U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13356014

Date: MAY 6, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Applicant seeks 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 Integrity and Reform 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 codifies the Regional Center Program, and adds significant new integrity provisions. *Id.*

Field Operations Directorate (FOD) denied the Applicant's regional center designation application on November 10, 2016, concluding that the record included several errors, inconsistencies, and missing information regarding the nature and funding of the project that undermined the credibility of the regional center's business plan and thus did not establish how the regional center would promote economic growth and indirectly create jobs in the region. 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.

In 2022, Congress passed the RIA. Pub. L. No. 117-103, div. BB, 136 Stat. 49, 1070-109 (2022). Through this legislative action, and specifically, under Section 103 of the public law, entitled "Reauthorization and Reform of the Regional Center Program," Congress "repealed" the prior legislation under which the Applicant sought to be designated to participate as a regional center in the EB-5 Regional Center Program. *Id*. § 103(a). In place of the previous law, the RIA enacted a new framework for the EB-5 Regional Center Program, authorizing the program through September 2027, and codified several protections against fraud and abuse. *Id*. § 103(b)(1) (codified at Section 203(b)(5) of the Act). These include the requirement for persons involved with a regional center, new commercial enterprise (NCE), or job-creating entity (JCE) to attest to compliance with Section 203(b)(5)(H) of the Act; a description of the policies and procedures in place to monitor NCEs and JCEs to ensure compliance with applicable federal and state laws per Sections 203(b)(5)(E)(iii)(II)

and (IV) of the Act; and a certification related to securities law compliance per Section 203(b)(5)(I)(ii)(I) of the Act.

The Applicant submitted new evidence on appeal in an effort to address the deficiencies stated in FOD's denial. However, because of the significant changes imposed by the RIA and subsequent caselaw, the regional center application submitted by the Applicant no longer complies with the requirements of the EB-5 Regional Center Program. Essentially, while the EB-5 Regional Center Program continues to exist, the changes to the program occurring after the Applicant filed his application means that he seeks a benefit which does not exist. Since the application can no longer be approved, the Applicant's appeal of its denial is moot and will be dismissed for that reason.

ORDER: The appeal is dismissed.