

such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence.

Pub. L. 102-395 The Judiciary Appropriations Act, 1993 [in-part]

SEC. 610. PILOT IMMIGRATION PROGRAM-

(a) Of the visas otherwise available under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)), the Secretary of State, together with the Attorney General, shall set aside visas for a pilot program to implement the provisions of such section. Such pilot program shall involve a regional center in the United States for the promotion of economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment.

(b) For purposes of the pilot program established in subsection (a), beginning on October 1, 1992, but no later than October 1, 1993, the Secretary of State, together with the Attorney General, shall set aside 300 visas annually for five years to include such aliens as are eligible for admission under section 203(b)(5) of the Immigration and Nationality Act and this section, as well as spouses or children which are eligible, under the terms of the Immigration and Nationality Act, to accompany or follow to join such aliens.

(c) In determining compliance with section 203(b)(5)(A)(iii) of the Immigration and Nationality Act, and notwithstanding the requirements of 8 CFR 204.6, the Attorney General shall permit aliens admitted under the pilot program described in this section to establish reasonable methodologies for determining the number of jobs created by the pilot program, including such jobs which are estimated to have been created indirectly through revenues generated from increased exports resulting from the pilot program.

SEC. 116. of Public Law 105-119 (November 26, 1997)

(a) IN GENERAL.--Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153; Public Law 102-395) is amended--

- (1) by striking "300" and inserting "3,000"; and
- (2) by striking "five years" and inserting "seven years".

(b) EFFECTIVE DATE.--The amendment made by subsection (a)(2) shall be deemed to have become effective on October 6, 1992.

Amendments to 610 by P.L. 106-396:

SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.

(a) EXTENSION OF PROGRAM- Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "seven years" and inserting "ten years".

(b) DETERMINATIONS OF JOB CREATION- Section 610(c) of such Act is amended by inserting ", improved regional productivity, job creation, or increased domestic capital investment" after "increased exports".

Amendments to EB-5 program in general and to section 610 by P.L. 107-273:

SEC. 11036. ELIMINATING ENTERPRISE ESTABLISHMENT REQUIREMENT FOR ALIEN ENTREPRENEURS.

(a) Preference Allocation for Employment Creation.--Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended--

(1) in subparagraph (A)--

(A) in the matter preceding clause (i), by striking "enterprise--" and inserting "enterprise (including a limited partnership)--";

(B) by striking clause (i); and

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(2) in subparagraph (B)(i), by striking "establish" and inserting "invest in".

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(b) Conditional Permanent Resident Status for Alien Entrepreneurs, Spouses, and Children.--Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended--

(1) in subsection (b)(1)--

(A) in subparagraph (A) by striking "establishment of" and inserting "investment in"; and

(B) by amending subparagraph (B) to read as follows:

"(B)(i) the alien did not invest, or was not actively in the process of investing, the requisite capital; or

"(ii) the alien was not sustaining the actions described in clause (i) throughout the period of the alien's residence in the United States; or";

- (2) by amending subsection (d)(1) to read as follows:
“(1) Contents of petition.--Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien--
“(A)(i) invested, or is actively in the process of investing, the requisite capital; and
“(ii) sustained the actions described in clause (i) throughout the period of the alien's residence in the United States; and
“(B) is otherwise conforming to the requirements of section 203(b)(5).”; and
(3) by adding at the end of subsection (f) the following:
“(3) The term ‘commercial enterprise’ includes a limited partnership.”.

SEC. 11037. AMENDMENTS TO PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS TO PROMOTE ECONOMIC GROWTH.

(a) Purpose of Program.--Section 610(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note), is amended--

(1) by inserting after “regional center in the United States” the following: “, designated by the Attorney General on the basis of a general proposal,”;

(2) by striking “and increased domestic” and inserting “or increased domestic”; and

(3) by adding at the end the following:

“A regional center shall have jurisdiction over a limited geographic area, which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones. The establishment of a regional center may be based on general predictions, contained in the proposal, concerning the kinds of commercial enterprises that will receive capital from aliens, the jobs that will be created directly or indirectly as a result of such capital investments, and the other positive economic effects such capital investments will have.”.

(b) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to--

(1) any proposal for a regional center pending before the Attorney General (whether for an initial decision or on appeal) on or after the date of the enactment of this Act; and

(2) any of the following petitions, if filed on or after the date of the enactment of this Act:

(A) A petition under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) (or any predecessor provision)(or any predecessor provision), with respect to status under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)).

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(B) A petition under section 216A(c)(1)(A) of such Act (8 U.S.C. 1186b(c)(1)(A)) to remove the conditional basis of an alien's permanent resident status.

Approved November 2, 2002.

Amendments made by P.L. 108-156: 108 th Congress, December 3, 2003

SEC. 4. PILOT IMMIGRATION PROGRAM .

(a) PROCESSING PRIORITY UNDER PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS TO PROMOTE ECONOMIC GROWTH- Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended--

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(d) In processing petitions under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) for classification under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)), the Secretary of Homeland Security may give priority to petitions filed by aliens seeking admission under the pilot program described in this section. Notwithstanding section 203(e) of such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence."

(b) EXTENSION- Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "10 years" and inserting "15 years".

Amendment made by P.L. 110-329:

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2009, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2009 without any provision for such project or activity; or (3) March 6, 2009.

SEC. 144. The requirement set forth in section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

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Amendment made by P.L. 111-8:

GENERAL PROVISIONS--THIS DIVISION

SEC. 101. Sections 143, **144**, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580 et seq.) are each amended by striking `the date specified in section 106(3) of this joint resolution' and inserting `September 30, 2009'.

Amendment made by P.L. 111-83:

Sec. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking `for 15 years' and inserting `until September 30, 2012'.