


## USCIS Response to Coronavirus 2019 (COVID-19)



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## Questions and Answers: EB-5 Further Deployment

### Q1. Do I have to submit information for further deployment activities when I file [Form I-924A](#), Annual Certification of Regional Center?

- A1. For now, Form I-924A does not require information about further deployment activity. However, we routinely revise forms and a future version of Form I-924A may require such information. We will accept a Form I-924A that includes redeployment information; for example, an investor could include such information in the Additional Information section, Part 11.

### Q2. My [Form I-526](#), Immigrant Petition by Alien Investor, is pending, and, to maintain my eligibility, I need to further deploy my capital. Do I need to submit more information to USCIS about my pending petition to show that I am maintaining my eligibility?

- A2. We must be able to determine whether you have met all applicable requirements, including that your capital is at risk and your new commercial enterprise continues to engage in commercial activity throughout the entire EB-5 adjudication process (from the time we receive your petition through the time of its adjudication). Depending on your case, you may need to give us more information so that we can determine whether you are eligible for the benefit. You may submit such information to us while your petition is pending (this is called interfiling). We may also notify you during the adjudications process.

### Q3. My Form I-526 petition is pending, or my Form I-526 was approved, but I have not obtained conditional permanent resident status, and, to maintain my eligibility, I need to further deploy my capital. If the regional center where I first deployed my capital expands its designated geographic area after I submit my Form

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## I-526, may the further deployment occur anywhere within the expanded geographic area?

- A3. Yes, it may, if we approved the request for expansion of the geographic area before further deployment. Per our [guidance on further deployment \(PDF, 314.39 KB\)](#), after investors meet the job creation requirement, “further deployment must occur within the regional center’s geographic area, including any amendments to its geographic area approved before the further deployment.” A regional center can only expand its geographic area by submitting a request via Form I-924 to amend its area. We must approve the Form I-924 and the expanded designated geographic area before you can further deploy your capital into the expanded geographic area.

## Q4. On June 14, 2017, USCIS published a Policy Manual update addressing further deployment of an investor’s capital to continue to meet applicable eligibility requirements. Will USCIS apply the July 24, 2020, Policy Manual clarifying update (on further deployment of capital) to all Forms I-526 and I-829 pending at the time of publication?

- A4. Yes, because the updated guidance clarifies existing policy, we will apply the July 24, 2020, Policy Manual update to all Forms I-526 and I-829 pending at the time of publication as well as future petitions. We determined that any potential impacts to investors would be minimal because the updated guidance merely clarifies continuing eligibility requirements. This clarification does not change any substantive requirements.

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