

## Minutes of October 23, 2023 EB-5 Quarterly Meeting

The following are minutes from the quarterly meetings scheduled from settlement in *Behring Regional Center LLC and IIUSA v. Mayorkas, et al.*, 3:22-cv-2487 and *EB5 Capital, et al. v. Dept. of Homeland Security, et al.*, 3:22-cv-3948.

- Reiterating the terms of the settlement that investors who filed prior to the RIA are still subject to INA 203(b)(5)(M) should it become applicable. Guidance posted online reiterates principle in more detail illustrated with regional center termination based on failure to pay integrity fund fee. In that circumstance, the agency may generally consider termination to not affect underlying investment or job creation and agency may still consider pre-RIA investors eligible notwithstanding regional center termination.
- Participants asking for more detail on specifics of INA 203(b)(5)(M) application. One possible example may be where regional center is terminated for not paying integrity fund fee but underlying investment and project not affected; investor may not need to re-associate with another regional center (case-by-case basis).
- I-956F processing times discussed in general. Incorrectly filed I-956Hs one cause of RFEs that slow down process. I-526E also slowed by no matching I-956F receipt number.
- Similar to last meeting, certain issues not directly related to case or in litigation not discussed such as integrity fund fee.
- Settlement states that projects soliciting new investors need to file I-956F. Agency has never stated that projects not soliciting new investors are subject to filing an I-956F or the requirement for a fund administrator.
- Participants raised issue about previously approved exemplars prior to RIA not receiving I-956F approvals yet even though other more recently filed Form I-956Fs have been approved, noting that the first I-956F approvals have an advantage over those that are not approved even though they were filed earlier.
- Discussion of deadline for I-956. Participants noted they are not asking for a specific I-956 deadline but that when agency issues deadline there should be sufficient notice and time for regional centers to put together filings (as in months notice in advance of deadline not days).
- Agency unable to provide response in meeting for any issues that fall outside scope of settlement. USCIS accepts input or other communications from all stakeholders at [uscis.immigrantinvestorprogram@uscis.dhs.gov](mailto:uscis.immigrantinvestorprogram@uscis.dhs.gov). USCIS considers all input in accordance with Section 107 of the EB-5 Reform and Integrity Act of 2022 and standard agency practice.