



U.S. Citizenship
and Immigration
Services

[Home](#) > [Working in the United States](#) > [Permanent Workers](#) > [Employment-Based Immigration: Fifth Preference EB-5](#) > About the EB-5 Visa Classification

About the EB-5 Visa Classification

i Alert: Statutory authorization related to the EB-5 Immigrant Investor Regional Center Program expired at midnight on June 30, 2021. This lapse in authorization does not affect EB-5 petitions filed by investors who are not seeking a visa under the Regional Center Program. Due to the lapse in authorization related to the Regional Center Program, USCIS will reject the following forms received on or after July 1, 2021:

- Form I-924, Application for Regional Center Designation Under the Immigrant Investor Program, except when the application type indicates that it is an amendment to the regional center's name, organizational structure, ownership, or administration; and
- Form I-526, Immigrant Petition by Alien Investor, when it indicates that the petitioner's investment is associated with an approved regional center.

In general, we will not act on any pending petition or application of these form types that is dependent on the lapsed statutory authority until further notice. If you were issued written correspondence regarding your petition or application on or before June 30, 2021, you should review the written correspondence and respond by the due date (as applicable). Although USCIS is unable to review your response at this time, we will receive and maintain the response for review if circumstances change.

We will continue to accept and review Form I-829, Petition by Entrepreneur to Remove Conditions on Permanent Resident Status, in the normal course, including those filed on or after July 1, 2021.

We will begin rejecting all Forms I-485, Application to Register Permanent Residence or Adjust Status, and any associated Forms I-765, Application for Employment Authorization, and Forms I-131, Application for Travel Document, based on an approved Regional Center Form I-526.

We will provide further guidance to the public if circumstances change or further guidance becomes necessary.

[This page in Simplified Chinese. \(PDF, 228.14 KB\)](#)

USCIS administers the [EB-5 Immigrant Investor Program](#), created by Congress in 1990 to stimulate the U.S. economy through job creation and capital investment by foreign investors. Under a program first enacted as a pilot in 1992 and regularly reauthorized since then, investors may also qualify for EB-5 classification by investing through regional centers designated by USCIS based on proposals for promoting economic growth. On Dec. 27, 2020, President Trump signed a law extending the Regional Center Program through June 30, 2021.

USCIS policy on EB-5 adjudications is in [Volume 6, Part G of the USCIS Policy Manual](#).

All [EB-5 investors](#) must invest in a new commercial enterprise that was established:

- After Nov. 29, 1990; or
- On or before Nov. 29, 1990, that was:

- o Purchased and the existing business is restructured or reorganized in such a way that a new commercial enterprise results; or
- o Expanded through the investment, resulting in at least a 40% increase in the net worth or number of employees.

Commercial enterprise means any for-profit activity formed for the ongoing conduct of lawful business, including:

- A sole proprietorship;
- Partnership (whether limited or general);
- Holding company;
- Joint venture;
- Corporation;
- Business trust; or
- Other entity, which may be publicly or privately owned.

This definition includes a commercial enterprise consisting of a holding company and its wholly owned subsidiaries, if each such subsidiary is engaged in a for-profit activity formed for the ongoing conduct of a lawful business.

This definition does not include noncommercial activity, such as owning and operating a personal residence.

[Close All](#) [Open All](#)

Job Creation Requirements



Capital Investment Requirements



[Close All](#) [Open All](#)

Last Reviewed/Updated: 07/01/2021