June 30, 2021.

11
12 **C. Defendant Jaddou's Withholding the Adjudication of Petitions and Applications**

13 93. After June 30, 2021, USCIS announced on its website that the statutory authorization
14 for the Regional Center Program ended at midnight on June 30, 2021. *See USCIS, Approved*
15 *EB-5 Immigrant Investor Regional Centers – Alert* (Dec. 20, 2021),
16 [https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-](https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor-regional-centers/approved-eb-5-immigrant-investor-regional-centers)
17 [immigration-fifth-preference-eb-5/eb-5-immigrant-investor-regional-centers/approved-eb-5-](https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor-regional-centers/approved-eb-5-immigrant-investor-regional-centers)
18 [immigrant-investor-regional-centers](https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor-regional-centers/approved-eb-5-immigrant-investor-regional-centers) (Exhibit B).

19
20 94. From July 2021 to the current date, Defendant Jaddou directed USCIS to withhold
21 the processing and final adjudication of Form I-526 petitions based on investments in regional
22 centers. *See Exhibit B.*

23
24 95. From July 2021 to the current date, Defendant Jaddou directed USCIS to withhold
25 the processing and final adjudication of applications for adjustment of status filed by foreign
26

1 national investors based on approved Form I-526 petitions filed in connection with investments
2 in regional centers. *See* Exhibit B.

3 96. USCIS's refusal to process and complete a final adjudication of the pending Form
4 I-526 petitions of Plaintiffs Rathinam and Donocik is based solely on the assumption that Section
5 610(a) of Public Law No. 102-395, Title VI does not permit the Department of State to issue any
6 visa numbers to foreign national investors with approved Form I-526 petitions based on
7 investments in regional centers when Congress failed to extend the temporal term of Section
8 610(b) of the Public Law after June 30, 2021.

9 97. USCIS's refusal to process and complete a final adjudication of the pending
10 adjustment of status applications of Plaintiffs Bajaj, Shah, Sheth, Wiedman, and Uppala is based
11 solely on the assumption that Section 610(a) of Public Law No. 102-395, Title VI does not
12 permit the Department of State to issue any visa numbers to foreign national investors with
13 approved Form I-526 petitions based on investments in regional centers when Congress failed to
14 extend the temporal term of Section 610(b) of the Public Law after June 30, 2021.

15 98. There are no mandated administrative remedies available to Plaintiffs to challenge
16 Defendants' refusal to issue visa numbers or complete the final adjudication of their applications
17 or petitions.

18
19
20
21 **CAUSES OF ACTION**

22 **COUNT I**
23 **(Agency Action Contrary to Law)**

24 99. Plaintiff re-states the allegations in Paragraphs 1 through 98 of this Complaint as if
25 fully stated here.

1 100. Defendants Blinken and Bitter’s determination that no visas are currently available
2 for issuance to foreign national investors with approved Form I-526 petitions based on
3 investments in authorized regional centers constitutes a final agency action. *See* 5 U.S.C. § 704.
4

5 101. Defendants Blinken and Bitter’s issuance of visa bulletins stating that no visas are
6 available under the Regional Center Program constitutes a final agency action. *See* 5 U.S.C.
7 § 704.

8 102. Defendant Jaddou’s instructing or ordering USCIS to withhold the processing and
9 final adjudication of Form I-526 petitions and applications for adjustment of status filed by
10 foreign national investors with qualifying investments in authorized regional centers constitute a
11 final agency action. *See* 5 U.S.C. § 704.
12

13 103. The APA provides the relevant causes of action for challenging Defendants’
14 decisions to withhold visa numbers and withhold the processing and final adjudication of
15 petitions and applications. *See* 5 U.S.C. § 706.
16

17 104. The Court is authorized to set aside any agency action that is not in accordance with
18 the law. *See* 5 U.S.C. § 706(2)(A).

19 105. The INA requires Defendants to make available visa numbers to foreign national
20 investors in the fifth preference category not to exceed 7.1 percent of the worldwide level
21 specified for employment-based immigrants. *See* 8 U.S.C. § 1153(b)(5)(A).
22

23 106. Section 610(a) of Public Law No. 102-395, Title VI, requires Defendants to set
24 aside visa numbers for foreign national investors seeking classification as fifth preference
25 immigrants based on investments in authorized regional centers.
26

1 107. Only Section 610(b) of Public Law No. 102-395, Title VI is expired.

2 108. Section 610(a) of Public Law No. 102-395, Title VI remains in effect.

