



U.S. Citizenship and Immigration Services

USCIS Adjusts Process for Managing EB-5 Visa Petition Inventory

Change Addresses Fairness Issues in Visa Allocation

Release Date: Jan. 29, 2020

WASHINGTON— U.S. Citizenship and Immigration Services today announced a process change for Form I-526, Immigrant Petition by Alien Investor, from a first-in, first-out basis to a visa availability approach.

This new operational approach aligns with other visa-availability agency adjudications processes, is more consistent with congressional intent for the EB-5 Immigrant Investor Program, and increases fairness in the administration of the program.

“Changing our approach from a first-in, first-out adjudication process to one that prioritizes petitions connected to individuals from countries where visas are currently available better aligns the EB-5 program with congressional intent and makes it more consistent with other USCIS operations,” said USCIS Deputy Director Mark Koumans. “This new approach increases fairness, allowing qualified EB-5 petitioners from traditionally underrepresented countries to have their petitions approved in a more timely fashion to receive consideration for a visa.”

This operational change is consistent with the agency’s processing of Form I-130, Petition for Alien Relative, in cap-subject categories. The new visa availability approach simply gives priority to petitions where visas are immediately available, or soon available, and will not create legally binding rights or change substantive requirements. Applicants from countries where visas are immediately available will now be better able to use their annual per-country allocation of EB-5 visas. The new visa availability approach will apply to petitions pending as of the effective date of the change. USCIS will implement the visa availability approach on March 31, 2020.

USCIS will hold a public engagement on March 13, 2020, from 11:00 a.m. to noon Eastern, to provide information and answer questions from the public about these operational changes to the management of Form I-526 petition inventory.

For more information on USCIS and its programs, please visit uscis.gov or follow us on Twitter ([@uscis](https://twitter.com/uscis)), Instagram ([/uscis](https://www.instagram.com/uscis)), YouTube ([/uscis](https://www.youtube.com/uscis)), Facebook ([/uscis](https://www.facebook.com/uscis)), and LinkedIn ([/uscis](https://www.linkedin.com/company/uscis)).

Last Reviewed/Updated: 01/29/2020