

Panel 1A

USCIS Update: 2015 in Review (and what to expect in 2016)

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2016 LAS VEGAS
EB-5 Conference

EB-5 Hot Topic – Pipeline Cases

- EB-5 visas increasingly popular creating new challenges.

Panel will review key events in 2015 and make projections regarding 2016.

I-526 Petitions Pending at IPO

14,373 petitions filed in FY 2015 (up from 10,923 in FY 2014)

17,367 petitions pending as of 10/1/2015 (monthly average filings FY 2015 Q4 = 2,191).

Add Oct, Nov and Dec 2015 (guesstimate 3,000) = 20,000 petitions currently pending at IPO

Immigrant Visa Numbers

20,000 petitions X 2.5 visas each = 50,000 – 20% denial = 40,000 visas

17,662 visas needed for NVC cases as of 11/1/2015 (up from 6,418 in FY 2014, an increase of 175.2%)

Add visas used by adjustment of status (guestimate 2,000) = 20,000

40,000 visas + 20,000 petitions in pipeline = 6 year wait Chinese

Statistics – EB-5 Cases Pending at National Visa Center November 1, 2015

- *Top countries:*

China-mainland born 15,830 (89.6%)

Hong Kong S.A.R. 254 (1.4%)

Vietnam 245 (1.4%)

China-Taiwan born 158 (0.9%)

Korea, South 148 (0.9%)

All Others 1,027 (5.8%)

Worldwide Total 17,662 (100%)

Visa Modernization New October 1, 2015 Rule *Use Chart A – Final Action Dates (FAD)* *February 2016 Visa Bulletin*

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
5th Non-Regional Center (C5 and T5)	C	15JAN14	C	C	C
5th Regional Center (I5 and R5)	C	15JAN14	C	C	C

Visa Modernization New October 1, 2015 Rule

Use Chart B – Date for Filing (DFF)

February 2016

Employment-Based	All Chargeability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
5th Non-Regional Center (C5 and T5)	C	01MAY15	C	C	C
5th Regional Center (I5 and R5)	C	01MAY15	C	C	C

EB-5 Statistics



U.S. Citizenship
and Immigration
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Number of I-526 Immigrant Petitions by Alien Entrepreneurs by
Fiscal Year, Quarter, and Case Status
2008-2015

Period	Petitions by Case Status			
	Immigrant Petitions by Alien Entrepreneur			
	Petitions Received ¹	Approved ²	Denied ³	Pending ⁴
Fiscal Year - Total				
2008	1,258	642	120	853
2009	1,031	1,265	208	514
2010	1,953	1,369	165	1,125
2011	3,805	1,571	372	3,347
2012	6,041	3,677	957	5,018
2013	6,346	3,699	943	7,131
2014	10,923	4,925	1,169	12,453
2015	14,373	8,756	1,051	17,367
Fiscal Year 2015 by Quarter				
Q1. October - December	2,959	1,652	133	13,569
Q2. January - March	2,337	1,978	273	13,731
Q3. April - June	2,502	2,941	268	13,129
Q4. July - September	6,575	2,185	377	17,367

Hot Topics – Impact of Filing Surge

- With over 14,000 petitions filed in FY 2015 at least \$7 billion invested versus about 11,000 petitions filed in FY 2014 with approx. \$5.5 billion invested

The 6 year wait creates 8-10 year deal flow – maybe \$30+ billion at stake but the long Chinese wait line will have chilling effect

Child derivatives as young as 16 could age-out as Child Status Protection Act only gives about 1 year credit

Managing Investor Expectations

- *I-526 Processing times: currently 13.4 months, but often longer*

17,367 petitions backlog as of Sept 30, 2015

Add 3,000 rush filings in Oct, Nov and Dec 2015

Total pending petitions = 20,000+ approx.

IPO staff: 121 in August 2015 with 20 more by December – expect longer adjudication times?

Impact on escrow and job creation

2015 in Review (& What to Expect in 2016)

- *Re-Authorization and Senate Bill 1501 – reflections on the 2015 battle*

What to expect in 2016 – new legislation or the possibility of another extension, but with an increased investment amount?

USCIS implementing increases and other policy changes through policy memos and/or regulations

Possible White House action on Immigration

2015 in Review

- *Draft USCIS Policy Memo on Job Creation*
Loan issues/Indebtedness and new rules
Possible Source of Funds Changes:
 - Gifts only allowed from parents/siblings*
 - Loans must be from banking institutions**China:*
 - China Foreign Exchange challenges*
 - Economic slowdown and volatile stock market**Regional Centers:*
 - USCIS clamp down on RC's use of names*
 - RC's receiving Notices of Intent to Terminate*

Questions?

For More Questions, Contact:

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