

# EB-5 Immigrant Investor Program

## New Regulations

### Effective on 11/21/2019



U.S. Citizenship and Immigration Service's (USCIS) new EB-5 regulations became effective on 11/21/2019. These are the first significant changes to the program since it was created by U.S. Congress in 1990. Major program changes include:

## 1 NEW INVESTMENT AMOUNTS

The minimum investment amount is now

**\$1,800,000**  
**USD**

Projects located in Targeted Employment Areas (TEAs) have a minimum investment amount of

**\$900,000**  
**USD**

However, changes in TEA designation process may make it difficult for most projects in desirable areas to qualify for TEA designation.

## 2 NEW TEA DESIGNATION

TEA designations now rest solely with USCIS and have limits on aggregating or combining contiguous census tracts. Projects are now only allowed to count census tracts that directly touch the census tract that the project is located in.



## 3 NEW RULES FOR PRIORITY DATE RETENTION



Petitioners will be able to retain their Priority Date from a previously approved I-526 petitions if they later have to file a new I-526 petition.

This flexibility protects investors who have approved I-526 petitions but may have their eligibility jeopardized due to circumstances out of their control (such as Regional Center termination).

This flexibility also allows some creative switching in investment strategies after filing without jeopardizing Priority Date. No gifting or transferring Priority Dates from primary applicants/petitioners to derivative beneficiaries.

## 4 I-829 FLEXIBILITY

Derivative Family Members must file their own petitions at the I-829 stage if they are not included on the investor's own I-829 petition.

***Our dedicated EB-5 group has filed thousands of EB-5 petitions and have worked closely with our partners/clients to successfully file EB-5 cases to meet various timelines. Our partners and clients are advised to contact us at this time to ensure all cases are properly submitted to follow these new rules.***



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