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May 19, 2022

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Welcome to the T&R Newsletter

May 2022

This month's topics include: June 2022 visa bulletin released; USCIS reauthorizes EB-5 Regional Center Program; and USCIS issues new approval notices for L and E spouses.

**JUNE 2022 VISA BULLETIN RELEASED AND USES FINAL ACTION DATES**

The USCIS announced that it will accept applications to adjust status in June for employment-based cases only if they are current under the Final Action Dates. Dates of Filing can be used for family-based cases. Below is the chart for Final Action Dates for employment-based preference categories (except for EB-5) showing significant forward movement for EB-2 India, but very little (if any) movement in all the other categories.

Employment-based	All Chargeability Areas Except Those Listed	CHINA-Mainland Born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	C	C	C	C	C	C
2nd	C	01MAR19	C	01SEP14	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	08MAY19	01JUN12	08MAY19	15JAN12	08MAY19	08MAY19
4th	C	C	01MAY17	C	01APR20	C
Certain Religious Workers	C	C	01MAY17	C	01APR20	C

**USCIS Reauthorizes EB-5 Regional Center Program**

President Biden signed into law the Reform and Integrity Act (RIA) in March 2022, which reauthorized the EB-5 regional center program through fiscal year 2027. The EB-5 regional center program lapsed in June 2021, ceasing the processing of all EB-5 regional center cases.

The RIA allows the USCIS to begin processing EB-5 regional center cases again, both new ones and those that were pending prior to the program's lapse. New cases must meet the new minimum investment amounts (\$1,050,000 for standard investments or \$800,000 for investments

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**Concurrent filing:** One of the benefits of the new law for investors is the ability to file concurrently an application to adjust status (Form I-485) with the EB-5 petition (Form I-526) if there is no backlog in immigrant visa numbers. Concurrent filing allows the foreign national investor to remain in the United States and obtain work and travel authorization while the case is pending with the USCIS.

**Termination of regional centers:** After the passage of the RIA, the USCIS announced that the enactment of the RIA automatically terminated all pre-existing regional centers. By doing this, the USCIS requires all entities seeking regional center designation to apply again. The USCIS issued new forms just this past weekend that allows organizations to be designated as regional centers. These forms include:

- Form I-956, Application for Regional Center Designation with filing fee of \$17,795; and
- Form I-956H, Bona Fides of Persons Involved with Regional Center Program filed by each person involved with the regional center (a biometric services fee of \$85 is required for each person who submits this form).

**How long will USCIS take to adjudicate?** Most pre-existing regional centers have already filed Form I-956 seeking re-designation as a regional center. The question is how long the USCIS will take to adjudicate these applications. Until approvals are issued, no new individual investor petitions (Form I-526) can be filed based upon investments with a regional center. The USCIS has not provided any indication of how long this might take.

**Time to prepare to file new EB-5 petitions:** While it is not possible to file new EB-5 cases based upon a regional center until the USCIS approves the redesignation applications, investors who want to participate in the program can start working with their attorney and previously approved regional centers so that they are ready to file their EB-5 case once the USCIS redesignates the regional center.

Please contact T&R now if you are interested in learning more about EB-5 or filing an investor petition in the near future.

### **USCIS Issuing New Approval Notices for L and E Spouses**

The USCIS is now issuing and sending out new I-797 approval notices for L-2 and E-2 spouses who possess valid Forms I-94 that were issued by USCIS prior to January 30, 2022. These new approval notices will designate L-2s or E-2s on the new notices so that the spouses will have work authorization incident to status. These new notices with the valid Form I-94 will be sufficient as List C documents for purposes of completing Form I-9 for employment authorization.

### **Trow & Rahal Webinars - Third Friday of Every Month**

**Please join T&R's monthly webinar on the 3rd Friday of every month from 2-3 pm EST.**

**May webinar:** T&R has cancelled the monthly webinar for May.

**June webinar:** The T&R webinars will resume in June on June 17<sup>th</sup> and we will discuss any

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**Contacting T&R during April and May:** T&R kindly requests that clients minimize calls to the office during the months of April and May as the office is busy preparing and filing H-1B cap cases as well as other ongoing matters. During this time, we ask that you take advantage of the free monthly webinars by joining and asking your questions there. Alternatively you can send an email or schedule a 10 minute call with the person you are seeking to speak with by calling the front desk (202-537-4830) and asking them to set up a brief meeting. If it is a matter that is truly not able to wait, T&R staff is here to speak with you at their availability. Please note that during this peak work load it may take longer to receive responses to emails and phone calls.



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