Practice Pointer: Court Blocks USCIS EB-5 Policy Deauthorizing Previously Designated Regional Centers and Allows New Form I-526 Petitions to be Filed

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Summary

On June 24, 2022, the U.S. District Court for the Northern District of California issued a preliminary injunction against USCIS on aspects of its new EB-5 policy. Specifically, the Court held that USCIS almost certainly committed legal error when it unilaterally deauthorized designated EB-5 Regional Centers ("RCs") existing at the time that the EB-5 Reform and Integrity Act of 2022 ("RIA") was enacted into law. Under the now enjoined policy, USCIS required prior RCs to reapply *ab initio* and to wait for new designation before accepting new EB-5 investors. As a result of the temporary injunction, all pre-authorized RCs remain valid operating entities eligible to sponsor new EB-5 investors (and file Form I-526 petitions) otherwise compliant with relevant RIA provisions.

Analysis

For the past year, the EB-5 Regional Center ("RC") Program has been an extreme roller coaster ride for stakeholders and this temporary injunction is certainly not the end of this heart stopping ride. The following is a brief review of the most recent major milestones occurring in the RC Program, including an initial analysis of the temporary injunction.

Lapse & Reauthorization

On June 30, 2021, the EB-5 Regional Center Program (the "Program") lapsed when Congress did not timely reauthorize it. During the lapse, USCIS adopted a policy that (a) held in abeyance all pending RC-based I-526 Petitions and (b) rejected the filing of any a new RC-based I-526 Petition. The lapse ended on March 15, 2022, when President Biden signed a $1.5 trillion omnibus spending bill that included the EB-5 Reform and Integrity Act of 2022 ("RIA"). The RIA extended the RC Program for five years, until September 30, 2027, while also making major substantive changes.[2]

USCIS (Now Enjoined) Policy: All Existing RCs No Longer Authorized

When the RIA was enacted on March 15, 2022, Congress provided a 60-day moratorium on new I-526 petitions to allow the USCIS Immigrant Investor Program Office ("IPO") time to study the RIA and craft new policy and regulations for new Form I-526 filings.

On April 20, 2022, without any advance notice or discussion, USCIS suddenly announced two significant and problematic programmatic changes on its website. First, they announced that all existing RCs are no longer authorized, effectively terminating all RC operations. Second, USCIS announced that any previously approved RCs seeking to start new projects and sponsor new EB-5 investors must first file a new RC Application and wait for USCIS approval.[3]

USCIS asserted these new policies were based on its reading of the RIA. That USCIS interpretation of the new law provoked immediate and harsh criticism from stakeholders arguing that the RIA did not deauthorize existing RCs. That industry position was supported by a strongly worded **letter** to DHS signed by Congressional leaders of both parties in the House and Senate.[4]

Despite the public outcry, USCIS was not deterred and instead began to publish various new regional center application forms to implement their newly formulated policy.[5] All the new forms were issued without notice or comment or meaningful engagement with affected stakeholders.

Lawsuit Filed Against USCIS

On April 22, 2022, the EB-5 Investment Coalition's plaintiff, Behring Regional Center LLC ("BRC"), sued USCIS contesting its new policy interpretation that all RCs authorized before the RIA were automatically deauthorized upon the passage of that law.[6] BRC argued that USCIS' interpretation of the RIA was unlawful and directly contravenes the plain language and intent of Congress. BRC also claimed USCIS' actions (essentially legislating through status updates on its website) violates the Administrative Procedure Act (APA). The Plaintiff urged the court for an injunction and to overturn USCIS' recent announcements.[7]

Court Issues Temporary Injunction Against USCIS

On June 24, 2022, United States District Judge Vince Chhabria for the Northern District of California ruled that the agency's action was in fact arbitrary and capricious within the meaning of the APA and ordered a **nationwide preliminary injunction**.[8]

The decision enjoins the agency from "treating as deauthorized the previously designated regional centers" and requires that "those centers must presently be permitted to operate within the regime created by the Act. This includes processing new Form I 526 petitions from immigrants investing through previously authorized regional centers." Thus, RCs may immediately accept new investors as of the date of the decision.

