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## **EB-5 CHINA VISA AVAILABILITY UPDATE**

The U.S. Department of State announced that as of August 23, 2014, EB-5 immigrant investor visa numbers for Chinese nationals are unavailable for the remainder of Fiscal Year 2014. The maximum level of immigrant visa numbers allocated for Chinese EB-5 applicants has been reached until October 1, 2014.

The Department of State will continue to accept applications for visa interviews for Chinese nationals in the EB-5 category, but the applications will not be adjudicated or approved until October 1, 2014. Similarly, U.S. Citizenship & Immigration Services (USCIS) will continue to accept applications for Chinese nationals in the EB-5 category to adjust status to permanent residence from within the U.S., but will not begin adjudicating the applications until immigrant visa numbers become available again in the new fiscal year, which begins on October 1, 2014. Those individuals whose immigrant visa interviews have already been scheduled by a U.S. consular post will not be affected by this announcement, as they have already been allotted visa numbers.

There is a strong chance that the EB-5 visa allotment will run out shortly after the first quarter of 2015 and cause further backlogs. It has been reported that the Obama Administration is reviewing possible executive action that could address the annual numerical limitations for EB-5 immigrant visas, but these reports cannot be relied upon until executive or legislative action is taken. As always, FosterQuan will continue to monitor immigrant visa availability and will make updates available via our [firm's website](#) and in future Immigration Updates.