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Creating Jobs Through EB-5 Investment

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April 18, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
2703 Martin Luther King Jr. Ave.,
SE, Washington, DC 20593

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

Alissa Emmel, Chief
Immigrant Investor Program Office
U.S. Citizenship and Immigration Services
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Via Electronic Mail To:
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RE: Regional Center Re-designation

Dear Secretary Mayorkas, Director Jaddou, and Chief Emmel:

IIUSA respectfully requests the opportunity to meet with you to discuss the urgent matter raised in this letter as well as other time-sensitive issues regarding the Regional Center Program's recent multi-year reauthorization contained in the EB-5 Reform and Integrity Act of 2022 ("RIA").

On March 21, 2022, we sent a letter to Chief Emmel concerning the implementation of certain sections of the RIA. Specifically, we sought to address immediately the potential impact of interpreting the repeal of §610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) ("§ 610 Repeal") as calling for existing regional centers to seek re-designation by filing a new application with the USCIS under the RIA, or more disastrously, awaiting approval of such a new application before commencing post-enactment operations. Yet,

regrettably, on April 11, 2022, USCIS published an update on its website stating that all existing regional centers were no longer authorized and required re-designation.

As stated in our prior letter, this interpretation would vitiate the purpose of the RIA, as it would likely take many months or even years before currently existing RIA compliant regional centers are so re-designated. Such extensive delay would thwart clear Congressional intent to reauthorize and reactivate a compliant Regional Center Program that provides so many obvious economic benefits to our nation.

We understand the importance of ensuring that all regional centers demonstrate their compliance with the RIA as soon as possible. While we do not agree that the repeal of §610, as a matter of law or policy, requires the re-designation of existing regional centers, we prefer, for the purpose of this letter, to respectfully suggest a process that will provide USCIS with information demonstrating RIA compliance without further delay to the recommencement of EB-5 economic development. The process we suggest for existing regional centers is as follows:

On or after May 14, 2022, an existing regional center, in good standing as of June 30, 2021, may file the RIA Compliance Attestation and Re-designation Proposal attached as Exhibit A hereto along with Form I-924A and a filing fee of \$3,035.00 (collectively the “RIA Compliance Attestation”). Effective immediately upon filing the RIA Compliance Attestation, the filing regional center shall be deemed re-designated and authorized to do business as a regional center, unless and until terminated by USCIS. A regional center may file an Application for Approval of an Investment in a Commercial Enterprise concurrently with, or subsequent to, the RIA Compliance Attestation. USCIS administers and is familiar with this suggested compliance mechanism in the Form I-924A context as well as in other immigration contexts such as the H-1B Labor Condition Application.

IIUSA respectfully asks for your immediate attention to this request and for the opportunity to meet with you to discuss this matter as needed. We are available at your disposal.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Aaron L. Grau', with a long horizontal line extending to the right.

Aaron L. Grau,
Executive Director Invest in the USA