



Analyzing Actual Processing Times for I-526E and I-956F Petitions: Insights from Industry Data Collected by IIUSA

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Executive Summary

This report provides a comprehensive analysis of actual I-526E and I-956F processing times, leveraging data collected by IIUSA from the EB-5 industry to offer valuable insights into the latest processing trends under the EB-5 Reform and Integrity Act of 2022 (RIA). With the introduction of Form I-956F (Application for Regional Center Designation) and Form I-526E (Immigrant Petition by Regional Center Investor), understanding the interplay between these forms and actual processing times is crucial for stakeholders in the EB-5 industry.

Data Collection and Scope

USCIS has not yet published any official data on I-526E processing times and does not include Form I-526E in the USCIS “Check Case Processing Times” tool. To date, the industry has had to rely on anecdotal evidence based on limited individual experience. IIUSA has worked to address this gap by organizing and analyzing a significant sample of actual processing times. Eleven regional center operators provided us with anonymized case status information as of mid-2024 for a total of 1,254 I-526E cases and 61 I-956F project applications filed from June 2022 to August 2024. This data sample represents nearly 25% of all I-526E cases filed with USCIS and close to 50% of I-526E case approvals during that period, providing a robust basis for evaluating processing times.

For each I-526E, regional centers reported petition filing and adjudication dates, TEA category, petitioner country of origin, I-956F status, and RFE status. The scope of the data collection allows us to derive actual processing time trends and to analyze the correlation of processing time with other factors.

Research questions included:

- What is the average and the range for I-526E processing times?
- Have rural I-526E actually experienced shorter processing times?
- Is there a trend to processing times between 2022 and 2024?
- How much difference does an RFE make to processing time?
- How does I-956F timing affect I-526E processing time?

Summary of Findings for I-526E and I-956F Adjudicated between July 2023 and August 2024

USCIS first began recording I-526E approvals in July 2023. By June 2024, USCIS reported a total 714 I-526Es adjudicated and 203 I-956Fs processed. We analyzed actual processing times for the cases in our sample, which includes 343 of the I-526E approvals and 52 I-956F approvals between July 2023 and August 2024. Here are our key findings:

- **I-956F Processing Times:** Rural project applications averaged 8 months, while high-unemployment projects took about 13 months. The "normal range" for rural projects was 4 to 15 months. For high-unemployment projects, it was 7 to 18 months.
- **I-526E Processing Times:** Rural I-526E petitions were approved in an average of 10 months, while high-unemployment cases took around 14 months. The “normal range” for rural cases was 6 to 15 months. For high-unemployment cases, it was 11 to 16 months.
- Summary of these key data insights:

Sample Size	52 I-956F Approvals		343 I-526E Approvals	
Adjudication Dates	July 2023 – August 2024		July 2023 – August 2024	
Processing Times	Average	Normal Range	Average	Normal Range
Rural	8 Months	4-15 Months	10 Months	6-15 Months
High Unemployment	13 Months	7-18 Months	14 Months	11-16 Months

Trends and Observations

- **USCIS Prioritization of Rural Cases:** Data suggests that USCIS may be prioritizing the adjudication of rural I-526E cases. Although a higher percentage of I-526E filings in our sample were associated with high-unemployment projects, a higher percentage of I-526E case approvals were linked to rural projects.
- **I-956F Approvals and I-526E Processing Times:** Our analysis found that I-526E petitions filed after the associated I-956F approval could experience shorter processing times, though the data is *very limited*. For I-526E petitions filed before the associated I-956F approval, the average time between I-956F approval and I-526E adjudication was 4 months, with 90% of cases approved within 7 months. However, 80% of pending I-526E petitions tied to approved I-956F applications have been pending for more than 4 months, indicating a longer-than-expected processing gap between future I-956F and I-526E approvals.
- **Processing Times Increasing in Recent Quarters:** Our data shows that while rural petitions had below-average processing times between late 2023 and early 2024 (some taking less than 5 months), processing times for both rural and high-unemployment petitions increased noticeably from May to August 2024.
- **Future Processing Time Movement:** With 73% of the I-526E cases in our dataset still pending, analyzing these cases is key to predicting future processing times. 58% of rural cases have been pending for over 10 months, suggesting future processing times may exceed the current average. Meanwhile, 54% of high-unemployment petitions have been pending for less than 14 months, suggesting processing times for these cases may remain stable.