3 109. Section 610(a) of Public Law No. 102-395, Title VI, is a statutory command
4 operating separately and independently of Section 610(b) of the Public Law.
5

6 110. Section 610(b) of the Public Law operated only as a temporally defined earmarking
7 of visas for the Regional Center Program. With the expiration of Section 610(b), petitioners
8 under the Regional Center Program no longer benefit from a special earmarking of visas, but
9 rather must draw from the general pool of visas available under 8 U.S.C. § 1153(b)(5)(A) in line
10 with all other foreign national investors not participating in the Regional Center Program.
11

12 111. With the lapse of Section 610(b) of the Public Law, Section 610(a) of the Public
13 Law remains in effect and requires Defendants to issue visa numbers from the general category
14 of visas specified in 8 U.S.C. § 1153(b)(5)(A).
15

16 112. Defendants have misapplied or fail to apply Section 610(a) of the Public Law in a
17 manner contrary to the text and plain meaning of Section 610(a) and 8 U.S.C. § 1153(b)(5)(A).
18

19 113. Defendants Blinken and Bitter are unlawfully applying, or refusing to apply,
20 Section 610(a) of Public Law No. 102-395, Title VI by withholding visa numbers from Plaintiffs
21 contrary to Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
22

23 114. Defendant Jaddou is unlawfully applying, or refusing to apply, Section 610(a) of
24 Public Law No. 102-395, Title VI by withholding processing and final adjudication of Plaintiffs'
25 petitions and applications contrary to Section 610(a) of the Public Law and 8 U.S.C.

26 § 1153(b)(5)(A).
27

1 115. Because Defendants' decisions and actions are contrary to Section 610(a) of the
2 Public Law and 8 U.S.C. § 1153(b)(5)(A), the Court may set aside Defendants' decisions and
3 actions. *See* 5 U.S.C. § 706(2)(A).

4
5 **COUNT II**
6 **(Agency Action Unlawfully Withheld)**

7 116. Plaintiff re-state the allegations in Paragraphs 1 through 115 of this Complaint as if
8 fully stated here.

9 117. Plaintiffs have met all statutory and regulatory conditions required for filing the
10 relevant petitions and applications with USCIS or the Department of State.

11 118. The Department of State's refusal to act on the immigrant visa applications of
12 Plaintiffs Chauhan, Hodarkar, Krylova, and Mahadevan, and the agency's refusal to process
13 further the approved petitions of Plaintiffs Angelini and Iakovlev, is based on Defendants
14 Blinken and Bitter's unlawful application of, or refusal to apply, Section 610(a) of Public Law
15 No. 102-395, Title VI by withholding visa numbers from Plaintiffs contrary to Section 610(a) of
16 the Public Law and 8 U.S.C. § 1153(b)(5)(A).

17
18 119. The Department of State is withholding final processing and adjudication of
19 Plaintiffs' applications based solely on the incorrect assumption, which is contrary to law, that
20 Section 610(a) of Public Law No. 102-395, Title VI does not permit the Department of State to
21 issue any visa numbers to foreign national investors with approved Form I-526 petitions based
22 on investments in regional centers when Congress failed to extend the temporal term of Section
23 610(b) of the Public Law after June 30, 2021.
24
25
26
27

1 120. The Department of State is not prohibited by Section 610(a) of the Public Law from
2 issuing visa numbers to Plaintiffs. Rather, Section 610(a) of the Public Law requires the
3 Department of State to set aside visa numbers for Plaintiffs in accordance with 8 U.S.C.
4 § 1153(b)(5)(A).
5

6 121. USCIS's refusal to act on the applications for adjustment of status of Plaintiffs
7 Bajaj, Shah, Sheth, Wiedman, and Uppala, and the agency's refusal to issue a final adjudication
8 on the pending Form I-526 petitions of Plaintiffs Rathiman and Donocik, is based on Defendant
9 Jaddou's unlawful application of, or refusal to apply, Section 610(a) of Public Law No. 102-395,
10 Title VI by withholding final adjudication on Plaintiffs' applications and petitions contrary to
11 Section 610(a) of the Public Law and 8 U.S.C. § 1153(b)(5)(A).
12

13 122. USCIS is withholding final processing and adjudication of Plaintiffs' applications
14 and petitions based solely on the incorrect assumption, which is contrary to law, that Section
15 610(a) of Public Law No. 102-395, Title VI does not permit the Department of State to issue any
16 visa numbers to foreign national investors based on investments in regional centers when
17 Congress failed to extend the temporal term of Section 610(b) of the Public Law after June 30,
18 2021.
19

20 123. USCIS is not prohibited by Section 610(a) of the Public Law from issuing visa
21 numbers to Plaintiffs. Rather, Section 610(a) of the Public Law requires USCIS to continue
22 processing Plaintiffs' petitions and applications in accordance with 8 U.S.C. § 1153(b)(5)(A).
23

24 124. Defendants are unlawfully withholding the final adjudication of Plaintiffs' petitions
25 and applications contrary to statute law and the APA. *See* 5 U.S.C. § 706(1).
26
27

1 125. The Court is authorized under the APA to compel Defendants to process and issue
2 final decisions on Plaintiffs' applications and petitions. *See* 5 U.S.C. § 706(1).

