



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

February 9, 2022

Alissa Emmel
Chief, Immigrant Investor Program Office
U.S. Citizenship and Immigration Services
131 M Street NE
3rd Floor, Mailstop 2235
Washington, D.C. 20529

Dear Ms. Emmel:

On behalf of the American Immigration Lawyers Association (AILA) and AILA's EB-5 Investor Committee, we write to congratulate you on your promotion to the position of Chief of the Immigrant Investor Program Office (IPO). AILA would like to take this opportunity to welcome you to this important position.

Founded in 1946, AILA is a voluntary bar association of more than 16,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. AILA's EB-5 Investor Committee is comprised of EB-5 practitioners who represent foreign investors and EB-5 regional centers. These practitioners have a wealth of experience and are considered experts in EB-5 law and policy.

We would like to respectfully request that the IPO reestablish regular stakeholder engagement sessions. As you know, we have been in an unprecedentedly dynamic phase of EB-5 policy development on all fronts – legislative and regulatory. Now more than ever, dialogue between the IPO and EB-5 stakeholders is necessary to engender predictability and trust in the EB-5 program. The stakeholder community, including importantly the IPO, unquestionably benefits from the efficient and fair administration of the EB-5 program.

To that end, we respectfully request the resumption of on-the-record meeting between the IPO, AILA, EB-5 trade association and industry groups to engage on critical questions relating to ongoing EB-5 adjudications. We understand that the EB-5 Regional Center program is currently lapsed and that Congress is currently working towards a bill to reauthorize the program. As a result, USCIS continues to hold cases in abeyance at USCIS affected by the Program lapse. We also understand that IPO may not or cannot answer questions affecting regional center I-526 Petitions, or any associated I-485 applications while the Program remains lapsed. However, there continue to be ongoing issues that can be addressed between IPO and various stakeholder organizations during this time, including the processing of "direct" I-526 Petitions, processing times at IPO, the USCIS Redeployment policy, and many issues affecting I-829 Petitions for investors. Not only would the resumption of regular liaison meetings promote continued transparency, but it would

also serve to increase efficiency to addressing best practices and agency preferences that could be expediently communicated to practitioners, including more than 16,000 AILA members, and their regional center and foreign investor clients.

Among the meeting topics we consider the most pressing are:

- Form I-526 processing times for direct EB-5 petitions and I-829 petitions;
- Staffing at the IPO;
- The status of proposed revisions to Form I-829, Docket ID USCIS-2006-0009, published in the Federal Register on May 13, 2021, along with a substantive discussion of AILA's submitted suggestions and comments for processing;¹
- Trends in processing source of funds issues in I-526 petitions;
- Trends in processing I-829 petitions, including requests for evidence on source of funds issues; and
- Discussion of the USCIS policy on redeployment.

In light of our mutual interest in ensuring the integrity of our nation's immigration system and the efficient and fair administration of the EB-5 program in particular, we would like to respectfully request an engagement in the coming weeks between AILA, EB-5 trade associations and industry groups, and the IPO focused on these issues, as these are of pressing priority.

We look forward to your response and to coordinating a mutually convenient time. To arrange a date and time, or if you have any questions, please contact Sharvari Dalal-Dheini, AILA's Director of Government Relations, by telephone at (202) 507-7621 or by email at SDalal-Dheini@aila.org.

Thank you for your time and consideration.

Sincerely,

Sharvari Dalal-Dheini
Director of Government Relations
American Immigration Lawyers Association

David Morris
Chair, EB-5 Investor Committee
American Immigration Lawyers Association

cc: Tracy Renaud, Acting Deputy Director, U.S. Citizenship and Immigration Services
Cara M. Selby, Acting Associate Director, External Affairs Directorate
Carlos Muñoz-Acevedo, Chief, Public Engagement
Michael Valverde, Associate Director, Field Operations Directorate
Connie Nolan, Acting Associate Director, Service Center Operations Directorate
Phyllis Coven, Ombudsman, Office of the Citizenship and Immigration Services
Ombudsman

¹ 86 Fed. Reg. 26230 (May 13, 2021); *see also* AILA Submits Comments on Proposed Revisions to Form I-829, AM. IMMIGRATION LAWYERS ASS'N (July 12, 2021), <https://www.aila.org/infonet/comments-on-proposed-revisions-form-i-829>.

Nathan Stiefel, Deputy Ombudsman, Office of the Citizenship and Immigration Services
Ombudsman
Elissa McGovern, Chief of Policy, Office of the Citizenship and Immigration Services
Ombudsman