U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 15959331

Date: MAY 18, 2026

Appeal of Field Operations Directorate (FOD) Decision

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

In 1992, Congress established the EB-5 regional center program to promote economic growth in the United States through foreign investment in commercial enterprises associated with United States Citizenship and Immigration Services (USCIS) designated regional centers. *See* Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (the "Appropriations Act"), Pub. L. No. 102-395, 106 Stat. 1828, 1874 (repealed 2022). In March 2022, the EB-5 Reform and Integrity Act of 2022 repealed the Appropriation Act, and codified the substantially reformed EB-5 regional center program with Section 203(b)(5) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(5) (2022).

On April 29, 2014, FOD approved [redacted] LLC (Appellant)'s Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program, designating the Appellant as a qualifying participant in the Immigrant Investor Pilot Program. Subsequently on July 21, 2020, FOD terminated the Appellant as a regional center under the Immigrant Investor Pilot Program because the Appellant no longer served the purpose of promoting economic growth, including export sales, improved regional productivity, job creation, or increase domestic capital investment, as required by 8 C.F.R. § 204.6(m)(6). The instant appeal followed.

Since the date FOD entered its decision, there have been significant changes in the law governing the EB-5 investment program as described above, along with the publication of an EB-5 fee rule, 90 FR 48516-01 (Oct. 23, 2025), and multiple decisions issued by the federal courts. So, we issued a request for evidence (RFE) to the Appellant on January 28, 2026, to afford the Appellant an opportunity to submit a legal brief in support of its appeal. The Appellant timely submitted a supplemental brief on appeal in response to the RFE.

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.

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.