



USCIS Update

Sept. 27, 2011

USCIS Seeks Public Comments on Proposed Rule Impacting Certain Pending Immigrant Investor (EB-5) Applications

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) seeks public comments on a proposed rule published in the [Federal Register](#) today that would enable USCIS to process certain applications approved between 1995 and 1998 by immigrant investors under the fifth preference employment-based immigrant visa classification, also known as EB-5.

The proposed rule would implement provisions of the 21st Century Department of Justice Appropriations Authorization Act. These provisions apply to a group of immigrant investors who had a Form I-526, Immigrant Petition by Alien Entrepreneur, approved between Jan. 1, 1995, and Aug. 31, 1998.

Specifically, the rule would enable USCIS to process cases for approximately 580 principal immigrant investors and their dependents whose Forms I-526 were approved during the period described above and who, prior to Nov. 2, 2002, sought to:

- Register for permanent residence or adjust their status (using Form I-485); or
- Remove conditions on permanent residence obtained as an alien entrepreneur (using Form I-829).

The processes outlined in the proposed rule would provide an additional two-year period for most of these immigrant investors to meet the EB-5 investment and job-creation requirements. This rule would not impact any other applications or petitions filed under the EB-5 program.

EB-5 visas are available to immigrants seeking to enter the United States to invest capital in a commercial enterprise that will create at least 10 full-time jobs for qualifying U.S. workers.

The public has 60 days—from Sept. 28 to Nov. 28, 2011—to submit comments on this proposal, which is available for review at www.regulations.gov.

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