U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18052361

Date: MAY 19, 2026

Appeal of Field Operations Directorate (FOD) Decision

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

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.

In 2013, U.S. Citizenship and Immigration Services (USCIS) designated the Appellant as a regional center[1] under the prior legislation. *See* Section 610(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (the "Appropriations Act"), 1993, Pub. L. No. 102-395, 106 Stat. 1828, 1874 (Oct. 6, 1992) (repealed in 2022). In September 2020, Field Operations Directorate (FOD) terminated the Appellant's designation as a regional center, finding that it no longer served the purpose of promoting economic growth. *See* 8 C.F.R. § 204.6(m)(6) (2020). The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Appellant 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.

Under the repealed legislation, a designated regional center must "[p]rovide USCIS with updated information annually, and/or as otherwise requested by USCIS, to demonstrate that the regional center is continuing to promote economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area . . . ." 8 C.F.R. § 204.6(m)(6)(i)(B); *see also* Section 610(a) of the Appropriations Act. If the regional center did not submit the required information or if USCIS determined that the regional center was no longer serving the purpose of promoting economic growth, USCIS would issue a notice of intent to

[1] A regional center is "any economic unit, public or private, which is involved with the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment." 8 C.F.R. § 204.6(e) (2020).

terminate (NOIT) the designation. Subsequently, USCIS could issue a notice of termination (NOT), if the regional center did not sufficiently rebut the grounds for termination specified in the NOIT. *See* 8 C.F.R. § 204.6(m)(6)(ii)-(v).

In this case, as noted on page 5 of FOD's NOT, the Appellant's "Form I-924A [Annual Certification of Regional Center] filings for fiscal years 2013 through 2019 do not report any EB-5 capital investment or job creation" and the filings "do not report any pending or approved Forms I-526 [Immigrant Petition by Standalone Investor] filed by [investors] who have made or are actively in the process of making investment associated with [the Appellant]." FOD acknowledged the Appellant's purported efforts to advance projects that sought EB-5 capital but concluded that it "failed to present evidence corroborating various elements of multiple projects that is associated with, including but not limited [to] the sponsorship status and project status." In addition, FOD noted that the Appellant "did not provide evidence demonstrating that [its] activities are likely to result in the subscription of any EB-5 investors." In short, FOD determined that the Appellant "has failed to credibly demonstrate that it has conducted activity that serves the purposes of the [Regional Center Program] since receiving its designation in March 2013."

On appeal, the Appellant submits additional evidence in multiple filings, claiming that it has been working with [redacted] LLC, in the construction and renovation of a mixed-use building complex in [redacted] Missouri, called [redacted]. In its latest filing, submitted in 2026, the Appellant offers evidence showing progress in the [redacted] project. The latest submission includes a 2026 letter from the chief executive officer of [redacted] LLC, stating "[redacted] is currently under construction, and it is [the company's] intention to utilize EB-5 funding . . . to replace [its] current bridge loan with up to $85 million in EB-5 loan financing." The letter also alleges that [redacted] LLC, intends to use additional EB-5 funds to "actively pursu[e] the redevelopment of two significant [redacted] downtown assets: the [redacted] . . . and the [redacted]" The Appellant has presented evidence addressing the ground upon which FOD terminated its designation as a regional center under the prior legislation. FOD has not had an opportunity to review these materials.

Additionally, since FOD's termination of the Appellant's regional center designation, there have been significant changes in the law governing the EB-5 Immigrant Investor Program, including the Regional Center Program.[2] These intervening changes include the EB-5 Reform and Integrity Act, which was included in the Consolidated Appropriations Act of 2022, Pub. L. No. 117-103, 136 Stat. 49, 51 (Mar. 15, 2022); the publication of an EB-5 fee rule, 90 Fed. Reg. 48516-01 (Oct. 23, 2025); and multiple decisions issued by the federal courts.

Considering that FOD has not had the opportunity to review the Appellant's additional evidence, which appears to relate to the ground upon which FOD terminated the regional center designation, as well as the intervening changes in law, we are withdrawing FOD's decision and remanding the matter for entry of a new decision.

[2] With limited exceptions, the AAO applies the statutes, regulations, and policies that exist at the time of our appellate adjudication, including any changes that occur while the case is pending. *See Matter of Patel*, 19 I&N Dec. 774, 779 (BIA 1988); *see also Matter of Alarcon*, 20 I&N Dec. 557, 562 (BIA 1992) (stating "[w]hen a law is changed before a decision is handed down by an administrative agency, the agency must apply the new law").

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