



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

March 16, 2022

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

Re: **Emergency Request for EB-5 Stakeholder Engagement and AILA Liaison given sweeping programmatic changes mandated by EB-5 Reform and Integrity Act of 2022**

Dear Ms. Emmel:

As you are aware, President Biden yesterday signed into law H.R. 2471 the 'Consolidated Appropriations Act, 2022' which included the 'EB-5 Reform and Integrity Act of 2022' ("RIA"). The RIA makes dramatic and sweeping changes that rewrite many aspects of the prior EB-5 Program rules governing both Direct and Regional Center investments.

While some RIA changes were effective upon enactment, most are effective in 60 days. That means on or about May 14, 2022, the Immigrant Investor Program Office (IPO) will be required to accept benefit applications and issue adjudications consistent with the RIA.

Some RIA provisions made no or very minor changes to prior EB-5 rules. But in many ways, the RIA introduced entirely new schemes, obligations, and definitions that simply did not exist in prior EB-5 policy. That necessitates significant updates to the regulations and Policy Manual, not to mention the development and deployment of new training and support materials to your adjudication teams.

On behalf of the American Immigration Lawyers Association (AILA) and AILA's EB-5 Investor Committee, we write to request that IPO restart its formal stakeholder engagements. We also request that the IPO consider engaging with the AILA EB-5 committee on a liaison level, much like USCIS does in other areas of interest with AILA liaison committees.

Now more than ever, dialogue between IPO and EB-5 stakeholders is necessary to engender predictability and trust in the development of revised policies supporting the new 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 write this letter to request an on-the-record meeting between AILA, other interested EB-5 stakeholders and IPO to occur in the next two weeks to engage on critical questions relating to ongoing EB-5 adjudications and the plan for development of new policies as mandated by RIA.

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, Director of Government Relations at (202) 507-7621 or by email at SDalal-Dheini@aila.org.

Thank you for your time and consideration.

Sincerely,

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

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

cc: Michael Valverde, Acting Associate Director Field Operations
Amanda Baran, Chief, Office of Policy and Strategy
Doug Rand, Senior Advisor to the Director
Carrie M. Selby, Acting Associate Director, External Affairs Directorate
Carlos Munoz-Acevedo, Chief, Public Engagement