

THE  
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## India EB-5 Retrogression Has Arrived

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The July 2019 Visa Bulletin has been released, and it confirms retrogression for the EB-5 visa category for nationals of India, earlier than many in the industry had anticipated. As of July 1, 2019, only approved Indian EB-5 investors whose EB-5 petitions (I-526 forms) were filed earlier than May 1, 2017, will be able to proceed with the processing of their immigrant visa applications.

We anticipate that U.S. consular posts in India may cease scheduling interviews for investors with priority dates on or after May 1, 2017. The U.S. Citizenship and Immigration Services (USCIS) has also announced that for July 2019, all employment-based preference filings must rely on the Final Action Dates chart in the Visa Bulletin. Therefore, we also expect that USCIS will not schedule interviews or otherwise process or approve adjustment of status applications (I-485 forms) for applicants with priority dates on or after May 1, 2017. We encourage all approved EB-5 applicants from India to file their immigrant visa and adjustment of status applications prior to July 1, 2019.

The July 2019 Visa Bulletin also notes that for the EB-5 category, it is anticipated that India and Vietnam will become subject to the same date as China for the months of August and September 2019, meaning the dates will fall back to Nov. 1, 2014, for all three countries in August and September. Then, according to Charles Oppenheimer, chief of the Department of State Visa Control and Reporting Division, the best case scenario for October 2019, when the fiscal year starts, is a Fall 2017 date for Indian nationals, while a worst case scenario would have the date progress only so far as a Summer 2017 date. Mr. Oppenheimer also posited that a “rough” estimate for EB-5 applicants whose I-526 petitions are filed after May 6, 2019, is an 8.4 year wait between the time when an I-526 petition is filed and the time when an EB-5 visa becomes available, including the now extremely lengthy processing times for adjudicating the I-526 petition.



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Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	22APR18	08MAY17	22APR18	01JAN15	22APR18	22APR18	22APR18
2nd	C	01NOV16	C	24APR09	C	C	C
3rd	C	01JAN16	C	01JUL09	C	C	C
Other Workers	C	22NOV07	C	01JUL09	C	C	C
4th	C	C	01JUL16	C	01JUL16	C	C
Certain Religious Workers	C	C	01JUL16	C	01JUL16	C	C
5th Non-Regional Center (C5 and T5)	C	01OCT14	C	01MAY17	C	C	01OCT16
5th Regional Center (I5 and R5)	C	01OCT14	C	01MAY17	C	C	01OCT16

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