

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Immigrant Investor Program Office
131 M Street, NE
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

January 19, 2024

Sharvari Dalal-Dheini
Director of Government Relations
American Immigration Lawyers Association
1331 G Street NW, Suite 300
Washington, DC 20005

Dear Ms. Dalal-Dheini:

Thank you for your letter dated September 12, 2023 related to the request to update U.S. Citizenship and Immigration Services (USCIS) policies affecting EB-5 Investors with long-pending Forms I-829, Petition by Investor to Remove Conditions on Permanent Residence.

We appreciate your feedback on the difficulties many of our investors face while waiting on adjudication for a Form I-829, and your recommended language to add to the Form I-829 receipt notices. We are aware of the issues and are actively working to alleviate these concerns, including a careful review of your recommendations. USCIS extended the validity of Permanent Resident Cards (also known as Green Cards) for petitioners who properly filed Form I-829 for 48 months beyond the card's expiration date. This change started on January 11, 2023, for Form I-829¹. We made this change to accommodate processing times for Form I-829, which have increased over the past year.

USCIS field offices have also recently started issuing and mailing Form I-94 with ADIT (temporary I-551) stamps as temporary evidence of LPR status without requiring an in-person appearance at the field office, for most customers who request evidence of status. With this new operational process, USCIS has added more ways for applicants to obtain proof of status. The Form I-94 with an ADIT stamp enables an individual to travel outside of the United States and is also an acceptable List A receipt for Form I-9 and E-Verify. More detailed information about USCIS' Temporary Status Documentation for Lawful Permanent Residents (LPR) is available at <https://www.uscis.gov/i-9-central/form-i-9-related-news/temporary-status-documentation-for-lawful-permanent-residents-lpr>.

Traditionally, guidance instructed field offices to collect expired Permanent Resident Cards (PRCs) encountered through the normal course of business. While this has always been a

¹ Please see: <https://www.uscis.gov/newsroom/alerts/uscis-extends-green-card-validity-for-conditional-permanent-residents-with-a-pending-form-i-751-or>

www.uscis.gov

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standard practice during field office encounters, on March 7, 2023, we updated this guidance, giving field office staff extra clarity when it comes to PRC validity and I-797 extension notices. Though USCIS extended the validity of expired PRCs by 48 months for Form I-829 petitioners on January 11, 2023, unfortunately, not all petitioners may be benefiting from these extensions, particularly those with older pending petitions. An I-829 petitioner who may have obtained an ADIT stamp prior to the 48-month extension change may have properly had their expired PRC confiscated during that field office encounter. As the validity of the 48-month extension requires that the individual present both their expired PRC and their original receipt notice associated with their Form I-829 petition, individuals not in possession of both would still need to request an ADIT stamp to obtain proof of status. We recognize the challenges for this small percentage of conditional permanent residents whose Form I-829 remains pending, we are continuing to add resources to process these forms and build in other efficiencies.

Thank you for sharing there have been inconsistencies across field offices in the issuance of ADIT stamps. As indicated above, we have provided guidance, and continue to provide guidance, to field offices across the country regarding this operational change. Should you continue to encounter challenges, please contact IPO at uscis.immigrantinvestorprogram@uscis.dhs.gov so that we may follow up further on the matter.

Your letter and a copy of this response will be published on the USCIS Electronic Reading Room pursuant to the communication protocols in §107(e)(3) of the EB-5 Regional Center Reform and Integrity Act of 2022. Please share this response with Mr. David Morris, who cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,



Alissa Emmel
Chief, Immigrant Investor Program Office