Conclusion

This report offers valuable insights into the actual processing times for I-526E and I-956F petitions. The data shows prioritization of rural cases and provides metrics for actual completion times to date – both averages and ranges – that can help to manage processing time expectations. The dataset’s limitations, such as the small sample of recent approvals and a large number of pending cases, indicate that continued monitoring and additional data collection are necessary to draw more definitive conclusions. This analysis aims to promote transparency and help stakeholders better navigate the evolving EB-5 processing landscape. IIUSA will continue its data collection efforts and publish updated analyses as our datasets grow more robust. We encourage all regional centers and EB-5 industry stakeholders to share their I-526E and I-956F petition data with IIUSA.

Acknowledgement

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Introduction

by Christine Chen, Chief Operating Officer, CanAm Enterprises; IIUSA Board of Director

With the passage of the EB-5 Reform and Integrity Act (“RIA”) in March 2022, there was a promise of a more transparent and efficient EB-5 program – on both sides. Regional center operators and other EB-5 stakeholders were obligated to report to USCIS to ensure that they were operating ethically and following best practices designed to elevate the program, and USCIS was expected to improve processing times and increase engagement. Admittedly, the bar was lower: pre-RIA processing times exceeded four (4) years with virtually no communication from USCIS over the previous years. While we all knew that implementing the promised reforms wouldn’t happen overnight, we have been left to informally track and compare anecdotal reports of I-956F and I-526E approvals, as USCIS has yet published no data on I-526E processing times.

Now, more than two years after the passage of the RIA, it has become increasingly apparent that it will be up to the EB-5 stakeholder community to put together this information in a meaningful way – and in doing so, to raise the bar for what this data should be. We have been eagerly awaiting the quarterly reports from USCIS, which only provide the total number of petitions filed and are typically a quarter behind. Given how quickly the EB-5 program is evolving, that level of reporting just isn’t good enough. Even if USCIS did publish average processing times for pre-RIA petitions, the data was often misleading.

What we realized through this exercise is the potential to reveal so much more. This analysis differentiates whether petitions are receiving RFEs before adjudication, investigates the relationship between I-956F adjudication and I-526E adjudication times, indicates how many petitions are pending – and most importantly, establishes the mid-range of processing times by category, allowing regional center operators and other service providers to set expectations of what a “normal” processing time is based on actual empirical data and not the latest one-off posting on social media. This way, investors and their immigration attorneys can better assess whether to take actions on a filed petition, and prospective investors can factor this data into their decision on which EB-5 investment makes most sense for them.

Knowing that IIUSA members do not represent all the regional centers participating in the EB-5 program, and that not all IIUSA members would contribute data, the objective was to collect enough data to comprise a representative sample of all petitions filed and adjudicated so that we could identify adjudication trends. With nearly 25% of all I-526E cases filed with USCIS, and close to 50% of I-526E case approvals during the period from June 2022 to August 2024, the analysis that we’ve produced is the first of its kind – but there is so much more work to be done.

Therefore, this report, while tremendously informative, also serves as a call for action. You can see the early potential of what we, as an industry, can produce. While it’s encouraging that USCIS appears to be consistently prioritizing rural petitions and adjudicating at faster rates as mandated by the RIA (even if not yet at the actual timeframes specified by the RIA), surely these adjudication times will slip with the increased number of petition filings over the past 6 months that are still pending adjudication, and as more petitions are filed in the coming months. For us to hold USCIS accountable to the improved processing times stipulated by the RIA, we, as an industry, need to continue to provide this data in real time so that IIUSA can continue to share the findings. Post-RIA, the EB-5 program is better than ever, and for us to keep it that way, we all need to be part of this effort. As a member of the Board of Directors, this is the work IIUSA should be doing but we all believe this is just the beginning.