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Considerations in Light of the USCIS Regional Center Audit Program

As you may know, the United States Citizenship and Immigration Services (USCIS) has recently launched its EB-5 Regional Center Compliance Audit Program (Audit Program). As you are aware, USCIS or Immigration and Customs Enforcement (ICE) has begun in-person visits to the offices of regional centers in an attempt to conduct an inspection.

Documentation Preparation for Site Visits

Due to the infancy of the Audit Program, it is not entirely clear what USCIS may request. According to the USCIS webpage, the site visit could include a review of any of the following:

- Review of Form I-924 filings by the regional center;
- Review of Form I-924A filings by the regional center;
- Review of any updates to those filings; and
- Information to verify submissions or statements in those filings.

To that end, a regional center should be prepared to provide an inspector for paper copies of all of the following:

- Form I-924 filings;
- Form I-924A filings;
- Financial documentation to verify statements on Form I-924A, which can include documentation of:
 - Funds received by escrow;
 - Funds disbursed from escrow to NCE; and
 - Funds disbursed from NCE to JCE.
- USCIS Receipt Notices; and
 - Including I-526 Petitions and I-829 Petitions.
- USCIS Approval Notices.
 - Including I-526 Petitions and I-829 Petitions.

Financial documentation which evidences the flow of funds from escrow to the new commercial enterprises' bank accounts to the job-creating entities should be on hand for inspection. This type of documentation could also include annual tax filings of the new commercial enterprise. This type of information can be easily tracked in spreadsheet form so the relevant bank statements can be located quickly. Additionally, a spreadsheet will likely help provide a layer of detail regarding an individual investor, which may be necessary.

Considerations for Site Visits

1. **Receptionist Identifies Inspector.** Regional centers should consider designating a predetermined individual trained to deal with inspectors. Once an inspector identifies him/herself, the receptionist or front-facing person at a regional center's offices can politely ask them to wait in the lobby while they contact this predetermined individual. Consider having the receptionist log the inspector's name, title, contact information, and badge number (if applicable).
2. **Regional Center Principal.** It is likely that the inspector will seek to speak with the individual or individuals designated as the principals of the regional center. Each regional center may want to have another individual available to assist and speak with the inspector in case the principal is unavailable.
3. **Contact Attorney.** The designated person at the regional center may also contact his or her attorney to potentially advise them in real time during a site visit. In general, it may be prudent to wait for an attorney prior to substantively responding to any requests from an inspector.

It is important to remember these are general guidelines which may or may not be applicable to all situations. Additionally, while USCIS has posted some helpful guidance [here](#), there is practically no precedent to rely upon. Please do not hesitate to contact us should you have further questions or if a further discussion is warranted.

For more information on the new Regional Center Inspection Program or other Immigration matters, please visit Greenberg Traurig's [Inside Business Immigration Blog](#).

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