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To whom it may concern:

We are reaching out to clarify a critical issue for EB-5 investors regarding the processing of I-526's and I-526E's. Currently, there is a belief that rural projects will receive priority processing; however, USCIS has not defined what this means and how it will affect the overall processing timeline. On the contrary, USCIS **has** defined that petitions with an already reviewed project will move into a different line than those projects that have **not** been previously reviewed. On October 19, 2022, USCIS stated:

“The third queue contains I-526 petitions that have an available (or soon to be available) visa and either a **reviewed project** or “non-pooled” (single investor) standalone project. This queue is organized by receipt date of the I-526 petition (from oldest to newest). This is the queue from which Form I-526 petitions are assigned to officers for adjudication. Petitions are generally assigned to officers in first-in, first-out order.”

<https://www.uscis.gov/sites/default/files/document/data/National%20Engagement-EB-5%20Immigrant%20Investor%20Program.pdf>. See p. 11.

Our project is a “reviewed project.” It is exemplar approved.

Under Section C.2.b of the settlement agreement, USCIS agreed to give deference to previously exemplar approved projects. USCIS only required proof of compliance with new components of the RIA like securities, etc. The settlement also states under B.2b. that “investors in projects sponsored by Previously Approved Regional Centers [like the Four Seasons New Orleans project] **need not wait** for approval of Form I-956 in order to file and receive adjudication on **any other Forms** [such at the I-526e].” (emphasis added). **This means that investors in the Four Seasons New Orleans project should be placed in a different line and receive faster processing.**

We believe this is a major marketing advantage for your investors.

Let us know if you have any questions.

**EXCERPT FROM EB-5 NATIONAL
STAKEHOLDER ENGAGEMENT**

**HOSTED BY USCIS
ALISSA EMMEL, CHIEF OF
IMMIGRANT INVESTOR PROGRAM
OFFICE**

EB-5 National Stakeholder Engagement
Hosted by USCIS
Wednesday, October 19, 2022, 2-3pm Eastern

visa, and the target inventory level maintained by the U.S. Department of State for the EB-5 visa category. This calculation indicates which Form I-526 petitions associated with each oversubscribed country have visas available or soon to be available for purposes of the visa availability approach.

Based on the above determinations regarding visa availability, IPO queues up its I-526 inventory into the following three workflows on a monthly basis.

- The first queue contains Form I-526 petitions where a visa is not yet available or soon to be available and is ordered first-in, first-out. These cases are added into the second or third queues (described below) each month if visa availability is established according to the calculation described above. If so, at the beginning of each month, petitions move into the second queue if a project review is required, or into the third queue if a project review has been completed or if the petition is a non-pooled (single investor) “standalone” case (that is, not associated with a regional center).
- The second queue contains petitions related to projects that IPO has not previously reviewed and have a visa immediately available or soon to be available. This includes “pooled standalone” cases (that is, cases where multiple petitioners have invested into the same new commercial enterprise that is not associated with a regional center). The second queue is organized by the filing date of the oldest pending petition associated with the project in that queue. In other words, IPO reviews projects in the second queue in order from oldest to newest. After the project review is complete, any petitions from the second queue associated with that same project will be added to the third queue to be assigned out for adjudication so long as a visa is still available or soon to be available. The purpose of reviewing the project is so that USCIS may examine evidence that may apply across multiple Form I-526 petitions up front (that is, before the associated petitions are assigned to various adjudicators).
- The third queue contains I-526 petitions that have an available (or soon to be available) visa and either a reviewed project or “non-pooled” (single investor) standalone project. This queue is organized by receipt date of the I-526 petition (from oldest to newest). This is the queue from which Form I-526 petitions are assigned to officers for adjudication. Petitions are generally assigned to officers in first-in, first-out order.

Since the statutory authorization related to the regional center program was renewed, my division has also focused on adjudicating the I-526 petitions that were already in the process of being adjudicated pre-sunset (for example, cases where USCIS has already issued an RFE or a NOID).

Talking about the new legislation, I want to share some updates:

**EXCERPT OF SECTION C.2.B FROM
USCIS SETTLEMENT AGREEMENT**

the Integrity Act. All Previously Approved Regional Centers will pay the fee associated with the Form I-956.

- a. Previously Approved Regional Centers that already submitted a Form I-956 prior to the Effective Date will not need to submit another Form I-956 as an amendment by December 29, 2022, nor will they have to pay a separate fee to satisfy this obligation.
- b. The operations of Previously Approved Regional Centers, including their ability to file and receive adjudication of any other Forms, shall not be limited by the lack of adjudication of the Form I-956. That is, Previously Approved Regional Centers and investors in projects sponsored by Previously Approved Regional Centers need not wait for approval of Form I-956 in order to file and receive adjudications from USCIS on any other Forms.
- c. In completing a Form I-956, a Previously Approved Regional Center may state in Part 1, Application Type, that it is filing an Amendment to a Previously Approved Regional Center in order to confirm compliance with the Integrity Act. A Previously Approved Regional Center may attach to this Form I-956 Amendment its initial designation notice and any related amendments for purposes of demonstrating compliance with Parts 3, 4, and 6 of the Form I-956. For the purposes of this Amendment, USCIS will defer to its decision in its prior designation notices when adjudicating issues addressed by Parts 3 and 4, and will allow attachments from past filings for Part 6 to help establish eligibility. Evidence regarding policies and procedures to ensure compliance with new program requirements is still required. This provision does not apply to USCIS's consideration of proposed expanded aspects of geographic area if a Previously Approved

amounts. Such investors will also provide an electronic copy of the Form I-526E and interfiling with receipt number.

2. Previously Approved Regional Centers must file Form I-956F for previously approved exemplars (Form I-924) adjudicated prior to enactment of the Integrity Act if any investors associated with the Previously Approved Regional Center intend to file a petition for EB-5 classification after the enactment of the Integrity Act based on an investment into the offering and capital investment project described in the previously approved exemplar.

a. The purpose of this filing is to assimilate the project's information and documents consistent with the Integrity Act.

b. Consistent with the Integrity Act, all aspects of the project previously approved in the I-924 amendment exemplar shall be binding for purposes of the new I-956F filing, unless one of the conditions enumerated in Section 1153(b)(5)(F)(ii)(I)-(V) is present. This does not apply to the new requirements imposed by the Integrity Act; USCIS may review any new elements and ask for additional clarification when needed under existing processes (i.e., Request for Evidence). Changes made to a business plan—or any other aspect of the approved exemplar—made to comply with the Integrity Act shall not constitute a material change.

D. Previously Approved Regional Centers Will Be Governed by the Integrity Act:

1. Previously Approved Regional Centers sponsoring new projects or new investors under the Integrity Act will comply with all the requirements of the Integrity Act.

a. Persons involved with a regional center, new commercial enterprise, or job-creating entity as described in INA § 203(b)(5)(H)(v) will file an I-956H for each entity with which they are involved for submission with any related form as applicable.