3 **PRAYER FOR RELIEF**

4 Based on the above allegations and related causes of action, Plaintiffs requests an order
5 or ruling from this Court:

6 A. Taking jurisdiction over Plaintiffs' complaint and related causes of action;

7 B. Declaring contrary to law and setting aside Defendants' decisions to withhold visa
8 numbers from immigrant visa applicants, applicants for adjustment of status, and pending
9 petitions based on investments under the Regional Center Program;
10

11 C. Ordering Defendants to release immediately and make ready for use immigrant visa
12 numbers made available under the INA for the Plaintiffs with approved Form I-526 petitions
13 based on investments under the Regional Center Program;
14

15 D. Ordering Defendants Blinken and Bitter and all consular officers, officials,
16 employees, and agents acting under their direction, supervision, or control to process
17 immediately and issue a final adjudication on all immigrant visa applications filed by Plaintiffs
18 with approved Form I-526 petitions based on investments under the Regional Center Program;
19

20 E. Ordering Defendants Blinken and Bitter and all consular officers, officials,
21 employees, and agents acting under their direction, supervision, or control to finalize the
22 processing of Plaintiffs' approved Form I-526 petitions based on investments under the Regional
23 Center Program;
24

1 F. Ordering Defendant Jaddou and all officials, employees, and agents acting under her
2 direction, supervision, or control to process immediately and issue a final adjudication on all
3 applications for adjustment of status filed by Plaintiffs with approved Form I-526 petitions based
4 on investments under the Regional Center Program;

5
6 G. Ordering Defendant Jaddou and all officials, employees, and agents acting under her
7 direction, supervision, or control to process immediately and issue a final adjudication on all
8 Form I-526 petitions filed by Plaintiffs based on investments under the Regional Center
9 Program; and,

10
11 H. Awarding any other or further relief that the Court deems just, equitable, or proper.

12 February 17, 2022

Respectfully submitted,

13
14 s/Kripa Upadhyay
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22 *Motion for Pro Hac Vice to be Filed*

USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship
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Adjustment of Status Filing Charts from the Visa Bulletin

i ALERT: There are an exceptionally high number of employment-based visas available this fiscal year (October 2021 through September 2022).

See more 

If USCIS determines there are more immigrant visas available for a fiscal year than there are known applicants for such visas, we will state on this page that you may use the **Dates for Filing** chart. Otherwise, we will indicate on this page that you must use the **Final Action Dates** chart to determine when you may file your adjustment of status application. However, if a particular immigrant visa category is “current” on the Final Action Dates chart or the cutoff date on the Final Action Dates chart is later than the date on the Dates for Filing chart, applicants in that immigrant visa category may file using the Final Action Dates chart during that month.

We anticipate designating one of the two charts each month and linking to the relevant chart below within one week of DOS’ publication of the [Visa Bulletin](#).

Current Month’s Adjustment of Status Filing Charts

For Family-Sponsored Filings:

In the F2A category, there is a cutoff date on the Dates for Filing chart. However, the category is “current” on the Final Action Dates chart. This means that applicants in the F2A category may file using the [Final Action Dates chart in the Department of State Visa Bulletin for February 2022](#).

For all the other family-sponsored preference categories, you must use the [Dates for Filing chart in the Department of State Visa Bulletin for February 2022](#).

Exhibit A

For Employment-Based Preference Filings:

USCIS will not accept any new employment-based fifth preference adjustment of status applications based on the Regional Center Program until that program is reauthorized. For all other employment-based preference categories, you must use the [Dates for Filing chart in the Department of State Visa Bulletin for February 2022](#).

- [USCIS February 2022 Adjustment of Status Filing Charts](#)

Next Month’s Adjustment of Status Filing Charts

For Family-Sponsored Filings:

In the F2A category, there is a cutoff date on the Dates for Filing chart. However, the category is “current” on the Final Action Dates chart. This means that applicants in the F2A category may file using the [Final Action Dates chart in the Department of State Visa Bulletin for March 2022](#).

