U.S. Citizenship
and Immigration
Services

IPO Deputy Chief Julia L. Harrison's Talking Points
EB-5 Immigrant Investor Program Stakeholder Engagement
San Francisco, CA
July 19, 2017

Site Visits vs. Audits or Compliance Reviews at Regional Centers
Site visits are generally conducted at the job-creating entity (JCE) by Fraud Detection and National Security field personnel.

Regional center audits or compliance reviews are generally conducted at the regional center by IPO staff and we anticipate they will be announced in advance.

- With these visits, we seek to speak with individuals at the regional center. These reviews are used to ensure regional centers are in compliance with applicable laws and authorities.

Regional Center Termination Notices
We are publishing regional center termination notices. If you are interested in seeing this information, you can find that information in the electronic reading room at
https://www.uscis.gov/about-us/electronic-reading-room

EB-5 Webinar(s)

The I-924 webinar, held on April 26, 2017, is now posted online. You can find the link to this webinar on the EB-5 Resources web page under Notes from Previous Engagements, and at the link below.

- https://www.uscis.gov/outreach/form-i-924-application-regional-center-designation-under-immigrant-investor-program

We will be holding a webinar to discuss the Form I-924A, Annual Certification of Regional Center, in August 2017. This webinar will discuss the Dec. 23, 2016 edition of Form I-924A. USCIS will be sending out an invitation with the webinar specifics in the near future.

Engagement(s)
Talking points and speeches from the March 3, 2017 stakeholder engagement are now posted online:
https://www.uscis.gov/outreach/eb-5-immigrant-investor-program-0

Our next step to help with processing times is the publication of suggested filing order for submitting EB-5 applications/petitions; published today (July 19, 2017). You can find this information on the EB-5 Resources web page under Suggested Order of Documentation.

Questions and Answers

1. Question: A pending Form I-526 petition does not contain redeployment language. Can the investment documents be amended to allow redeployment, without this being considered a material change requiring refiling of the Form I-526?

   Answer: Whether amended documents provided in support of a pending Form I-526 petition constitute an impermissible material change depends on whether the investor is asserting eligibility under a materially different set of facts that did not exist when he/she filed the petition. If the further deployment of capital is within the scope of the new commercial enterprise's business activities in existence at the time the Form I-526 petition was filed, and amendments to the investment documents do not materially alter the facts in existence at the time of filing, such amendments, when considered under the totality of the circumstances, could likely not be considered a material change.

2. Question: The recent additions to the Policy Manual state: "Further deployment of capital that occurs before the immigrant investor becomes a conditional permanent resident must be adequately described in the Form I-526 record." If a Form I-526 petition is filed with investment documents that contain redeployment language, and while the petition is pending, EB-5 funds are deployed by the NCE to another project, what additional documents – if any – are required? If additional documents are required, what is the process by which the record should be supplemented? Would the process require refiling the Form I-526?

   Answer: When adjudicating a Form I-526 accompanied by investment documents that contain language regarding further deployment, USCIS will review the record to determine whether the petitioner has presented sufficient evidence to demonstrate eligibility, including continuing eligibility with the capital at risk requirement. If, at the time of adjudication, the record is insufficient to establish eligibility, USCIS may request more evidence from the petitioner, issue a notice of intent to deny, or deny the petition, as appropriate.