



September 14, 2021

Re: AILA Urges Congress to Reauthorize the EB-5 Regional Center Program

The American Immigration Lawyers Association (AILA), a bar association of more than 15,000 attorneys and law professors practicing and teaching in the field of immigration and nationality law, urges Congress to immediately reauthorize the EB-5 Regional Center Program (“Program”). In a time when our country is recovering from the COVID-19 pandemic, the U.S. needs to encourage further investment in our economy and protect those individuals who have already done so. To that end, AILA urges Congress to include reauthorization of the EB-5 Program in the continuing resolution. While AILA urges permanent reauthorization of the EB-5 Program, at the very minimum, Congress should recouple the EB-5 Program in the continuing resolution as part of any short-term extension of other vital immigration programs, such as E-Verify, Conrad 30 Waiver Program for J-1 medical doctors and the non-minister religious worker program.

AILA has consistently advocated for reauthorization of the EB-5 Regional Center Program, reasonable good governance and integrity reforms, and EB-5 visa backlog relief. As it stands, the Program is in lapse, and an estimated 83,000 individuals with pending immigrant petitions or visa applications who have injected billions of dollars into the U.S. economy to create hundreds of thousands of jobs for U.S. workers, are now suffering in immigration limbo.<sup>1</sup> Under current USCIS policy, if the Program is not reauthorized, the pending petitions and applications will be denied. This includes individuals who have approved petitions, but have not had their visas issued yet, primarily because of COVID-19 related closures of U.S. Consulates overseas. This also includes individuals who have committed money to job-creating activities to establish eligibility for status, which may forever be lost to them. These individuals have been waiting many years for a decision on their petitions.

In addition to reauthorizing the Program, AILA respectfully requests that reauthorization legislation contain the following critical reforms:

- Transparency and accountability of regional center operators;
- Grandfathering the applications of all investors in the event of future lapses;
- Protections for good-faith investors hurt by bad actor regional center operators; and
- Elimination of derivatives (family members) from annual visa allocation counting.

These measures will dramatically improve the Program, help attract new capital, and protect the tens of thousands of our clients who have already made good faith investments into U.S. job-

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<sup>1</sup> See EB-5 Visa Update with Charlie Oppenheim & Post-Hoc Expert Analysis, IIUSA, November 19, 2020, available at <https://iiosa.org/wp-content/uploads/2020/11/Virtual-Industry-Forum-Visa-Update.pdf> (noting an estimated 83,003 EB-5 applicants (investors and families) with petitions on file at NVC and USCIS as of October 1, 2020).

creating projects across the country. AILA also urges Congress to ensure that due process protections, such as judicial review, remain in place for the Program.

EB-5 applicants' capital has helped keep our economy buoyant even in these turbulent economic times in the wake of the COVID-19 pandemic. We must do all we can in return to keep their immigration process on track and maintain confidence in this important job-creating program.

Please address any concerns or questions to AILA's Director of Government Relations Sharvari (Shev) Dalal-Dheini at (202) 507-7621 or by email at [SDalal-Dheini@aila.org](mailto:SDalal-Dheini@aila.org).

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION