U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41405912

Date: MAR. 23, 2026

Appeal of Field Operations Directorate (FOD) Decision

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

On March 15, 2022, the EB-5 Reform and Integrity Act of 2022 was signed into law, repealing the prior legislation authorizing the Regional Center Program. Section 203(b)(5) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(5) (2022). The Act provides that the Secretary of Homeland Security has 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. The Act further instructs that "[a] regional center shall file an application with the Secretary of Homeland Security for each particular investment offering through an associated new commercial enterprise [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.

In December 2022, after the enactment of the EB-5 Reform and Integrity Act, the Applicant,[1] a regional center designated under the repealed legislation, filed a Form I-956F, Application for Approval of an Investment in a Commercial Enterprise, seeking approval to offer investment in [redacted] the NCE. Field Operations Directorate (FOD) denied the Form I-956F application, concluding that the Applicant did not submit "a comprehensive business plan for a specific capital investment project" and did not provide "a credible economic analysis regarding estimated job creation that is based upon economically and statistically valid and transparent methodologies," as required under subsections (I) and (II) of Section 203(b)(5)(F)(i) of the Act. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. *See also* Section 203(b)(5)(P)(i)(II) 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

[1] The Applicant filed a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, indicating that [redacted] was the attorney of record for this matter. In October 2025, the Virginia State Bar Disciplinary Board revoked [redacted]'s license to practice law. [redacted] is also listed on the Executive Office for Immigration Review's (EOIR) Disciplined Practitioners list as of December 2025. *See* 8 C.F.R. § 292.3(a)(1); *see also* 8 C.F.R. § 1.2 (defining "attorney" as any person eligible to practice law who is not "under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law"). As such, we must treat the Applicant as self-represented. This means that we will send all future notices, decisions, and other communications for this appeal only to the Applicant at the mailing address provided on the Form I 290B, Notice of Appeal or Motion.

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.

I. LAW

The goal of the Regional Center Program is to stimulate economic growth in a specified geographic area. *See* Section 203(b)(5)(E) of the Act. Designated regional centers allow alien investors to pool their, and other investors', investments in already defined investment opportunities. *See id.*

The relevant portions of subparagraph (H) of Section 203(b)(5) of the Act, entitled "Bona fides of persons involved with regional center program," provides:

> (i) In general
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> The Secretary of Homeland Security may not permit any person to be involved with any regional center, new commercial enterprise, or job-creating entity if –
>
> . . .
>
> (IV) the person –
>
> (aa) is, or during the preceding 10 years has been, included on the Department of Justice's List of Currently Disciplined Practitioners; or
>
> . . .
>
> (v) Persons involved with a regional center, new commercial enterprise, or job-creating entity
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> For the purposes of this paragraph, unless otherwise determined by the Secretary of Homeland Security, a person is involved with a regional center, a new commercial enterprise, any affiliated job-creating entity, as applicable, if the person is, directly or indirectly, in a position of substantive authority to make operational or managerial decisions over pooling, securitization, investment, release, acceptance, or control or use of any funding that was procured under the program described in subparagraph (E) [of Section 203(b)(5) of the Act]. An individual may be in a position of substantive authority if the person serves as a principal, a representative, an administrator, an owner, an officer, a board member, a manager, an executive, a general partner, a fiduciary, an agent, or in a similar position at the regional center, new commercial enterprise, or job-creating entity, respectively.

Section 203(b)(5)(H) of the Act.

II. ANALYSIS

According to an October 2022 business plan, the NCE seeks EB-5 funds to finance the "renovation of [an] existing structure into a modern hotel" in [redacted], Mississippi. Page 4 of the Form I-956F application provides that the project's job creating entity (JCE) is [redacted], also known as, [redacted].[2] Pages 8 through 11 of the application identify [redacted] as the manager of the Applicant, the manager and owner of the NCE, and the managing member of NCE's general partner ([redacted]). On appeal, [redacted] confirmed in an October 2025 statement that he is "the Manager" of the Applicant. He is also the individual who signed the Form I-956F application and the Form I-290B, Notice of Appeal or Motion, on behalf of the Applicant.

On October 28, 2025, the Virginia State Bar Disciplinary Board revoked [redacted]'s license after he submitted an affidavit declaring consent to revocation of his license to practice law in the courts of Virginia. Additionally, after his disbarment, the U.S. Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals (the Board), suspended [redacted] from the practice of law before the Board, the Immigration Courts, and Department of Homeland Security, and placed his name on the list of currently disciplined practitioners.

The record is insufficient to demonstrate that [redacted] is eligible to be involved with the Applicant, the NCE, or the JCE under Section 203(b)(5)(H) of the Act. Specifically, [redacted]'s ineligibility is based on his being "included on the Department of Justice's List of Currently Disciplined Practitioners," as referenced under Section 203(b)(5)(H)(i)(IV)(aa) of the Act.

III. CONCLUSION

The appeal is dismissed because the Applicant has not established eligibility for the Form I-956F application. Specifically, the Applicant's manager as well as the NCE's manager and owner, [redacted], who had executed both the Form I-956F application and the Form I-290B, is ineligible "to be involved with any regional center, new commercial enterprise, or job-creating entity," as referenced under Section 203(b)(5)(H)(i) of the Act.[3]

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.

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[2] On appeal, the Petitioner submits documents relating to [redacted], referring to them as "JCE Formation Documents." The Form I-956F application, however, indicates that the JCE is [redacted], not [redacted].

[3] As noted, FOD's decision raised other issues concerning the Applicant's eligibility for the Form I-956F application. We will reserve any eligibility issues not discussed in this decision for future consideration if the need arises. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).