U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 44915258

Date: SEP. 03, 2026

Service Motion on Administrative Appeals Office Decision

Form I-526E, Immigrant Petition by Regional Center Investor

The Petitioner seeks classification as an immigrant investor pursuant to the Immigration and Nationality Act (the Act) Section 203(b)(5), 8 U.S.C. § 1153(b)(5) (2018).[1] This fifth preference (EB-5) classification makes immigrant visas available to aliens who invest the requisite amount of qualifying capital in a new commercial enterprise (NCE) that will benefit the United States economy and create at least 10 full-time positions for qualifying employees.

U.S. Citizenship and Immigration Services (USCIS) denied the petition. We denied a subsequent appeal, concluding that the Petitioner did not demonstrate that, as an investor of an NCE not associated with a designated regional center, her purported EB-5 investment has resulted or will likely result in the NCE hiring at least 10 full-time qualifying employees. *See* 8 C.F.R. § 204.6(j)(4); *see also* 8 C.F.R. § 204.6(g)(1).

We hereby reopen the proceedings, withdraw our prior decision, and remand the matter to USCIS, Immigrant Investor Program for reconsideration of the Petitioner's eligibility for EB-5 classification.

ORDER: The decision of the Administrative Appeals Office is withdrawn. The matter is remanded to USCIS, Immigrant Investor Program for the entry of a new decision.

[1] On March 15, 2022, the EB-5 Reform and Integrity Act of 2022 was signed into law, revising general eligibility requirements, substantially reforming and codifying the Regional Center Program in Section 203(b)(5) of the Act, and adding significant new integrity provisions. *See* Section 203(b)(5) of the Act, 8 U.S.C. § 1153(b)(5) (2022). As the Petitioner had filed his petition in 2018, the relevant law then in existence governs this appellate adjudication.