

EB-5 Field Memo Number 8: Consolidation

November 19, 1998

Memorandum for: Regional Directors  
District Directors (Including Foreign)  
Regional Counsels  
Officers-In-Charge (Including Foreign)  
Port Directors  
Service Center Directors  
Directors, ODTF-Glynco, GA and Artesia, NM

From: Robert L. Bach  
Executive Associate Commissioner  
Officer of Policy and Planning

Subject: Immigrant Investor Petitions -  
Consolidation of E-1/E-2 Applications and EB-5 Petitions;  
Sequential Numbering of EB-5 Field Memorandum

This memorandum advises Service Center officers that E nonimmigrant applications and EB-5 petitions will be consolidated at the Texas and California Service Centers in the near future. In addition, this memorandum provides for the sequential numbering of EB-5 field memorandum issued since March 11, 1998.

### **Consolidation of E Nonimmigrant Applications and EB-5 Petitions**

The Service has forwarded a Notice to the *Federal Register* announcing that all petitions and applications related to classification as a treaty trader (E-1), treaty investor (E-2), or alien entrepreneur (EB-5) are directed to be filed at either the Texas or California Service Centers, pursuant to their newly defined jurisdictional areas. This action is necessary to provide more effective monitoring and control of these often complex, time-consuming adjudications. The consolidation of these matters at the Texas and California Service Centers will be effective on the date the Notice is published in the *Federal Register* and the Nebraska and Vermont Service Centers will no longer have jurisdiction over E-1, E-2, and EB-5 matters.

Effective on the date of publication in the *Federal Register*, petitions for immigrant investor classification which have been filed pursuant to 8 CFR 204.6(b) and 216.6(b) with the Service Center having jurisdiction over the area in which the new commercial enterprise is or will be principally doing business, will be filed with: (1) the Texas Service Center if the new commercial enterprise is located, or will principally be doing business, in the areas previously covered by the Vermont and Texas Service Centers; (2) the California Service Center if the new commercial enterprise is located, or will principally be doing business, in the areas previously covered by the California and Nebraska Service Centers.

The same change will occur with regard to applications for extension of stay or change of status into E-1 or E-2 classification which are filed pursuant to the instructions on Form I-129 with the Service Center with jurisdiction over the location of employment.

For a period of 60 days after the publication of this Notice, the Service Centers in Vermont and Nebraska will forward these applications and petitions to the Service Centers in Texas and California, respectively, in order to facilitate this transition. Similarly, any of these applications and petitions filed in error will be forwarded to the appropriate Service Center during the 60-day period. After the 60-day period, these petitions and applications must be filed at the correct Service Center. Thereafter, petitions and applications which are filed at the incorrect office shall be returned to the petitioner or applicant for filing at the Service Center with jurisdiction under the terms of this memorandum.

The Office of Field Operations, Immigration Service Division will ensure adequate staffing at the California and Texas Service Center to manage this increased workload. In addition, arrangements are being made for additional training in complex financial matters for Service Center officers stationed at those locations. Questions in this regard may be addressed to the Immigration Services Division at 202/514-0078.

### **Sequential Numbering of EB-5 Field Memoranda**

Due to the numerous complex issues and procedures addressed in recent field memoranda on immigrant investor petitions, there is a need to provide a system for clearly identifying these memoranda. Each memorandum will be headlined in bold "EB-5 Field Memorandum" and numbered sequentially, starting with the March 11 field memorandum, so that they can be readily directed within an office to those employees in need of this information. Please be sure that all special agents, assistant district counsels, adjudicators and information officers under your jurisdiction who handle these matters are immediately provided with these memoranda.

Since March 11, the following EB-5 field memoranda have been issued:

#### **EB-5 Memo Date Issued Subject (Signed by)**

#1 March 11 Petitions with Certain Key Features (Cronin)

#2 April 30 Immigrant Investor Codes (Bednarz)

#3 May 21 Requests that Cases be Removed from the Hold (Bednarz)

#4 June 12 Recent Actions and Procedures for Eliminating the Hold (for Greene, by Cronin)

#5 June 26 Revised June 12 Memo – Recent Actions and Procedures for Eliminating the Hold (for Greene, by Cronin)

#6 August 4 Extension of Time to Withdraw a Held Petition and File A New Petition in its Place (Cronin)

#7 August 28 Placement of Invested Funds in Escrow and Extension of Time to Withdraw a Held Petition and File a New Petition In its Place (Bach)

As noted in the headline, the EB-5 field memorandum is the 8<sup>th</sup> to be issued.

Field offices are directed to their respective Regional Offices, Adjudications to obtain copies of any missing EB-5 field memoranda.

Questions regarding these field instructions, may be directed to Katherine A. Lorr at HQADN, 202/514-5014. The Immigration Service Division has concurred with this memorandum.