For all the other family-sponsored preference categories, you must use the [Dates for Filing chart in the Department of State Visa Bulletin for March 2022](#).

For Employment-Based Preference Filings:

USCIS will not accept any new employment-based fifth preference adjustment of status applications based on the Regional Center Program until that program is reauthorized. For all other employment-based preference categories, you must use the [Dates for Filing chart in the Department of State Visa Bulletin for March 2022](#).

- [USCIS March 2022 Adjustment of Status Filing Charts](#)

Previous Adjustment of Status Filing Charts

 Close All  Open All





2022	
2021	
2020	
2019	

Exhibit A

2018



2017



2016



2015



Close All Open All

Last Reviewed/Updated: 02/03/2022

Exhibit A

USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship and Immigration Services

Home > Green Card > Green Card Processes and Procedures > Visa Availability & Priority Dates > When to File Your Adjustment of Status Application for Family-Sponsored or Employment-Based Preference Visas: March 2022

When to File Your Adjustment of Status Application for Family-Sponsored or Employment-Based Preference Visas: March 2022

ALERT: There are an exceptionally high number of employment-based visas available this fiscal year (October 2021 through September 2022).

See more

Are you seeking to adjust your status and become a U.S. permanent resident under a family-sponsored or employment-based preference immigrant visa? If you have not yet had a relative or employer file an immigrant visa petition on your behalf, please learn more about the [Adjustment of Status Filing Process](#). If you already have a petition filed or approved on your behalf, you may have to wait for an available visa in your category (if applicable) before you can file your [Form I-485, Application to Register Permanent Residence or Adjust Status](#). This page will help you determine when to file your adjustment of status application.

When to File

Use the Visa Bulletin charts below to determine when to file your adjustment of status application.

To use the charts:

1. Find your visa type in the first column (on the left) of the appropriate chart (Family-sponsored or Employment-based).
2. Stay in that row and move directly to the right to find the corresponding date under the country of your birth (as listed in the boldface columns across the top).

Exhibit A

3. If the date on the chart is current (“C”), or your priority date is earlier than the date on the chart, you may file your adjustment of status application, if otherwise eligible to do so.
4. “U” means unauthorized; for example, numbers are not authorized for issuance.

Your priority date is generally the date when your relative or employer properly filed the immigrant visa petition on your behalf with USCIS. If a labor certification is required to be filed with your immigrant visa petition, the priority date is the date the labor certification application was accepted for processing by the Department of Labor.

March 2022

Final Action Dates for F2A Family-Sponsored Adjustment of Status Applications

Family-Sponsored	All Chargeability Areas Except Those Listed	China - mainland born	India	Mexico	Philippines
F2A	C	C	C	C	C

Dates for Filing for Family-Sponsored Adjustment of Status Applications

Family-Sponsored	All Chargeability Areas Except Those Listed	China - mainland born	India	Mexico	Philippines
F1	15MAY16	15MAY16	15MAY16	01APR01	22APR15
F2B	22SEP16	22SEP16	22SEP16	01APR01	01OCT13
F3	22AUG09	22AUG09	22AUG09	01MAR01	01OCT03
F4	01OCT07	01OCT07	01JAN06	01SEP00	01FEB04

Dates for Filing for Employment-Based Adjustment of Status Applications

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C

Exhibit A

Employment-Based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
2nd	C	01APR19	C	01SEP13	C	C
3rd	C	01APR18	C	22JAN12	C	C
Other Workers	C	01JUL15	C	22JAN12	C	C
4th	C	C	15JUN17	C	C	C
Certain Religious Workers	C	C	15JUN17	C	C	C
5th Non-Regional Center (C5 and T5)	C	C	C	C	C	C
5th Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

About the Visa Bulletin

DOS publishes current immigrant visa availability information in a monthly [Visa Bulletin](#). The Visa Bulletin indicates when statutorily limited visas are available for issuance to prospective immigrants based on their individual priority date.

Exhibit A

On Nov. 20, 2014, the Secretary of Homeland Security directed USCIS to work with DOS to:

- Ensure that all immigrant visas authorized by Congress are issued to eligible individuals when there is sufficient demand for such visas, and
- Improve the Visa Bulletin system for determining when immigrant visas are available to applicants during the fiscal year.

Additionally, in July 2015, the Administration issued its report on [Modernizing and Streamlining Our Legal Immigration System for the 21st Century \(PDF\)](#). This report included detailed recommendations to revise and update the monthly Visa Bulletin to better estimate immigrant visa availability and provide needed predictability to nonimmigrant workers seeking permanent residency.

USCIS, in coordination with DOS, revised the procedures for determining visa availability for applicants waiting to file for adjustment of status. The revised process will better align with procedures DOS uses for noncitizens who seek to become U.S. permanent residents by applying for immigrant visas at U.S. consulates and embassies abroad.

This revised process will enhance DOS's ability to more accurately predict overall immigrant visa demand in determining the cut-off dates for the Visa Bulletin. This will help ensure that the maximum number of immigrant visas are issued annually as intended by Congress, and minimize month-to-month fluctuations in Visa Bulletin final action dates. Additional goals are outlined in the White House report, [Modernizing and Streamlining Our Legal Immigration System for the 21st Century \(PDF\)](#).

New Visa Bulletin Charts

The Visa Bulletin will now have two different charts because of the revised procedures. DOS will post two charts per visa preference category in the DOS Visa Bulletin. The charts are:

- Application Final Action Dates (dates when visas may finally be issued); and
- Dates for Filing Applications (earliest dates when applicants may be able to apply).

When USCIS determines there are immigrant visas available for the filing of additional adjustment of status applications, the Dates for Filing Applications chart may be used to determine when to file an adjustment of status application with USCIS. Otherwise, the Application Final Action Dates chart must be used to determine when to file an adjustment of status application with USCIS.

In coordination with the DOS, USCIS will monitor visa numbers each month and post the relevant chart on this page under When to File.

Determining Visa Availability

USCIS considers several factors to determine if there is a greater supply of visas than the demand for those visas. To determine visa availability, USCIS will compare the number of visas available for the remainder of the fiscal year with:

Exhibit A

- Documentarily qualified visa applications reported by DOS;
- Pending adjustment of status applications reported by USCIS; and
- Historical drop off rate of applicants for adjustment of status (for example, denials, withdrawals and abandonments)

Last Reviewed/Updated: 02/16/2022

USCIS Response to Coronavirus (COVID-19)



U.S. Citizenship and Immigration Services

Home > Working in the United States > Permanent Workers > Employment-Based Immigration: Fifth Preference EB-5 > EB-5 Immigrant Investor Regional Centers > Approved EB-5 Immigrant Investor Regional Centers

Approved EB-5 Immigrant Investor Regional Centers

i Alert: Statutory authorization for the EB-5 Immigrant Investor Regional Center Program ended at midnight on June 30, 2021.

See less ^

Statutory authorization for the EB-5 Immigrant Investor Regional Center Program ended at midnight on June 30, 2021. This sunset in authorization does not affect EB-5 petitions filed by investors who are not seeking a visa under the Regional Center Program. Due to the sunset in authorization for the Regional Center Program, we will reject the following forms received on or after July 1, 2021:

- [Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program](#), except when the application type indicates that it is an amendment to the regional center’s name, organizational structure, ownership, or administration; and
- [Form I-526, Immigrant Petition by Alien Entrepreneur](#), when it indicates that the petitioner’s investment is associated with an approved regional center; and
- [Form I-485, Application to Register Permanent Residence or Adjust Status](#), and any [Form I-765, Application for Employment Authorization](#), and [Form I-131, Application for Travel Document](#), associated with a Form I-485 application that is based on a Form I-526 filed by an approved regional center.

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. If we

Exhibit B

wrote to you about your petition or application on or before June 30, 2021, you should review our written correspondence and respond by the due date (as applicable). Although we cannot review your response right now, we will keep your response for review if circumstances change.

We will still accept and review Form I-829, Petition by Investor to Remove Conditions on Permanent Resident Status, including those filed on or after July 1, 2021.

We will still accept and review Form I-924A, Annual Certification of Regional Center, including those filed on or after July 1, 2021. Regional centers should continue to submit Form I-924A, for fiscal year 2021.

In addition, we will keep on hold (that is, not act on) any Form I-485 that is based on a Form I-526 for an approved regional center; the Form I-526 must have been 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 the hold. We will accept and adjudicate Forms I-765 and I-131 relating to these pending Forms I-485.

We will provide further guidance if circumstances change or further guidance becomes necessary.

[This page in Simplified Chinese. \(PDF, 151.74 KB\).](#)

As of Oct. 25, 2021, there are 632 approved regional centers.

This page provides a list of current EB-5 immigrant investor regional centers by state. USCIS will periodically update the list. To update information for your approved regional center, the official point of contact for the regional center should contact us by email USCIS.ImmigrantInvestorProgram@uscis.dhs.gov or by mail:

USCIS, Immigrant Investor Program
131 M Street NE
3rd Floor, Mailstop 2235
Washington, DC 20529

Approval of an EB-5 regional center application does not in any way:

- Constitute USCIS endorsement of the activities of that regional center;
- Guarantee compliance with U.S. securities laws; or
- Minimize or eliminate risk to the investor.

