



November 30, 2016

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## Policy Alert

SUBJECT: Employment-Based Fifth Preference Immigrants: Investors

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) regarding the eligibility requirements for regional centers and immigrant investors.

### Background

The Immigration and Nationality Act (INA)<sup>1</sup> makes visas available to qualified foreign nationals who will contribute to the economic growth of the United States by investing in U.S. businesses and creating jobs for U.S. workers. Immigrant investors are admitted to the United States in conditional permanent resident status for a 2-year period. Congress created this employment-based fifth preference immigrant visa category (EB-5) to benefit the U.S. economy.

The guidance contained in Volume 6, Part G of the Policy Manual consolidates and replaces the policy guidance found in the Adjudicator's Field Manual (AFM) Chapters 22.4, Employment Creation Entrepreneur Cases, and 25.2, Entrepreneurs (Form I-829), as well as related AFM appendices and policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior USCIS guidance.

### Policy Highlights

- Addresses the requirements for a regional center and non-regional center associated Immigrant Petition by Alien Entrepreneur (Form I-526).
- Describes the different types of Regional Center projects including hypothetical projects and actual projects (including actual projects submitted with an exemplar immigrant investor petition).

### Citation

Volume 6: Immigrants, Part G, Investors [[6 USCIS-PM G](#)].

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<sup>1</sup> See [INA 203\(b\)\(5\)](#).