U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41086162

Date: JAN. 29, 2026

Appeal of Field Operations Directorate (FOD) Decision

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

The Applicant seeks an amendment to its designation as a regional center to participate in the EB-5 Regional Center Program pursuant to the Immigration and Nationality Act (the Act). On March 15, 2022, the EB-5 Reform and Integrity Act of 2022 (RIA) was signed into law, repealing the prior legislation authorizing the Regional Center Program. Section 203(b)(5) of the Act, 8 U.S.C. § 1153(b)(5) (2022). In addition, the RIA revises general eligibility requirements, substantially reforms and codified the Regional Center Program, and adds significant new integrity provisions. *Id*.

Field Operations Directorate (FOD) approved the Applicant's regional center designation application in January 2018, before the enactment of the RIA. In September 2018, the Applicant filed a Form I-924 amendment application, seeking to amend its initial designation. It noted on page 2 of the form that it was seeking an "[a]mendment to add a new commercial enterprise [NCE] associated with the regional center and/or seek a preliminary determination of EB-5 compliance for an exemplar Form I-526 . . . for that [NCE], before individual entrepreneurs file their petitions." The form specified that the NCE was [redacted] The supporting evidence identified [redacted] as the job creating entity (JCE), and indicated that the NCE intended to loan funds to the JCE to develop and construct a ski resort in [redacted] Vermont. In 2019, FOD denied the Applicant's request to amend its initial designation. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

Specifically, during the pendency of the appeal, in April 2020, the Applicant filed a second Form I-924 amendment application, seeking the same type of amendment it requested in its September 2018 filing.[1] The second Form I-924 amendment application listed the same NCE and JCE as those referenced in the September 2018 filing. The project discussed in the second Form-I 924 amendment application similarly involved the NCE loaning funds to the JCE to develop and construct a ski resort

[1] In its April 2020 filing, the Applicant also sought approval for a change to the geographic area of its regional center designation.

in [redacted] Vermont. FOD approved the Applicant's second Form I-924 amendment application on October 7, 2020. As the Applicant's requested amendment has been approved, the appeal currently before us is moot and will be dismissed.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.