AMERICAN
IMMIGRATION
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ASSOCIATION

July 22, 2025

Mr. Joseph B. Edlow
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009

Via Email: joseph.b.edlow@uscis.dhs.gov

Re: Urgent Request for Adjudication of Pending Forms I-485 for Approved EB-5 Beneficiaries in Reserved Categories by September 30, 2025

Dear Director Edlow:

We are writing to request your assistance with an ***urgent and time-sensitive issue***. Specifically, we are requesting immediate action by U.S. Citizenship and Immigration Services (USCIS) to prevent the loss of thousands of available reserved or "set aside" EB-5 immigrant visa numbers before the numbers are lost prior to the end of FY 2025 on September 30, 2025.

As you know, 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, of which 32 percent is available for reserved or "set aside" visa categories, i.e. rural, high unemployment area, and infrastructure visa categories. Per statute, 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.

According to DOS' FY 2024 Annual Report, 423 reserved EB-5 visa numbers were used last fiscal year, only 5.1% of all available visas. **This means that over 2,460 visa numbers from FY 2023 were forever lost to rural reserved visa applicants, over 1,300 visa numbers from FY 2023 were forever lost to high unemployment visa applicants, and over 200 visa numbers from FY 2023 were forever lost to infrastructure visa applicants.** We believe this to be unacceptable and inconsistent with the clear congressional intent, as indicated in the EB-5 Reform and Integrity Act of 2022, which prioritized processing and incentivized investments in these categories.

In FY 2025, a total of 7,066 visa numbers were allocated to the reserved visa categories. This number includes the 3,658 visa numbers allocated to the reserved visa categories in FY 2024 that went unused in the last fiscal year. Yet, as of May 31, 2025, DOS has only issued 568 reserved EB-5 visas, meaning **there are possibly over 6,000 reserved visa numbers available for use before September 30, 2025**.

We do understand and are grateful that USCIS adjudicated 419 Forms I-485 in FY 2024, but this was far below the number of adjustment applications filed by immigrant investors and their derivative beneficiaries with approved Form I-526Es in the reserved categories, which exceeded 560 halfway through the end of year. We note that USCIS' data states that 2,653 Forms I-485 were filed by September 30, 2023.

To prevent a repeat of last year's loss—and to fulfill congressional intent— we respectfully urge your office to reallocate appropriate resources to identify and adjudicate, in order of filing date, all pending and readily approvable Forms I-485 based on approved Forms I-526E in reserved categories by September 30, 2025, thus effectuating congressional intent to use all statutorily allocated visa numbers in a fiscal year.

The statutory scheme created by Congress explicitly intended for these visa numbers to facilitate economic development in underserved areas. The failure to adjudicate eligible cases not only undermines this legislative objective but also causes profound hardship to investors and U.S. communities relying on the EB-5 program for economic growth.

In conclusion, we thank you for your prompt attention to this urgent and time-sensitive matter. Please note that a similar letter has been sent to the U.S. Department of State. If you have any questions, please contact Sharvari (Shev) Dalal-Dheini, Senior Director of Government Relations, at (202) 507-7621 or SDalal-Dheini@aila.org.

Thank you for your time and consideration.

Sincerely,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION