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November 21, 2023

Ur M. Jaddou, Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Dr.
Camp Springs, MD 20746

RE: Urgent Request for Clarification of New Policy Guidance for Pre-EB-5 Reform and Integrity Act (“RIA”) Regional Centers Regarding Deadline to File Form I-956G

Dear Director Jaddou:

We the undersigned EB-5 community stakeholder organizations submit this letter requesting urgent clarification of the USCIS Policy Guidance issued on October 11, 2023, specifically relating to pre-RIA Regional Center terminations. The need for clarification is highly time-sensitive given that the Form I-956G filing deadline is **December 29, 2023**, with consequences potentially impacting hundreds of pre-RIA regional centers and tens of thousands of sponsored EB-5 Investors.

By way of background, on October 11, 2023, USCIS issued new [Guidance](#) on numerous aspects of the EB-5 program impacted by enactment of the RIA. In particular, the guidance introduces a novel concept of terminating Regional Centers for “*purely administrative noncompliance*,” a new and undefined term.

USCIS urgently needs to clarify the conditions for “administrative noncompliance” terminations and the consequence to associated investors who otherwise continue to meet eligibility requirements.

Specifically, the time sensitive issues requiring clarification are:

1. Will a regional center’s failure to file Form I-956G by the deadline of December 29, 2023 result in termination for “administrative noncompliance” like the failure to pay the Annual Integrity Fee by the payment deadline of December 30?
2. Will investors associated with a regional center terminated for “administrative noncompliance” need their associated new commercial enterprise to re-affiliate with a new regional center if they otherwise continue to meet eligibility requirements?

The Form I-956G and associated reporting under the RIA are not suitable for regional centers no longer operating under the RIA. Yet, these pre-RIA regional centers may be faced with weighing the costs of keeping the regional center designated post-RIA to avoid forcing their investors to re-affiliate with a regional center with which it has had no prior relationship.

We believe that sub paragraph (M) of the INA section 203(b)(5) (as added by the RIA) permits an interpretation allowing investors associated with terminated regional centers who otherwise continue to meet eligibility requirements to benefit from continued adjudication of their immigration benefits

without re-affiliating with a new regional center. INA section 203(b)(5)(M)(iii)(II) allows DHS to “permit amendments to the business plan, without such facts underlying the amendment being deemed a material change.” An amendment reflecting the termination for “purely administrative noncompliance” would not be a bar to investors’ continued eligibility; accordingly, we believe there is a statutory basis for investors associated with such regional centers to be relieved from any reaffiliation requirement.

We urge USCIS to adopt this interpretation and clearly publish this position as soon as possible, and certainly before December 29, 2023 when the Form I-956G is due.

Thank you for your prompt attention to this urgent and time-sensitive matter. Although this letter is respectfully submitted by all of the undersigned, should you have any questions, please contact Aaron Grau, Executive Director of IIUSA at aaron.grau@iiusa.org. Thank you for your time and consideration.

Sincerely,



Aaron Grau
IIUSA Executive Director



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