U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18002076

Date: JUN. 22, 2026

Appeal of Field Operations Directorate (FOD) Decision

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

In 1990, Congress established the EB-5 program[1] to promote economic growth in the United States through foreign investment. *See* Section 203(b)(5) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1153(b)(5). Investors who comply with the program's requirements first receive conditional status, followed by the opportunity for the removal of conditions and permanent resident status.[2] In 1992, Congress expanded the EB-5 program through the EB-5 Regional Center Program, which provides investors an alternative pathway to demonstrate eligibility using indirect job creation through a United States Citizenship and Immigration Services (USCIS) designated regional center. *See* Section 610(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, Pub. L. No. 102-395, § 610, 106 Stat. 1828, 1874 (Oct. 6, 1992), as amended (repealed by EB-5 Reform and Integrity Act of 2022 (RIA), Pub. L. No. 117-103, § 103(a), 136 Stat. 1070, 1075 (2022)(codified at 8 U.S.C. § 1153(b)(5)(E)))).

To obtain USCIS designation to participate in the EB-5 program, an entity must provide a general proposal showing how it will concentrate pooled investments in defined economic zones, thereby promoting economic growth. *See* Section 610(a) of the Appropriations Act. The desired economic growth may be in the form of increased export sales, improved regional productivity, job creation, or increased domestic capital investment. *Id.*

Under 8 C.F.R. § 204.6(m)(6), USCIS will issue a notice of intent to terminate if it determines that a regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, and increased domestic capital investment.

USCIS designated the Appellant as a regional center authorized to participate in the EB-5 program in July 2015. Following issuance of a notice of intent to terminate the Appellant as a regional center,

---

[1] The EB-5 program, as it is commonly called, issues employment-based fifth preference visas to qualified alien investors who invest in a new commercial enterprise.

[2] An investor files a Form I-526, Immigrant Petition by Alien Entrepreneur, attesting that he or she meets the criteria for conditional resident status, which include showing that his or her investment creates at least 10 jobs for qualified United States workers. After two years, the investor may file a Form I-829, Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, which, if granted, affords the investor full lawful permanent resident status in the United States. As part of the petition, the investor must show that his or her initial investment is still creating the requisite number of qualifying jobs.

FOD terminated the regional center's participation in the EB-5 program in a notice of termination dated [redacted] 2020. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The RIA repealed section 610 of the Appropriations Act, which had established the prior regional center program. It also revised general eligibility requirements, substantially reforming and codifying the Regional Center Program in section 203(b)(5) of the Act, and adding significant new integrity provisions. *See* Section 203(b)(5) of the Act, 8 U.S.C. § 1153(b)(5) (2022).

On January 22, 2026, we offered the Appellant an opportunity to submit an additional legal brief in light of the intervening changes in law. We received the Appellant's response on April 15, 2026, submitting a supplemental brief.

We will remand the matter to FOD for the entry of a new decision. FOD should review the record including the brief, supplemental brief, and supporting documents submitted on appeal to consider if the Appellant is serving the purpose of promoting economic growth, including prospective job creation and increased domestic capital investment as required by section 203(b)(5)(E) of the Act. We express no opinion regarding the ultimate disposition of the application.

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