



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

May 21, 2026

Ms. Mora Namdar
Assistant Secretary of State for Consular Affairs
600 19th St NW
Washington, DC 20036

Via Email: NamdarM@state.gov

Re: Urgent Request for Adjudication of Pending Immigrant Visa Applications for Approved EB-5 Beneficiaries in Reserved Categories by September 30, 2026

Dear Assistant Secretary Namdar:

We are writing to request your assistance with an *urgent and time-sensitive issue*. Specifically, we are requesting immediate action by DOS to prevent a large number of available reserved or “set aside” EB-5 immigrant visa numbers from being lost prior to the end of FY 2026 on September 30, 2026.

The Immigration and Nationality Act (INA) limits the number of employment-based preference immigrant visas that may be issued within a fiscal year. Specifically, INA 203(b)(5) provides that the annual limit for EB-5 visas is 7.1 percent of the worldwide employment limit, 32% of which are available for reserved or “set aside” visa categories (rural, high unemployment area, and infrastructure). Any of these set-aside visas that go unused are held in the same set-aside category for one more fiscal year. After the second fiscal year, any remaining unused numbers in these set-aside categories are released to the unreserved EB 5 category during the third fiscal year.

In FY 2025, DOS used only 922 of the 7,066 reserved visa numbers. According to DOS statistics, despite having nearly 15,000 reserved visa numbers allocated since FY 2023, **fewer than 2,000 of them have been used and over 10,000 have been lost to reserved visa applicants forever.** We believe this to be inconsistent with congressional intent as indicated in the EB-5 Reform and Integrity Act of 2022, which prioritized processing and incentivized investments in these categories.

There is sufficient demand for the reserved visas. USCIS data show that through FY 2025, there have been approximately 4,300 post-RIA I-526E approvals. While many of these related to immigrant investors located inside the United States, there are thousands with Form I-526E approvals, along with their spouses and children, waiting for the U.S. consulate or embassy to schedule an immigrant visa interview. Untimely action to schedule immigrant visa interviews and use reserved visa numbers before the end of the current fiscal year will result in longer visa wait

times in the future. This would be an entirely avoidable and disappointing development following fair notice and ability to execute in the coming months.

We respectfully request that your office reallocate appropriate resources to identify and finalize the adjudication, in order of filing date, of all documentarily qualified immigrant visa applicants based on approved Forms I-526E in reserved categories by September 30, 2026, thus effectuating congressional intent to use all statutorily allocated visa numbers in a fiscal year. We have also sent a parallel letter to USCIS, requesting the adjudication of all pending and readily approvable Forms I-485 based on approved Forms I-526E in reserved categories by September 30, 2026.

In conclusion, we thank you for your prompt attention to this urgent and time-sensitive matter. If you have any questions, please contact Sharvari (Shev) Dalal-Dheini, Senior Director of Government Relations at (202) 507-7621 or by email at SDalal-Dheini@aila.org.

Thank you for your time and consideration.

Sincerely,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

CC: John Armstrong
Stuart R. Wilson
Taylor W. Beaumont