



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

September 17, 2024

Via Email

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009

Re: Urgent Request for Adjudication of Pending Forms I-485 for Approved EB-5 Beneficiaries in Reserved Categories by September 30, 2024

Dear Director Jaddou:

We are writing to request your assistance with an *urgent and time-sensitive issue*. Specifically, we are requesting immediate action by USCIS to prevent a large number of available reserved or “set aside” EB-5 immigrant visa numbers from being lost prior to the end of FY 2024 on September 30, 2024.

As you know, the Immigration and Nationality Act (INA) limits the number of employment-based preference immigrant visas that may be issued within a fiscal year. Specifically, INA 203(b)(5) provides that the annual limit for EB-5 visas is 7.1 percent of the worldwide employment limit, of which 32 percent is available for reserved or “set aside” visa categories, i.e. rural, high unemployment area, and infrastructure.

In FY 2024, a total of 8,136 visa numbers were allocated to the reserved visa categories. This number includes the 4,478 visa numbers allocated to the reserved visa categories in FY 2023 that went unused in the last fiscal year. Because of this high supply of visa numbers, the U.S. Department of State’s (DOS) Visa Bulletin has remained Current for all countries of chargeability in the reserved categories since their creation in May 2022 to date.

In May 2024, the DOS reported that USCIS had only used 17 EB-5 set aside numbers. Based on feedback from AILA members whose practice primarily includes EB-5 matters, we are aware of only an extremely limited number of additional adjustment of status cases being approved since that time.

Inasmuch as all other employment-based immigrant visa categories have now exhausted their FY 2024 allocation, we respectfully request that your office reallocate appropriate resources to identify and adjudicate, in order of filing date, all pending and readily approvable Forms I-485 based on approved Forms I-526E in reserved categories by September 30, 2024, thus effectuating congressional intent to use all statutorily allocated visa numbers in a fiscal year.

While the total number of approvable applications is far larger, attached for reference purposes is a list case examples of pending Form I-485s, based on approved Forms I-526Es, that we believe are available for adjudication by USCIS in the next two weeks.

In conclusion, we thank you for your prompt attention to this urgent and time-sensitive matter. If you have any questions, please contact Sharvari (Shev) Dalal-Dheini, Senior Director of Government Relations at (202) 507-7621 or by email at SDalal-Dheini@aila.org or Michael Turansick at (202) 507-7627 or mturansick@aila.org.

Thank you for your time and consideration.

Sincerely,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

CC: Doug Rand, Senior Advisor to the Director
Connie Nolan, Associate Director, Service Center Operations Directorate
Alissa Emmel, Chief, Immigrant Investor Program Office
Nathan Stiefel, CIS Ombudsman