

Congress of the United States
Washington, DC 20515

June 1, 2022

The Honorable Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

Dear Director Jaddou:

We write with serious concerns over recent U.S. Citizenship and Immigration Services (USCIS) actions to disregard Congressional intent for the EB-5 Reform and Integrity Act of 2022 and impose an overly burdensome redesignation process for previously approved regional centers.

In 1992, Congress created the EB-5 Regional Center Program to help drive and catalyze economic investment and job creation begun by establishing the EB-5 visa in the first place. Congressional intent then and now, “is to create new employment for U.S. workers and to infuse new capital into the country.” (*Senate Judiciary Committee Chairman Joe Biden at Senate Report No. 101-55, p. 21 (1989)*). Since then, the EB-5 Regional Center Program has helped to generate billions of dollars in investment that have facilitated creating and retaining hundreds of thousands of U.S. jobs at no cost to the taxpayer. The recently enacted EB-5 Reform and Integrity Act of 2022 reauthorized the Regional Center Program and, importantly, significantly enhanced its integrity provisions. These new integrity measures help eliminate previous vulnerabilities while allowing regional centers to continue to drive economic development.

Regrettably, USCIS’s recent interpretation will stifle, if not eliminate, Congressional intent to continue the EB-5 Regional Center Program’s economic development success. USCIS’s interpretation that all previously designated regional centers must “re-designate” departs from the recently enacted reauthorization and it is inconceivable to think USCIS would take the draconian approach of eliminating all previously approved regional centers. USCIS’s belief that the EB-5 Reform and Integrity Act of 2022 did not reauthorize the regional center program, but created a new regional center program out of whole cloth is simply absurd. It is Congress’ intent that the EB-5 Regional Center Program remains viable and vibrant with no hiatus which in turn demands and absolutely requires that previously approved regional centers do too.

Since USCIS’ decision to depart from Congressional intent, it has heard from members of the U.S. House of Representatives, U.S. Senate, and the EB-5 stakeholder community to reconsider the claim of re-designation. Instead, USCIS has pushed this narrative further by releasing [I-956, Application for Regional Center Designation](#). This application package is overly burdensome, lacks clarity, and thoughtfulness about its real-world consequences. With USCIS’s admittedly slow review and adjudication wait time record, it is hard to fathom how it intends to timely process these applications and still comport with Congressional intent to maintain a vibrant Regional

Center Program and “*create new employment for U.S. workers and to infuse new capital into the country.*” (Senate Report No. 101-5.)

We urge you and your leadership to reconsider its flawed interpretation and subsequent policies and ensure regional centers can immediately continue their work of economic development and job creation. Thank you for consideration of this request in accordance with all applicable rules, regulations, laws, and guidelines.

Sincerely,



Dwight Evans
Member of Congress



Brian Fitzpatrick
Member of Congress



Tom O'Halleran
Member of Congress



U.S. Citizenship
and Immigration
Services

July 20, 2022

The Honorable Dwight Evans
U.S. House of Representatives
Washington, DC 20515

Dear Representative Evans:

Thank you for your June 1, 2022 letter regarding the EB-5 Reform and Integrity Act of 2022.

U.S. Citizenship and Immigration Services (USCIS) is committed to implementing the EB-5 Reform and Integrity Act as drafted and in an efficient and equitable manner that protects pending and prospective investors, as well as ensuring the program can continue to be a catalyst for new jobs and investment in the United States. USCIS recognizes that, due to the program's lapse, many individuals are eager for swift implementation of the new law, and is working expeditiously to enable the program's success and compliance with the law.

As you noted, USCIS released the new Form I-956, Application for Regional Center Designation, and Form I-956H, Bona Fides of Persons Involved with Regional Center Program, on May 13, 2022, prior to the effective date of the new regional center provisions, so that applicants could begin to file for regional center designation. USCIS also continues to update its website with the latest information, including revisions to prior updates to comply with Judge Chhabria's June 24, 2022 preliminary injunction in *Behring v. Mayorkas*, and the agency will undertake rulemaking as part of the implementation process, which will provide an opportunity for notice and comment from the public.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink that reads "Ur M. Jaddou" followed by a horizontal line.

Ur M. Jaddou
Director