



## **Update to EB-5 National Stakeholder Engagement Remarks: Regional Center Geographic Area Amendments and Form I-526 Petition Eligibility**

On March 3, 2017, USCIS held an EB-5 national stakeholder engagement. This national engagement was part of our ongoing effort to enhance dialogue with our stakeholders in the EB-5 program. Remarks from the EB-5 national stakeholder engagement are available [here](#).

At the engagement, USCIS noted that a [May 2013 policy memo](#) had previously provided guidance that a formal amendment was not required to expand a regional center's geographic area, and permitted concurrent filing [Form I-526](#), Immigrant Petition by Alien Entrepreneur prior to approval of the geographic scope amendment. The May 2013 guidance was superseded by the recent publication of the final [Form I-924](#), the Application for Regional Center Designation Under the Immigrant Investor Program and instructions. The I-924 revisions included changes to the Form I-924 instructions and require that regional centers file a Form I-924 when seeking an expansion of their geographic area. The revised Form I-924 became effective on December 23, 2016, following publication of the revisions in draft form in the Federal Register in May of 2016, and a period during which the public had the opportunity to comment.

During the engagement, USCIS addressed questions regarding how requests to change a regional center's geographic area should be filed and the timing of such a filing. Specifically, where a regional center has a filed and pending Form I-924 amendment requesting an expansion in geographic area, stakeholders asked whether or not Form I-526 petitions may be filed prior to approval of the I-924 amendment, relying on such proposed expanded geography. USCIS has reviewed stakeholder concerns raised during the engagement and has updated the engagement remarks to clarify how the agency is implementing the above policy. Specifically:

- Where the regional center's geographic area expansion request was submitted either through a Form I-924 amendment or Form I-526 petition filed prior to February 22, 2017 (the date on which use of the new Form I-924 became mandatory), and the request is ultimately approved, USCIS will continue to adjudicate additional Form I-526 petitions associated with investments in that area under the guidance reflected in the May 30, 2013 policy memo.
- Any requests for geographic area expansion made on or after February 22, 2017 will be adjudicated under the current guidance; namely, a Form I-924 amendment must be filed, and approved, to expand the regional center's geographic area.
- For geographic area expansion requests made on or after February 22, 2017, the Form I-924 amendment must be approved before an I-526 petitioner may demonstrate eligibility at the time of filing his or her petition based on an investment in the expanded area. Form I-526 petitioners who believe they may be unable to demonstrate eligibility at the time of filing on this basis may wish to contact USCIS at [ipostakeholderengagement@uscis.dhs.gov](mailto:ipostakeholderengagement@uscis.dhs.gov).