

PUBLICATION

EB-5 Regional Center Law Expires; USCIS Clarifies Interim Approach

Authors: Robert C. Divine

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On June 30, the U.S. Citizenship and Immigration Services (USCIS) issued clear guidance about how it will implement the expiration of the regional center law as of midnight, until any renewal legislation becomes enacted or USCIS makes some other announcement in the absence of such renewal over time.

As anticipated in our [recent alert](#) about the "Swirl of EB-5 Developments," USCIS will not accept new I-526 petitions by regional center sponsored investors and will not accept any I-924 filings from regional centers (for regional center designation or amendment or for exemplar approval of projects). Surprisingly, USCIS will accept adjustment of status applications (Form I-485) by such investors and family in the U.S. based on an approved I-526 petition. USCIS will hold in abeyance any such I-526, I-485, or I-924 filings until further notice. Investors in "direct EB-5 projects" may continue to file I-526 petitions (and for investments as low as \$500,000 under a court injunction of new regulations), and USCIS may approve them. The expiration of legislation will not prevent filing or adjudication of I-829 petitions by investors, even sponsored by regional centers. If you have any questions, please contact the author or any member of Baker Donelson's [Immigration Team](#).