



**U.S. Citizenship
and Immigration
Services**

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Ms. Sharvari Dalal-Dheini
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American Immigration Lawyers Association
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Dear Ms. Dalal-Dheini:

Thank you for your September 11, 2024, letter regarding technical and customer service issues related to the EB-5 process. We have carefully reviewed your questions and recommendations and have provided responses below.

USCIS' Case Status Check Online Tool and Check Case Status Processing Times

Webpage: Thank you for your recommendations regarding the Case Status Online tool and Check Processing Times webpage. As you are aware, the online tool currently provides status for Form I-526, Immigrant Petition by Standalone Investor, and Form I-526E, Immigrant Petition by Regional Center Investor, which was recently added as a supported form. We are planning to complete development to add the Form I-956, Application for Regional Center Designation, series by the beginning of next calendar year.

In the meantime, processing times for Forms I-956 and I-956F, Application for Approval of an Investment in a Commercial Enterprise, are currently included on USCIS' [Check Case Processing Times](#) webpage. As of September 30, 2024, 80% of adjudicated Form I-956 cases over the past six months were completed within 15 months and within 15.5 months for Form I-956F cases. We continue to discuss adding the capability to display processing times for Form I-526E in the future.

Form I-526E Receipt Errors and Delays: We appreciate you raising concerns about Form I-526E receipt errors and delays. We are looking into this issue and acknowledge that there have been delays in receipting due to resource constraints. We are seeing improvements as of October 2024 when intake of Form I-526E moved to automated Lockbox processing rather than manual processing.

USCIS Account Access Emails: We appreciate your suggestions regarding USCIS account access notices. We encourage legal representatives to ensure they are in the representative's account when entering an Online Access Code that was issued to an attorney or other legal representative. If the error persists within the representative account, we welcome any details you can provide about the account(s) experiencing the error so we may investigate further.

Better Coordination Between IPO and Other USCIS Offices Regarding Adjustment of Status: Thank you for your feedback. There is robust collaboration between the USCIS Immigrant Investor Program Office (IPO) and the USCIS Service Center Operations Directorate, and all eligible Form I-485, Application to Register Permanent Residence or Adjust Status, cases are triaged for prompt adjudication.

As you noted, Form I-526E and Form I-485 are adjudicated by different offices. Questions about Form I-485 adjudications based on an approved Form I-526 or Form I-526E should be sent to the USCIS Contact Center at www.uscis.gov/contactcenter. We will work with the Lockbox service provider to refresh training on processes associated with concurrently filed Forms I-526E and I-485.

Delays on Transfers to the National Visa Center: IPO has significantly increased its production across Fiscal Year 2024, which has resulted in slightly longer times to transmit pre-EB-5 Reform and Integrity Act of 2022 Forms I-526 to the National Visa Center (NVC). We appreciate you raising this issue and are actively working to reduce transmission times as quickly as possible. Forms I-526/I-526E that were filed on forms with edition dates after March 15, 2022, are adjudicated in a different system and are made available electronically to the NVC upon approval without the need for USCIS to separately transmit them.

Regarding the issue of a case being transferred to the NVC even though there is an adjustment of status application currently pending (or approved) with USCIS, as indicated on Form I-526/I-526E, it would be helpful if AILA could provide specific examples to USCIS so that we can conduct an analysis to determine whether and where an error may have occurred. Examples should be sent to IPO at uscis.immigrantinvestorprogram@uscis.dhs.gov.

In general, it is helpful for filers to verify that forms are filled out completely and follow filing instructions. When forms are filled out incompletely or incorrectly, it can cause delays for both USCIS and the petitioner. For instance, sometimes forms do not indicate any processing type, such as consular processing or adjustment of status. In other instances, a form may indicate both consular processing and adjustment of status. It is important to choose one, but not both, when completing Form I-526 or Form I-526E.

Issuance of Permanent Resident Cards Following Admission with Immigrant Visa: Thank you for sharing your concerns about issuance of Permanent Resident Cards for conditional permanent residents following admission with an immigrant visa. Permanent Resident Cards (Form I-551) are generally produced within 90 days of entry. There are no unique issues causing a delay in the issuance of cards for immigrant investor classifications. In

general, the need for new biometrics, an updated address, or a paper visa packet are the reasons for delay of a card beyond the 90 days.

Immigrant investors should receive a paper visa packet from the post around the time of their approval. That same packet should be collected by U.S. Customs and Border Protection (CBP) at the time of the investor's first entry. USCIS and the Social Security Administration receive visa issuance and U.S. entry information through the same data file transfers from the Department of State and CBP; however, there is currently no connection between Permanent Resident Card production and Social Security Card production.

Adding Derivative Beneficiary to Pending Form I-829: Thank you for raising this concern. USCIS published an FAQ on this topic last May on uscis.gov. Information about steps a petitioner should take to add an eligible derivative to a Form I-829 is included in question 6 in the FAQ: <https://www.uscis.gov/sites/default/files/document/questions-and-answers/EB5QAs.pdf>.

It would be helpful if AILA could provide specific examples of cases in which IPO has directed stakeholders to file a paper copy with the Lockbox and to pay an \$85 biometrics fee to USCIS so we can conduct an analysis to determine whether and where an error may have occurred. Please send examples to IPO at uscis.immigrantinvestorprogram@uscis.dhs.gov.

Thank you again for taking the time to raise these issues and your commitment to ensuring we are aware of stakeholder concerns.

Sincerely,



Carrie M. Selby
Associate Director
External Affairs Directorate

cc: Bitta Mostofi, Senior Advisor to the USCIS Director
Michael Valverde, Associate Director, Field Operations Directorate
Alissa Emmel, Chief, Immigrant Investor Program Office
Nathan Stiefel, Acting CIS Ombudsman