U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 42396123

Date: JUN. 24, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-956F, Application for Approval of an Investment in a Commercial Enterprise

The Applicant was established in 2024 and has been designated as a regional center under section 203(b)(5)(E) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5)(E)(i) (2022). It seeks approval of an investment offering through an associated new commercial enterprise (NCE) pursuant to section 203(b)(5)(F)(i) of the Act.

USCIS denied the Applicant's Form I-956F application on the grounds that it did not properly file all statutorily required Forms I-956H, Bona Fides of Persons Involved with Regional Center Program. USCIS dismissed the Applicant's subsequent combined motion to reopen and reconsider. The matter is now before us on appeal. *See* section 203(b)(5)(P)(i)(II) of the Act (specifying that USCIS "shall provide an opportunity for an administrative appellate review . . . of any determination [concerning] . . . an application for approval of a business plan filed under subparagraph (F)" of Section 203(b)(5) of the Act).

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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

I. LAW

The Act grants the Secretary of Homeland Security the authority to designate a regional center to participate in the Regional Center Program "on the basis of a proposal for the promotion of economic growth, including prospective job creation and increased domestic capital investment." Section 203(b)(5)(E)(i) of the Act. A regional center is required to file "an application for each particular investment offering through an associated [NCE] before any alien files a petition for classification . . . by reason of investment in that offering." Section 203(b)(5)(F)(i) of the Act.

Section 203(b)(5)(H) of the Act, entitled "Bona Fides of persons involved with regional center program," provides that applications filed by regional centers must identify "persons involved with a

regional center, new commercial enterprise, or any affiliated job-creating entity."[1] Those persons are required to provide certain attestations and information, including the submission of fingerprints or other biometrics to the Federal Bureau of Investigation. *See* section 203(b)(5)(H)(iii) of the Act.

II. ANALYSIS

The Applicant, [redacted] requests approval of an investment in [redacted] (the NCE). The NCE proposes to pool $8 million from 10 immigrant investors and to loan the entire amount to [redacted] the job-creating entity (JCE). The JCE will use the loaned funds for the development and construction of a 78-unit apartment building in [redacted] California.

At issue is whether the Applicant has complied with the requirements of section 203(b)(5)(H)(v) of the Act by submitting Forms I-956H for all persons involved with the NCE and affiliated JCE.

On its Form I-956F, the Applicant identified two individuals and one company associated with the NCE and submitted three completed Forms I-956H. It responded "No" where asked if the JCE is an affiliated JCE and therefore did not identify persons involved with that entity or submit any additional Forms I-956H with its initial filing.

USCIS issued a request for evidence (RFE) on June 25, 2025. Among other issues, USCIS determined that the Applicant had not identified all persons required to submit a Form I-956H because it had incorrectly stated that [redacted] is *not* an affiliated JCE. Therefore, USCIS advised that both the affiliated JCE and [redacted] (the JCE's member and CEO) must file Forms I-956H. The RFE indicated that those forms should be submitted according to the filing instructions provided on USCIS' website and instructed the Applicant to provide evidence of their submission with its response.

On September 3, 2025, the Applicant submitted its complete response to the USCIS mailing address provided on the RFE. It did not contest USCIS' determination that [redacted] is an affiliated JCE, and its response package included, under separate cover, the requested Forms I-956H.

USCIS denied the application on October 29, 2025, "for failing to identify all persons involved with this project and/or that all persons involved with the JCE meet the requirements of INA 203(b)(5)(H)(i) and (ii)." The denial was based solely on a determination that the Applicant did not provide evidence that it had submitted the Forms I-956H properly "through the designated USCIS Lockbox as stated on the website."

The Applicant filed a combined motion to reopen and reconsider on November 19, 2025, with evidence that it was concurrently filing the required Forms I-956H at the designated USCIS lockbox address. USCIS dismissed the Applicant's motion to reopen, concluding that it did not provide "any new facts in support of the motion to reopen that would support changing the previous adjudication." USCIS emphasized that the evidence provided on motion showed that the Forms I-956H "were not filed by the RFE due date or prior to a denial being sent on October 29, 2025," and did not constitute

[1] The term "affiliated job creating entity" means any job-creating entity that is controlled, managed or owned by any of the people involved with the regional center or new commercial enterprise. *See* section 203(b)(5)(D)(i) of the Act.

"new facts supported by documentary evidence" under the requirements for motions to reopen at 8 C.F.R. § 103.5(a)(2).

On appeal, the Applicant notes that USCIS acknowledged in its decision that all required Forms I-956H had been submitted and emphasizes that "the 'missing' evidence is no longer missing." As such the Applicant maintains that it showed proper cause for reopening and that its motion should have been granted.

We will withdraw the decision and remand the matter to USCIS. The regulation governing motions to reopen at 8 C.F.R. § 103.5(a)(2), which does not define the term "new facts," did not prohibit USCIS from reopening the Form I-956F based on the Applicant's re-submitted Forms I-956H, which were accepted for processing, receipted, and in USCIS' possession at the time it dismissed the motion on December 29, 2025.

USCIS correctly determined that the Applicant did not follow the filing instructions provided on the USCIS website. *See* https://www.uscis.gov/i-956h. However, the record shows the Applicant made a good faith effort to comply with those instructions, which state in part that "each Form I-956H should be contained within a separate envelope or folder in the Form I-956 or I-956F packet and clearly identified in a cover letter or memo." The instructions also advise applicants not to submit Form I-956H as an exhibit in response to a USCIS notice, noting that doing so may result in rejection of the form and delayed processing. Based on these instructions, the Applicant submitted its supplemental Forms I-956H under separate cover and did not attach them as exhibits to its RFE response. While the Applicant evidently overlooked the more specific mailing instructions for "Submission in Response to USCIS Notice" which can be found under a separate tab, labeled "Form Filing Tips," under the "Form Details" section of the Form I-956H webpage at https://www.uscis.gov/i-956h, the Applicant re-submitted the required forms on motion and they were receipted and available to USCIS at the time of adjudicating the motion.

Based on the foregoing, we will remand the matter to USCIS for processing of the supplemental Forms I-956H and issuance of a new decision on the Form I-956F application.

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