

Updated EB-5 China Cutoff Date Projections as of April 22, 2016

Speaking at an Invest in the USA conference in Washington, D.C., on April 22, 2016, Mr. Charles Oppenheim, Chief of the Visa Control and Reporting Division of the U.S. Department of State, announced some mildly encouraging China EB-5 visa cutoff date projections for the coming year. According to Mr. Oppenheim, the Department of State's June 2016 Visa Bulletin will be published around May 8, 2016, and will show an EB-5 China final action date of February 15, 2014. This represents a forward movement of just two weeks from the current EB-5 China cutoff date under the April 2016 Visa Bulletin (February 1, 2014), and just one week from the EB-5 China cutoff date to take effect May 1, 2016, under the recently published May 2016 Visa Bulletin (February 8, 2014).

Looking further ahead, Mr. Oppenheim projected that for September 2016, the China EB-5 cutoff could be either March 8, 2014 (best-case scenario), or February 22, 2014 (worst-case scenario). He also estimated that the China EB-5 cutoff date could reach March 2014 by November 2016 and May 2014 by April 2017, although he noted that he did not feel comfortable making projections more than 5 to 6 months out.

Mr. Oppenheim attributed the slow movement in EB-5 China cutoff dates to a high demand of cases with 2013 priority dates since early December 2015 (as a result of USCIS efforts to clear out I-526 petition backlogs), which has been using a significant amount of visa numbers. Mr. Oppenheim cautioned that his projected cutoff dates may change, and that USCIS's processing of early priority date cases will affect what he can do with visa numbers during the final 3 months of FY2016. The good news is that despite slow advancement, the China EB-5 visa cutoff date has never retrogressed (moved backward) and is not expected to do so in the near future.

