



U.S. Citizenship
and Immigration
Services

Memorandum

TO: Sharon Block
Acting Administrator,
Office of Information and Regulatory Affairs,
Office of Management and Budget

THROUGH: Eric Hysen
DHS Chief Information Officer

FROM: Samantha Deshommnes
USCIS Office of Policy and Strategy,
Regulatory Coordination Division, Chief

SUBJECT: Request for Emergency OMB Paperwork Reduction Act (PRA) Clearance – Form I-526, Immigrant Petition by Alien Investor

On June 22, 2021, the U.S. District Court for the Northern District of California vacated the EB-5 Immigrant Investor Program Modernization Final Rule, 84 FR 35750 (July 24, 2019). The Form I-526 was revised as part of this rulemaking but because the rule was vacated, use of the revised form is no longer legally permissible. USCIS must revert back to the pre-November 2019 version of the Form I-526.

Reverting to the prior version of the Form I-526 is essential to the mission of USCIS to avoid being held in contempt by the Court. USCIS cannot reasonably comply with the normal clearance procedures because the rule has already been vacated and USCIS must comply with the Court order as soon as possible. USCIS has taken all practicable steps to minimize the burden of this information collection.

Accordingly, USCIS revised the Form I-526 by reverting to the pre-2019 version of the Form I-526. Changes to the form have been thoroughly reviewed and vetted by USCIS. The revised Form I-526 reflects the EB-5 Modernization Rule vacatur on June 22, 2021.

USCIS seeks emergency processing of the Form I-526 in accordance with 5 CFR 1320.13. USCIS certifies that the requirements of 5 CFR 1320.13(a)(1) are met and that:

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- The collection of information is needed immediately and is essential to the mission of the agency.
- The use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information because unanticipated events have occurred.

USCIS greatly appreciates the consideration of this request.