Potential investors should seek professional advice when making any investment decisions.

Exhibit B

Regional centers can operate in more than one state. Because this table lists regional centers by state, some centers appear on the list more than once. The [Regional Center Terminations](#) page lists regional centers that USCIS has removed from the program.

 [Download CSV](#)

State ▲	Regional Center	Regional Center ID
Alabama	America's Center for Foreign Investment	ID1031910090
Alabama	Baypointe EB5 Regional Center, LLC	ID1435252136
Alabama	Birmingham Alabama Regional Center, LLC	ID1615854329
Alabama	BW Community Funding, LLC	ID1627454446
Alabama	CP Southern Regional Center	ID1200350481
Alabama	EB5 Affiliate Network Southeast Regional Center, LLC	ID1404251679
Alabama	Gulf Coast Regional Investment Center, LLC	ID1031910068
Alabama	Gulf States Regional Center, LLC	ID1201750575
Alabama	LD Capital SE Regional Center, LLC	ID1622654384
Alabama	New Orleans & Gulf Coast Regional Center, LLC	ID1216350684

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Exhibit B

USCIS is reviewing inquiries about the previously posted Form I-526 and Form I-829 approval and denial statistics by regional center. To provide feedback on that data, please send an email to USCIS.ImmigrantInvestorProgram@uscis.dhs.gov.

USCIS provides this page for informational purposes only. USCIS plans to update this page periodically but makes no claims that the published list of approved regional centers is complete, timely, or accurate. Any use or reliance on the information provided is strictly at your own risk. Please see [USCIS Website Policies](#) for further information.

This page does not represent a legal notice or investment advice of any kind. Potential investors should always do their own research and consult with a financial professional before making any investment decision. USCIS has issued a joint advisory with the U.S. Securities and Exchange Commission (SEC), [Investor Alert: Investment Scams Exploit Immigrant Investor Program](#). The SEC offers free [investor education materials](#). For more information, visit [Investor.gov](#).

Last Reviewed/Updated: 12/20/2021



*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

Number 63 Volume X

Washington, D.C.

IMMIGRANT NUMBERS FOR MARCH 2022

A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during March for: "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by February 8th. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01DEC14	01DEC14	01DEC14	08SEP99	01MAR12
F2A	C	C	C	C	C
F2B	22SEP15	22SEP15	22SEP15	01SEP00	22OCT11
F3	22NOV08	22NOV08	22NOV08	15SEP97	08JUN02
F4	22MAR07	22MAR07	15SEP05	22APR99	22AUG02

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15MAY16	15MAY16	15MAY16	01APR01	22APR15
F2A	01DEC21	01DEC21	01DEC21	01DEC21	01DEC21
F2B	22SEP16	22SEP16	22SEP16	01APR01	01OCT13
F3	22AUG09	22AUG09	22AUG09	01MAR01	01OCT03
F4	01OCT07	01OCT07	01JAN06	01SEP00	01FEB04

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which are reserved for investors in a targeted rural or high-unemployment area, and 3,000 are set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Employment- Based</u>		All Charge- ability Areas Except Those Listed				
		CHINA- mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01MAR19	C	01MAY13	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	C	01MAY12	C	15JAN12	C	C
4th	C	C	01MAY17	C	01APR20	C
Certain Religious Workers	U	U	U	U	U	U
5th Non-Regional Center (C5 and T5)	C	C	C	C	C	C
5th Regional Center (I5 and R5)	U	U	U	U	U	U

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2022 this reduction will be limited to approximately 150.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01APR19	C	01SEP13	C	C
3rd	C	01APR18	C	22JAN12	C	C
Other Workers	C	01JUL15	C	22JAN12	C	C
4th	C	C	01JUN17	C	C	C
Certain Religious Workers	C	C	01JUN17	C	C	C
5 th Non-Regional Center (C5 and T5)	C	C	C	C	C	C
5 th Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF MARCH

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2022 annual limit to approximately 54,850. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For March, immigrant numbers in the DV category are available to qualified DV-2022 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately			
AFRICA	21,000	Except:	Egypt	11,000
ASIA	8,300	Except:	Iran	6,000
			Nepal	4,200
EUROPE	13,500			
NORTH AMERICA (BAHAMAS)	8			
OCEANIA	850			
SOUTH AMERICA, and the CARIBBEAN	1,200			