In the opinion, the judge stated that there was "an exceedingly strong showing that the agency violated the APA." He went on to write that the agency was "almost certainly wrong to announce that the centers are no longer authorized." This is important because it indicates that there is a strong likelihood that the plaintiff should also win the underlying case. This point is critical as the plaintiff seeks finality in the case and certainty for the regional center program.

Digging Deeper: Exploring the Court's Temporary Injunction

In granting the preliminary injunction, the judge put forth several reasons for the continued existence of regional centers:

1. The statute's provisions relating to a proposal to establish a new regional center regime generally seem to go against the notion that pre-RIA regional centers ceased to exist;
2. Section 103(b)(1)(F)(ii) gives deference to previously approved business plans – including those approved prior to the RIA;
3. The agency has multiple powers under the Act to enforce the newly enacted integrity measures, including regional center termination;
4. The agency placed too much reliance on the word "repeal" when it may have simply been removing the language from § 610 of appropriation legislation and placing it in the immigration statute at 8 U.S.C. § 1153; and
5. "If Congress had intended to take the seemingly dramatic step of cutting off revenue for hundreds of longstanding regional centers, it could have done so far more transparently."

Moreover, during a recent hearing the government reversed an earlier position and argued that pre-RIA designated regional centers continued to exist after June 30, 2021. The government argued that these regional centers existed but the agency was precluded from accepting Form I-526 petitions associated with the regional centers because the actual sunset provisions applied to the set asides. This is a contorted reading of Section 601 and the judge concluded that the agency had an uphill battle arguing that the Act clearly deauthorized the regional centers. Thus, the judge ruled that:

> [t]he agency's conclusion therefore rests on a misreading of the law: USCIS thought itself compelled by the Integrity Act to treat the existing regional centers as deauthorized, even though the Act does not require that outcome.

There were two additional analyses made with respect to the grant of the preliminary injunction, irreparable harm and balance of hardships/public interest. With respect to irreparable harm, the judge indicated that because the plaintiff cannot recoup its losses from the government, "this is one of those unusual cases where financial harm alone constitutes irreparable harm." Thus, the judge determined that BRC had established irreparable harm.

Regarding the balance of hardships/public interest component, these two "merge when the Government is the opposing party." The judge found that "the agency acted based on an erroneous conclusion about what the Integrity Act requires" – namely, that the regional centers were intended to be deauthorized. With respect to this point, it is worth noting that the judge stated that "Behring is exceedingly likely (if not certain) to prevail on the merits of its claim that the agency's decision is arbitrary and capricious under the Administrative Procedure Act." This is a very strong indication of how the case most likely will be decided on the merits.

Finding the plaintiff satisfied the burden for a preliminary injunction and that the agency violated the law, the judge vacated the agency action. The Court also found that its order of relief should not be limited only to Behring, but to all other existing regional centers. In doing so, the judge ruled that USCIS is "preliminarily enjoined from treating as deauthorized the previously designated regional centers" and that "those centers must presently be permitted to operate within the regime created by the Act. This includes processing new Form I 526 petitions from immigrants investing through previously authorized regional centers." This will remain in effect until there is a ruling on summary judgment or the agency makes a "reasoned decision" consistent with the APA on how previously designated regional centers should be treated since the Act is ambiguous.

Implementing The Temporary Injunction

The decision to grant the preliminary injunction has raised several important questions with respect to its impact on the implementation of the RIA and the processing of regional-center related Forms I-526. AILA's EB-5 Investor Committee has submitted an urgent request to the IPO for clarification of key issues relating to the implementation of the preliminary injunction and will provide updated guidance as soon as it becomes available.

In the interim, while stakeholders work through a deeper analysis of the court's recent decision, we offer our initial observations as follows:

Question: Can all previously approved regional centers now accept investors?

Answer: Most likely, "yes." The issue here is the judge stated that the agency can "do whatever is reasonably necessary to ensure that the existing regional centers comply with the Integrity Act, but those centers must presently be permitted to operate within the regime created by the Act." Regional centers with pre-RIA approved business plans "exemplars" seem most secure. Perhaps, regional centers that do not have an existing approved business plan filed pre-Act could be required to submit a business plan. However, that seems contrary to the judge's order. It seems most likely per the judge's ruling that all regional centers can accept investors, but this has not been confirmed.

