U.S. Citizenship and Immigration Services

EB-5 Immigrant Investor Program

We're modernizing the EB-5 Immigrant Investor Program

Under a new rule published by the U.S. Department of Homeland Security, several changes to the EB-5 Immigrant Investor Program went into effect Nov. 21, 2019.

The new rule modernizes the EB-5 program by:

- Providing priority date retention to certain EB-5 investors;
- Increasing the required minimum investment amounts to account for inflation;
- Reforming certain targeted employment area (TEA) designations;
- Clarifying USCIS procedures for the removal of conditions on permanent residence; and
- Making other technical and conforming revisions.

What You Need to Know

Priority date retention

- Certain immigrant investors will keep the priority date of a previously approved EB-5 petition when they file a new petition.

Increased minimum investments

- The standard minimum investment amount has increased to $1.8 million (from $1 million) to account for inflation.
- The minimum investment in a TEA has increased to $900,000 (from $500,000) to account for inflation.
- Future adjustments will also be tied to inflation (per the Consumer Price Index for All Urban Consumers, or CPI-U) and occur every 5 years.

Targeted employment area (TEA) designations

- We will now directly review and determine the designation of high-unemployment TEAs; we will no longer defer to TEA designations made by state and local governments.
- Specially designated high-unemployment TEAs will now consist of a combination of census tracts that include the tract or contiguous tracts in which the new commercial enterprise is principally doing business, including any or all directly adjacent tracts.
- Provided they have experienced an average unemployment rate of at least 150% of the national average unemployment rate, TEAs may now include cities and towns with a population of 20,000 or more outside of metropolitan statistical areas.
- These changes will help direct investment to areas most in need and increase the consistency of how high-unemployment areas are defined in the program.

Clarified procedures for the removal of conditions on permanent residence

- The new rule specifies when derivative family members (for example, a spouse and children whose immigration status comes from the status of a primary benefit petitioner) who are lawful permanent residents must independently file to remove conditions on their permanent residence;
- The new rule includes flexibility in interview locations; and
- The new rule updates the regulations to reflect the current process for issuing Green Cards.

Class Action Member Identification Notice

On Nov. 30, 2018, *Zhang v. USCIS*, No. 15-cv-995, the United States District Court for the District of Columbia certified a class that includes any individual with a Form I-526, Immigrant Petition by Alien Investor, that was or will be denied on the sole basis of investing loan proceeds that were not secured by the individual's own assets. The United States District Court for the District of Columbia vacated these denials and ordered USCIS to reconsider the petitions.

If you believe you have received an I-526 denial solely on this ground and would like to identify yourself as a potential class member, please email us at uscis.immigrantinvestorprogram@uscis.dhs.gov, using the subject line "Zhang Class," and provide the following:

1. Name
2. Alien Number (if any)
3. Date of birth
4. I-526 receipt number (if available)
5. Date of I-526 denial
6. Copy of I-526 denial (if available)

Note: Identification as a potential class member is subject to USCIS verification and does not grant any immediate rights, as immigrant petitions must meet all eligibility requirements and the court's decision is presently under consideration for appeal.

Alert: In May 2019, we sent letters to all petitioners whose petitions we denied and to petitioners who withdrew their I-526 petitions. We wanted to make sure that we notified all potential class members. If you received this notification and do not believe that you are a potential class member, please disregard the letter; you do not need to take any further action.

Update: On Jan. 28, 2019, we appealed the court's decision. The court has stayed its order during the duration of the appeal to the higher court. This means that, while the stay is in effect, we will not reconsider these petitions. Until the higher court decides how to treat invested loan proceeds not secured by the individual's own assets, we will not take any action on cases if this issue is the sole basis for denial.

DHS Privacy Notice

AUTHORITIES: The information USCIS is requesting that you provide in your email to USCIS, and the associated evidence, is collected under the Immigration and Nationality Act sections 103 and 203(b)(5) and Title 8 of the Code of Federal Regulations parts 103 and 204.6.

PURPOSE: The primary purpose for providing the requested information in your email is to determine your eligibility as a class member and, if so, to make a determination whether to reconsider your Form I-526 petition.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in USCIS being unable to identify you as a potential class member.

ROUTINE USES: DHS may share the information you provide in your email and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File and National File Tracking System of Records, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information System and Associated Systems], which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

USCIS administers the EB-5 Program. Under this program, investors (and their spouses and unmarried children under 21) are eligible to apply for a Green Card (permanent residence) if they:

- Make the necessary investment in a commercial enterprise in the United States; and
- Plan to create or preserve 10 permanent full-time jobs for qualified U.S. workers.

This program is known as EB-5 for the name of the employment-based fifth preference visa that participants receive.

Congress created the EB-5 Program in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors. In 1992, Congress created the Immigrant Investor Program, also known as the Regional Center Program, which sets aside EB-5 visas for participants who invest in commercial enterprises associated with regional centers approved by USCIS based on proposals for promoting economic growth.

About the EB-5 Visa Classification

Requirements for investing capital and creating jobs

EB-5 Investors

How to apply

EB-5 Immigrant Investor Regional Centers

View information about regional centers

EB-5 Resources

View EB-5 resources, such as protocols

EB-5 Support

How to contact us with questions