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2022 program ends as of September 30, 2022. DV visas may not be issued to DV-2022 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2022 principals are only entitled to derivative DV status until September 30, 2022. DV visa availability through the very end of FY-2022 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN APRIL

For April, immigrant numbers in the DV category are available to qualified DV-2022 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately			
AFRICA	50,000	Except:	Egypt	12,500
ASIA	17,000	Except:	Iran	6,100
			Nepal	4,350
EUROPE	27,000			
NORTH AMERICA (BAHAMAS)	10			
OCEANIA	1,200			
SOUTH AMERICA, and the CARIBBEAN	1,300			

D. EXPIRATION OF THE EMPLOYMENT-BASED FIFTH PREFERENCE I5 AND R5 REGIONAL CENTER VISA CATEGORIES

Division O, Title 1, Section 104 of the Consolidated Appropriations Act, 2021 extended the immigrant investor pilot program until June 30, 2021. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases after June 30, 2021.

The final action dates for the I5 and R5 categories have been listed as "Unavailable" for March.

If there is legislative action extending this category for March, the final action dates would immediately become "Current" for March for all countries except China-mainland born I5 and R5, which would be subject to a November 22, 2015 final action date. It may also become necessary to establish a China-mainland born final action date and application filing date for the C5 and T5 categories as early as April to keep number use within the maximum allowed under the FY-2022 annual limits. In addition, if sufficient demand materializes in the Employment-based Fifth Preference category, corrective action may need to be taken in the India Employment-based Second Preference category, which would have utilized any otherwise unused numbers from the Employment-based Fifth Preference.

E. RETROGRESSION OF MARCH FINAL ACTION DATE FOR EL SALVADOR, GUATEMALA, AND HONDURAS EMPLOYMENT FOURTH AND CERTAIN RELIGIOUS WORKERS (SR) CATEGORIES

It has become necessary to retrogress the final action dates for Employment Fourth and Certain Religious Workers (SR) categories for El Salvador, Guatemala, and Honduras in order to hold worldwide number use within the maximum allowed under the FY-2022 annual limits. This is a result of heavy applicant demand for numbers for Juvenile Court Dependent cases filed with U.S. Citizenship and Immigration Services for adjustment of status. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

F. SCHEDULED EXPIRATION OF EMPLOYMENT FOURTH PREFERENCE CERTAIN RELIGIOUS WORKERS (SR) CATEGORY

H.R. 6119, "Further Extending Government Funding Act" extended the Employment Fourth Preference Certain Religious Workers (SR) category until February 18, 2022. Pursuant to the continuing resolution, the non-minister special immigrant program expires on February 18, 2022. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight February 17, 2022. Visas issued prior to this date will only be issued with a validity date of February 17, 2022, and all individuals seeking admission as a non-minister special immigrant must be admitted (repeat, admitted) into the U.S. no later than midnight February 17, 2022.

The SR category is listed as "Unavailable" for all countries for March. If there is legislative action extending the category, it will become "Current" effective immediately for all countries except El Salvador, Guatemala, and Honduras, which are subject to a May 1, 2017 final action date, and Mexico, which is subject to an April 1, 2020 final action date.

- G. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES DURING THE COVID-19 PANDEMIC, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

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*United States Department of State
Bureau of Consular Affairs*

VISA BULLETIN

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IMMIGRANT NUMBERS FOR JULY 2021

A. STATUTORY NUMBERS

This bulletin summarizes the availability of immigrant numbers during July for: "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS in the Department of Homeland Security must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by June 9th. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, EL SALVADOR, GUATEMALA, HONDURAS, INDIA, MEXICO, PHILIPPINES, and VIETNAM.

Exhibit D

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15NOV14	15NOV14	15NOV14	01OCT98	22FEB12
F2A	C	C	C	C	C
F2B	15SEP15	15SEP15	15SEP15	01FEB00	15OCT11
F3	01NOV08	01NOV08	01NOV08	08MAR97	08JUN02
F4	08FEB07	08FEB07	15AUG05	15DEC98	22JUN02

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15MAY16	15MAY16	15MAY16	01AUG00	22APR15
F2A	01JUN21	01JUN21	01JUN21	01JUN21	01JUN21
F2B	22SEP16	22SEP16	22SEP16	08AUG00	01OCT13
F3	22AUG09	22AUG09	22AUG09	08SEP00	01OCT03
F4	01OCT07	01OCT07	01DEC05	08MAY99	01FEB04