Question: Are all the forms that were promulgated after the Act void?

Answer: It would seem that they are void until there is a "reasoned decision" consistent with the APA.

Question: What form should be filed for investors?

Answer: Form I-526 per the judge's ruling.

Question: What about compliance with integrity measures and securities laws under the Act?

Answer: The Court's decision does not eliminate or suspend compliance with the new integrity measures in the RIA. It appears that all RCs must continue to comply with those new rules as well as all applicable securities laws. Stakeholders may anticipate an update from USCIS in the near future about revised compliance and record keeping obligations.

Question: Is this preliminary injunction the end of the litigation process?

Answer: No. It is anticipated the plaintiff will file a motion for summary judgment on all the issues including the questions above so that there is finality and certainty. Hopefully, the agency will engage in notice and comment and make reasoned decisions consistent with the APA.

Question: Will USCIS appeal the decision?

Answer: Its most likely that USCIS will appeal. However, if there is a motion for summary judgment, it should moot the appeal of the preliminary injunction.

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[1] Special thanks to AILA EB-5 Investor Committee members Jeff Campion, Phuong Le, and David Morris.

[2] **Practice Alert: President Biden Signs into Law the EB-5 Reform and Integrity Act of 2022**. AILA Doc. No22030904.

[3] "*EB-5 Immigrant Investor Program*" **https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program** (last accessed May 30, 2022)

[4] See, AILA Doc. No. 22051206.

[5] See, **AILA Sends Questions and Comments in Advance of USCIS EB-5 Public Engagement**. AILA's EB-5 Investor Committee sent a letter to USCIS with questions and comments in advance of an USCIS EB-5 Reform and Integrity Act of 2022 Listening Session and proposed an engagement between AILA, EB-5 trade associations, industry groups, and the IPO in the coming weeks. AILA Doc. 22051251. See also, **AILA Sends Letter to USCIS on EB-5 Reform and Integrity Act of 2022**. AILA sent a letter to USCIS requesting public engagement as soon as possible on the implementation of the EB-5 Reform and Integrity Act of 2022. AILA Doc. No. 22031707.

[6] **Behring Regional Center LLC v. Mayorkas,** (Case No. 3:22-cv-02487-VC).

[7] A month later, on May 24, 2022, a second similar lawsuit challenging USCIS interpretation of the RIA was filed in the U.S. District Court for the District of Columbia by Invest In The USA ("IIUSA") and a consortium of regional centers. See**, EB5 Capital et al v. United States Department of Homeland Security et al (Civ. No. 1:22-cv-1455)**.

[8] See AILA Doc. No. 22062732.

Special thanks to EB-5 committee members David Morris, Tammy Fox-Isicoff, Matt Galati, Jennifer Hermansky, Dillon Colucci, and Phuong Le for their contributions to this practice pointer.

January 5, 2022

On January 5, 2022, the Department of Justice (DOJ) filed on **unopposed motion to dismiss** DHS' appeal of *Behring Regional Center LLC v. Alejandro N. Mayorkas, et al*. (formerly *Behring Regional Center LLC v. Wolf,* 20-cv-09263-JSC). This is welcome news and clears up questions and uncertainty for pending I-526 petitions that may have been impacted since DHS filed their initial appeal in August 2021, including:

- The November 2019 EB-5 Immigrant Investor Program Modernization **Final Rule** remains **vacated and invalid**.
- Pre-November 2019 EB-5 regulations remain in effect, including **$500,000 minimum investment amounts** projects located in qualifying Targeted Employment Areas (TEAs).
- I-526 petitions that have been filed since June 2021 will be adjudicated under the pre-November 2019 EB-5 regulations, including petitions that qualify under the $500,000 minimum investment amount and TEA certification rules (such as TEA letters issued by state and local agencies).
- New direct I-526 petitions that are filed will also be adjudicated under the pre-November 2019 regulations.

While this is certainly good news, members are reminded that the EB-5 Regional Center program has yet to be reauthorized and currently only direct I-526 petitions may be filed under these regulations.

AILA's EB-5 Committee will continue to monitor the situation and update AILA members as new information becomes available.

