

THE
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OMB Publishes Fall 2018 Unified Agenda with EB-5 Regulatory Updates

Wednesday, October 17, 2018

Today, OMB published the bi-annual Unified Regulatory Agenda. This important transparency tool reflects agency rulemaking updates and plans for the immediate future. The updates are broad and encompass all areas of rulemaking. The dates provided by the agency are best thinking at the time and are subject to change. For purposes of this blog, we focus on EB-5 immigrant investor regulations.

Fall 2018 Statement of Regulatory Priorities on EB-5 by USCIS

Employment Creation Immigrant Regulations. USCIS will amend its regulations modernizing the employment-based, fifth preference (EB-5) immigrant investor category based on current economic realities and to reflect statutory changes made to the program (EB-5 Immigrant Investor Program Modernization). USCIS will also propose to update its regulations for the EB-5 Immigrant Investor Regional Center Program to better reflect realities for regional centers and EB-5 immigrant investors, to increase predictability and transparency in the adjudication process, to improve operational efficiency, and to enhance program integrity (EB-5 Immigrant Investor Regional Center Program). Lastly, USCIS will publish an advanced notice of proposed rulemaking to solicit public input on proposals that would increase monitoring and oversight of EB-5 projects, and encourage investment in rural areas (EB-5 Immigrant Investor Program Realignment). Access the Fall 2018 statement [here](#).

The notification of a new proposed rulemaking – EB-5 Immigrants Investor Program Realignment – reflects new thinking by the agency and merits watchful consideration.

New Timetables Announced

The Unified Agenda includes new timetables projecting regulatory action. As relates to EB-5, USCIS posts the following:

EB-5 Immigrant Investor Program Modernization ([RIN 1615-AC07](#)) – comment period closed. Final Rule: November 2018.

Timetable:

Action	Date	FR Cite
NPRM	1/13/2017	82 FR 4738
NPRM Comment Period End	04/11/2017	
Final Rule	11/00/2018	



Article By [Greenberg Traurig, LLP](#)
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Timetable:

Action	Date	FR Cite
ANPRM	01/11/2017	82 FR 3211
ANPRM Comment Period End	04/11/2017	
NPRM	03/00/2019	

EB-5 Immigrant Investor Program Realignment - new rulemaking

Timetable:

Action	Date	FR Cite
ANPRM	09/00/2019	

To view all timetables, [click here](#).

Please check back for more updates on the Unified Agenda and other immigration matters as content is updated frequently.

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