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which are reserved for investors in a targeted rural or high-unemployment area, and 3,000 are set aside for investors in regional centers by Sec. 610 of Pub. L. 102-395.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed	CHINA-	EL SALVADOR	INDIA	MEXICO	PHILIPPINES	VIETNAM
		mainland born	GUATEMALA				
1st	C	C	C	C	C	C	C
2nd	C	01DEC17	C	01JUN11	C	C	C
3rd	C	01JAN19	C	01JAN13	C	C	C
Other Workers	C	01DEC09	C	01JAN13	C	C	C
4th	C	C	01DEC18	C	01FEB20	C	C
Certain Religious Workers	C	C	01DEC18	C	01FEB20	C	C
5th Non-Regional Center (C5 and T5)	C	08NOV15	C	C	C	C	01APR20
5th Regional Center (I5 and R5)	U	U	U	U	U	U	U

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2021 this reduction will be limited to approximately 150.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment-Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01JUL18	C	01DEC11	C	C
3rd	C	01JUL19	C	01FEB14	C	C
Other Workers	C	01MAY10	C	01FEB14	C	C
4th	C	C	01MAR19	C	C	C
Certain Religious Workers	C	C	01MAR19	C	C	C
5 th Non-Regional Center (C5 and T5)	C	15DEC15	C	C	C	C
5 th Regional Center (I5 and R5)	C	15DEC15	C	C	C	C

6. The Department of State has a recorded message with the Final Action date information which can be heard at: (202) 485-7699. This recording is updated on or about the seventeenth of each month with information on final action dates for the following month.

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF JULY

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2021 annual limit to approximately 54,850. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For July, immigrant numbers in the DV category are available to qualified DV-2021 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately
AFRICA	CURRENT
ASIA	CURRENT
EUROPE	CURRENT
NORTH AMERICA (BAHAMAS)	CURRENT
OCEANIA	CURRENT
SOUTH AMERICA, and the CARIBBEAN	CURRENT

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2021 program ends as of September 30, 2021. DV visas may not be issued to DV-2021 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2021 principals are only entitled to derivative DV status until September 30, 2021. DV visa availability through the very end of FY-2021 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN AUGUST

For August, immigrant numbers in the DV category are available to qualified DV-2021 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately
AFRICA	CURRENT
ASIA	CURRENT
EUROPE	CURRENT
NORTH AMERICA (BAHAMAS)	CURRENT
OCEANIA	CURRENT
SOUTH AMERICA, and the CARIBBEAN	CURRENT

D. SCHEDULED EXPIRATION OF THE EMPLOYMENT-BASED FIFTH PREFERENCE I5 and R5 REGIONAL CENTER VISA CATEGORIES

Employment Fifth Preference Categories (I5 and R5):

Division O, Title 1, Section 104 of the Consolidated Appropriations Act, 2021 extended this immigrant investor pilot program until June 30, 2021. The I5 and R5 visas may be issued until close of business on June 30, 2021 and may be issued for the full validity period. No I5 or R5 visas may be issued overseas, or final action taken on adjustment of status cases, after June 30, 2021.

Since there has been no legislative action at this time, the final action dates for the I5 and R5 categories have been listed as "Unavailable" for July.

If there is legislative action extending this category for July, the final action dates would immediately become "Current" for July for all countries except China-mainland born I5 and R5, which would be subject to a November 8, 2015 final action date and Vietnam I5 and R5, which would be subject to an April 1, 2020 final action date.

E. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES DURING THE COVID-19 PANDEMIC, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

F. @TRAVELGOV BEGINS HOSTING MONTHLY YOUTUBE LIVE "CHATS WITH CHARLIE"

@TravelGov will be hosting "Chats with Charlie" on our YouTube channel (<https://www.youtube.com/user/TravelGov>) to discuss information provided in the monthly Visa Bulletin. This month's chat is scheduled to take place on June 18, 2021 at 1:00 p.m. EST to discuss the July Visa Bulletin. Questions can be emailed to VisaBulletin@state.gov ahead of the event with "**Chat with Charlie Question**" in the subject line. Questions will also be taken via the YouTube Live Chat and will be answered in real-time. The event is intended to address issues of general interest related to the content of the Visa Bulletin, and no policy, case or post specific questions will be accepted.

G. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs publishes the monthly Visa Bulletin on their website at www.travel.state.gov under the Visas section. Alternatively, visitors may access the Visa Bulletin directly by going to:

<http://www.travel.state.gov/content/visas/english/law-and-policy/bulletin.html>.

To be placed on the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:

Subscribe Visa-Bulletin

(example: *Subscribe Visa-Bulletin*)

To be removed from the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa final action dates which can be heard at: **(202) 485-7699**. The recording is normally updated on/about the 17th of each month with information on final action dates for the following month.