August 23, 2021

DHS appealed the U.S. District Court decision in favor of Behring Regional Center, which held the November 2019 EB-5 Immigrant Investor Program Modernization Final Rule invalid. DHS's timely appeal of the Behring decision raises the question as to whether or not a $500,000 investment in an EB-5 project will be sufficient to qualify applicants for an EB-5 visa who filed I-526 petitions with USCIS after the June 22, 2021, district court decision. If the Ninth Circuit reverses the U.S. district court's opinion, the investment amount may revert back to the investment amounts set forth in the EB-5 Final Rule ($900,000 for Targeted Employed Area (TEA) investments and $1.8 million for non-TEA investments).

With this ongoing uncertainty, the AILA EB-5 Committee suggests that EB-5 practitioners include a warning in the EB-5 retainer agreement to the effect that the government has appealed the district court's decision in *Behring Regional Center LLC vs. Wolf*, a decision which vacated the EB-5 Final Rule and permits EB-5 investments in a TEA of $500,000. If the appellate court reverses the determination of the district court, USCIS may find that investments of $500,000 are not sufficient for EB-5 approval. For more information about the *Behring Regional Center LLC vs. Wolf* ruling, please see below.

July 7, 2021

On July 6, 2021, USCIS issued a **notice** reinstating the pre-Modernization Regulations, which reads as follows:

> ***Alert:*** *On June 22, 2021, the U.S. District Court for the Northern District of California, in Behring Regional Center LLC v. Wolf, 20-cv-09263-JSC, vacated the* ***EB-5 Immigrant Investor Program Modernization Final Rule (PDF)****. While USCIS considers this decision, we will apply the EB-5 regulations that were in effect before the rule was finalized on Nov. 21, 2019, including:*
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> *No priority date retention based on an approved Form I-526;*
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> *The required standard minimum investment amount of $1 million and the minimum investment amount for investment in a Targeted Employment Area (TEA) of $500,000;*
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> *Permitting state designations of high unemployment TEAs; and*
>
> *Prior USCIS procedures for the removal of conditions on permanent residence.*
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> *In other words, we are applying the regulations in effect before Nov. 21, 2019, on this website and in the* ***USCIS Policy Manual, Volume 6, Part G, Investors****. In addition, we again will accept the April 15, 2019, version of* ***Form I-526, Immigrant Petition by Alien Entrepreneur****, because the Nov. 21, 2019, version of the form reflects updates from the now-vacated rule.*

Impact on the EB-5 Regional Center Program

The USCIS notice reinstating the pre-Modernization Regulations has no present impact on new I-526 filings under the EB-5 Regional Center Program because that program lapsed on June 30, 2021.

Regional Center applicants seeking to file new I-526 petitions cannot take advantage of the restored $500,000 minimum investment amount and TEA rules unless and until Congress reauthorizes the program. Even then, such window of opportunity would exist only if there are no changes to the eligibility requirements in any potential new legislation which could override the existing regulations.

Impact on the EB-5 Direct Jobs Program

Perhaps the biggest beneficiaries of the new USCIS reinstatement notice are EB-5 investors filing I-526 petitions under the Direct Jobs Program.

The Direct Jobs Program (the non-regional center program) is not subject to the sunset of June 30, 2021, and it requires no reauthorization by Congress. Therefore, "direct" investors can continue filing applications and USCIS will continue to adjudicate those I-526 petitions and any I-485 applications filed after their approval.

The current benefit to these investors is that they can prove eligibility with a $500,000 minimum investment amount under the old TEA rules.

Caveat: We do not know if USCIS will appeal the Court's decision in the case of Behring Regional Center LLC v. Wolf. We also do not know what impacts might attach to I-526 filings relying on the reinstated Pre-Modernization Regulations if an appeals court reverses the lower court decision.

AILA continues to monitor these issues surrounding the litigation and the reauthorization of the Regional Center program and will provide updates as necessary.

June 25, 2021

Introduction

On June 22, 2021, the United States District Court (Northern District of California) issued an order vacating the 2019 EB-5 Immigrant Investor Program Modernization Final Rule ("Modernization Regulations")[1] in a lawsuit titled, *Behring Regional Center LLC v. Wolf et. al.*, (3:20-cv-09263-JSC). The ruling was issued effective immediately and its impact is national in scope – meaning it is not limited to just California where the decision was made.

