

Minutes of May 2023 EB-5 Quarterly Meeting

The following are minutes from the quarterly meetings scheduled from settlement in *Behring Regional Center LLC and IIUSA v. Mayorkas, et al.*, 3:22-cv-2487 and *EB5 Capital, et al. v. Dept. of Homeland Security, et al.*, 3:22-cv-3948.

- Form I-956 and I-956G filing date deadlines still not set. These deadlines continue to be pushed back until the agency publishes guidance clarifying the requirements of these forms.
- Participants reiterate importance of guidance on these issues and the importance of timelines, specifically noting that without clear guidance the market will attempt to fill in the void that may or may not comport with applicable law.
- Certain issues not directly related to case or in litigation not discussed such as EB-5 Integrity Fee.
- Discussion as to when forms will be finalized. Confirmed after meeting that USCIS awaits approval of forms as final version of forms are with OMB (note that current version of forms in use are generally reflective of final forms awaiting OMB approval).
- Agency unable to provide response in meeting for any issues that fall outside scope of settlement. USCIS accepts input or other communications from all stakeholders at uscis.immigrantinvestorprogram@uscis.dhs.gov. USCIS considers all input in accordance with Section 107 of the EB-5 Reform and Integrity Act of 2022 and standard agency practice.