U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 32019097

Date: FEB. 20, 2025

Appeal of Immigrant Investor Program Office Decision

Form I-956, Application for Regional Center Designation

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 United States 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 L. No. 102-395, 106 Stat. 1828, 1874 (repealed 2022). In March 2022, the EB-5 Reform and Integrity Act of 2022 repealed the Appropriations Act, and codified the substantially reformed EB-5 regional center program within Section 203(b)(5) of the Immigration and Nationality Act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).

In August 2014, USCIS designated the Appellant to participate in the EB-5 regional center program under the now repealed Appropriations Act. In December 2022, the Appellant filed an Application for Regional Center Designation (Form I-956) and a Bona Fides of Persons Involved with Regional Center Program (Form I-956H) concerning its principal, seeking regional center designation under the EB-5 Reform and Integrity Act of 2022. *See* Section 203(b)(5) of the Act. In June 2023, the Chief of the Immigrant Investor Program Office issued a request for evidence (RFE), noting that "USCIS records [indicate] other persons that may be involved in the ownership and/or management of the [Appellant]" and requesting materials regarding those individuals. *See* Section 203(b)(5)(H)(i) of the Act. Subsequently, the Chief denied the Form I-956 application as abandoned because the Appellant did not timely respond to the RFE. *See* 8 C.F.R. § 103.2(b)(8)(iv), (13)(i). The Appellant appeals the Chief's decision. *See* Section 203(b)(5)(P)(i)(I) of the Act (discussing administrative appellate review under the EB-5 Reform and Integrity Act of 2022).

On appeal, the Appellant "apologizes for any inconvenience caused by the inadvertent delayed response to the [Form] I-956 RFE," but claims that it need not provide the evidence requested in the RFE. Specifically, the Appellant maintains that while the RFE requested additional evidence, including Forms I-956H, concerning individuals involved with the Appellant, associated new commercial enterprise, or affiliated job-creating entity, the Appellant's principal is "the sole owner and Managing Member of the [Appellant]" and has "absolute and complete decision-making authority as to the use of EB-5 funds . . . ." *See* Section 203(b)(5)(H)(i) of the Act. The Appellant argues that, as such, it need not submit the evidence referenced in the RFE. On appeal, the Appellant presents

additional documentation, including a statement from its principal and materials regarding EB-5 projects that the Appellant has sponsored.

We are remanding the matter to the Chief and for the entry of a new decision for the following reasons. First, the Chief has not had the opportunity to consider the Appellant's contention that it has provided the required documentation under Section 203(b)(5)(H)(i) of the Act. Second, the Chief has not had the opportunity to review documentation the Appellant presents on appeal, which it claims supports its contention. Finally, in the denial of the Form I-956 application, the Chief fails to specify what USCIS records indicates that other individuals might be subject to the reporting requirements under Section 203(b)(5)(H)(i) of the Act. Considering the above, we are remanding the matter to the Chief.

ORDER: The Chief's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.