U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 05462525

Date: FEB. 09, 2026

Appeal of Field Operations Directorate Decision

Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program

In 1992, Congress established the EB-5 regional center program to promote economic growth in the United States through foreign investment in commercial enterprises associated with U.S. Citizenship and Immigration Services (USCIS) designated regional centers. *See* Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (the "Appropriations Act"), Pub. L. No. 102-395, 106 Stat. 1828, 1874 (repealed 2022).[1]

In November 2011, USCIS designated [redacted] (the Appellant) to participate in the EB-5 regional center program under the now repealed Appropriations Act. In February 2019, Field Office Directorate (FOD) terminated the Appellant's designation to participate in the EB-5 regional center program, concluding that it failed to submit required information to USCIS and no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment as required by 8 C.F.R. § 204.6(m)(6) (2019). Specifically, FOD determined that the Appellant and its principal had engaged in "acts, practices and courses of business that defrauded and deceived investors, prospective investors and other persons" and that "EB-5 funds were not used for purposes consistent with the business plans submitted to USCIS, were not properly at risk and were not used in furtherance of job creation." The Appellant timely appealed the termination, seeking reinstatement of its designation to participate in the EB-5 regional center program.

On January 8, 2026, we issued a request for evidence (RFE). We instructed the Appellant to substantively respond to the RFE, to request adjudication of the appeal based on the existing record of proceeding, or to request withdraw the appeal pursuant to 8 C.F.R. § 103.2(b)(6).

We received a response to the RFE within the allotted timeframe, but the response was not submitted by the Appellant, its principal, or by its authorized representative. At the time the appeal was filed, the Appellant's authorized signatory was a court-appointed receiver. In response to the RFE, counsel states that he has served as counsel of record for the Appellant's receiver but advises that "the receivership has ended." The response is not accompanied by a new Form G-28, Notice of Entry as

[1] In March 2022, the EB-5 Reform and Integrity Act of 2022 repealed the Appropriations Act and codified the substantially reformed EB-5 regional center program within Section 203(b)(5) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(5) (2022).

Attorney or Representative, executed by a new principal or authorized signatory for the regional center. Therefore, the record does not establish that counsel continues to represent the Appellant in this proceeding.

While counsel's response to the RFE states that the former court-appointed receiver seeks adjudication of the appeal based on the existing record of proceeding, the record indicates that the former receiver, like counsel, lacks the authority to make representations to USCIS on the Appellant's behalf.

We may deny a benefit request as abandoned, deny it based on the record, or deny it for both reasons if an applicant or petitioner does not respond to an RFE by the required date. 8 C.F.R. § 103.2(13)(i). Because the response to the RFE was not submitted by the Appellant or its authorized representative, we will dismiss the appeal as abandoned.

ORDER: The appeal is dismissed as abandoned under 8 C.F.R. § 103.2(b)(13).