



U.S. Citizenship and Immigration Services

Questions and Answers: Form I-924A

Background

8 CFR 204.6(m)(6) provides that regional centers must continue to meet the requirements of Section 610(a) of the Appropriations Act by continuing to promote economic growth, improved regional productivity, job creation or increased domestic capital investment in the approved geographic area.

Form I-924A, Supplement to Form I-924 ("I-924A") is used to demonstrate a regional center's continued eligibility for the regional center designation and must be filed with USCIS on an annual basis for each fiscal year (October 1 through September 30) within 90 days after the end of the fiscal year (on or before December 29th).

Form I-924A may be obtained on the [USCIS website](#).

Below you will find questions and answers regarding the regional center Form I-924A filing and reporting requirements.

Part I. Questions and Answers

Q. Form I-924A asks in Part 1 for the provision of the USCIS-assigned number for the designated regional center. My regional center has had several case numbers assigned to its regional center filings. Which USCIS-assigned number should I provide?

A. USCIS assigned a unique identifier to every approved or prospective regional center in August of 2011. Unlike a receipt number which changes with every filing, this unique identifier is permanently assigned to each approved regional center, and will be associated with all Form I-924 applications that are filed by the regional center. The regional center unique identifier's naming convention is as follows:

IDxxxxxxxxxx

Please provide the regional center's unique identifier (if known) and a copy of the regional center's most recently issued approval notice.

Q. Form I-924A asks in Part 2 for the regional center to check box a. or b. Part 2.a. appears to be the box to check for a filing for a specific fiscal year. Part 2.b. appears to be the box to check for a filing for a range of fiscal years. Under what circumstances is Part 2.b. to be used?

A. 8 CFR 204.6(m)(6) requires regional centers to provide information demonstrating continued

eligibility for the regional center designation on an annual basis, on a cumulative basis, and/or as otherwise requested by USCIS. In some instances USCIS may request that a regional center submit information covering a succession of fiscal years on Form I-924A. Part 2.b. should be checked by the regional center in those instances to specifically identify the period of time covered by the Form I-924A information submission.

Q. In Part 3, does “capital investment” refer only to the investments made by EB-5 capital investors, or should it include other financing that is part of the EB-5 capital investment project?

A. “Capital investment” in Part 3 of Form I-924A refers solely to investments made by EB-5 investors. A regional center has the option to supplement the required information in Form I-924A, such as other financing that is part of an EB-5 capital investment project.

Q. At what point is capital considered “invested” for purposes of inclusion in Part 3 of Form I-924A; Form I-526 filing, I-526 approval, release from escrow (if any), or expenditure in a project?

A. Capital investment occurs when the EB-5 investor’s capital is actually transferred into the new commercial enterprise. Funds held in escrow should not be counted as capital invested for the purposes of completing Form I-924A, Part 3, as these funds have yet to be actually transferred into the new commercial enterprise.

Q. At what point are jobs considered to be created for purposes of inclusion in Part 3 of Form I-924A; I-526 approval – the time of the expenditure of the capital in the capital investment project or the accomplishment of other milestones in the business plan for the project?

A. In reporting statistics, USCIS estimates job creation (10 jobs per investor) based upon the number of Form I-829 petitions that were approved within the period of time under study. Regional centers may opt to adopt this timing approach to simplify the record keeping and data analysis required to be responsive to Part 3 of Form I-924A.

If a regional center chooses to adopt a job creation reporting methodology using economic impact modeling for the job-creating business activities that occurred within its capital investment projects during the fiscal year, then a detailed narrative and analysis should be provided with the Form I-924A that identifies the jobs that were created during the fiscal year and the methodology used to estimate the job creation. Further, regional centers should consistently use the same methodology from year-to-year to avoid erroneous or duplicative job creation estimates.

Q. Should capital investment and job creation numbers be reported strictly within the fiscal year in which they were respectively accomplished?

A. Yes, the amount of capital invested and jobs created through the regional center’s capital investment projects should be reported strictly within the fiscal year in which they were respectively accomplished. For Form I-924A filings for fiscal year 2011, the capital investment and job creation in Part 3 should only include events that occurred between October 1, 2010 and September 30, 2011.

Q. Where should a regional center account for jobs that were maintained in a “troubled business” during the fiscal year?

A. The number of jobs that were maintained in a “troubled business” should be identified in the section entitled “Aggregate Jobs Maintained” in Part 3.2 of the Form I-924A.

Q. What level of detail must a regional center use to identify the NAICS code for the Industry Category in Part 3.2 of Form I-924A?

A. The purpose of collecting North American Industry Classification System (“NAICS code”) information regarding the industries in which EB-5 capital is invested and jobs are created is to enable USCIS to provide information to internal and external stakeholders about the industries that are participating in EB-5 capital investment projects.

According to the U.S. Census Bureau’s FAQs regarding the NAICS codes , NAICS is a two-through six-digit hierarchical classification system, offering five levels of detail. Each digit in the code is part of a series of progressively narrower categories, and the more digits in the code signify greater classification detail. The first two digits designate the economic sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry.

The NAICS code identified in Part 3.2 of Form I-924A should have sufficient detail to identify the industry for the primary business activity of the capital investment project. In general a NAICS code with four-digits, which identifies the industry group of a given economic activity would be an appropriate entry. For example, if the capital investment project involved Fruit and Nut then the appropriate NAICS code to use would be 1113.

Q. If a regional center creates jobs in numerous industry categories, should the regional center identify multiple industry categories, or indicate only the largest industry category in Part 3.3 of Form I-924A?

A. All of the industry category titles relating to the primary business activities conducted by the commercial enterprise should be identified in the event that the commercial enterprise engages in investments in multiple capital investment projects that span industries. Form I-924A indicates on page 2 of the form that if extra space is needed to complete any item, that the regional center should attach a continuation sheet, indicate the item number, and provide the response.

Last updated:12/06/2011

[Plug-ins](#)