On June 30, 2021, the EB-5 Regional Center Program will sunset, as Congress has failed to act to reauthorize the program prior to its expiration. It is unclear when, or if, Congress will pass legislation reauthorizing the program.

Summary of *Behring Regional Center LLC v. Wolf, et al.*

The *Behring Regional Center LLC v. Wolf et.al.* lawsuit challenged the Modernization Regulations on the basis that they were not lawfully promulgated because then-acting Department of Homeland Security (DHS) secretary Kevin McAleenan was not properly serving in his position. Magistrate Judge Jacqueline Scott Corley of the U.S. District Court for the Northern District of California ruled that the regulations were not promulgated and that DHS could not ratify them. Generally, the ruling means the agency must go through a new notice and comment rulemaking.

As of the date of this Practice Pointer, the government has not yet appealed the decision. However, it is likely that the government will appeal this decision, as it has wide reaching ramifications beyond immigration law under the Federal Vacancies Reform Act.

What Does This Mean for EB-5 Investors?

The effect of the Judge's order is that the previous regulations revert as controlling, and therefore the minimum investment amount is $500,000 for TEA investments and $1,000,000 for non-TEA investments. Also, in order to demonstrate an investment is in a TEA, an investor must obtain a designation letter from the relevant State government or provide evidence that the county in which the investment is located has an unemployment rate more than 150% of the national average. Furthermore, a "rural area" means any area not within either a metropolitan statistical area (as designated by the Office of Management and Budget) or the outer boundary of any city or town having a population of 20,000 or more.

What has USCIS Said About this Decision?

As of the date of this Practice Pointer, USCIS has not issued any notice or guidance about the decision vacating the EB-5 Modernization Regulations or the restoration of the pre-November 2019.

When do we expect to hear from USCIS?

AILA has reached out to USCIS to seek guidance regarding this decision. However, it is unclear when USCIS will issue a notice about the decision and its impacts on adjudication standards and petitioner eligibility. There may be tactical reasons for their delay in any such notice, including their intention to appeal the decision which may include a request for stay. This may also be compounded by the impending temporary lapse in the EB-5 Regional Center Program.

In the past, USCIS has issued guidance following major lawsuits that impacted adjudication standards. The most recent example is their publishing **notice** following the federal court decision on the public charge final rule on March 10, 2021.[2]

So, we do expect USCIS to issue a notice about this EB-5 ruling, its simply a matter of when that will be published. AILA will provide information as it becomes available.

Impact on the EB-5 Regional Center Program

The impact of the order vacating the EB-5 Modernization Regulations (and restoring the pre-November 2019 rules) are different in the EB-5 Regional Center context then the EB-5 Direct Jobs classification. This is true for a couple of important reasons.

If your client think he wants to rush file a I-526 Petition before June 30, 2021, then carefully consider the following issues:

*1. The Regional Center Program **WILL** lapse as of June 30, 2021.*

The Senate has adjourned for recess and will not be back in session until after July 12, 2021. That means the EB-5 Regional Center Program will lapse on June 30 due to the failure of Congress to reauthorize or extend by that pre-existing Sunset Date.

On June 24, 2021, AILA's EB-5 Committee issued a **Practice Alert** reminding practitioners that the applicable provisions of immigration law concerning the EB-5 Immigrant Investor Regional Center Program (RC Program) will "sunset" or expire at midnight on June 30, 2021, as Congress has failed to act to reauthorize the program prior to its sunset.[3] The Committee outlined potential options for long-term and short-term reauthorization of the RC Program as well as the potential impact if the RC Program is not reauthorized by June 30, 2021. As of the date of this current Practice Alert, we confirm that the Program will, in fact, lapse.

2. How will USCIS handle RC-associated applications during the lapse?

USCIS has not published any recent guidance on the impact of the lapse. As a result, there is great uncertainty as to USCIS policy relating to the filing and holding in abeyance of all regional center applications (I-526, I-485, I-829, I-924 and I-924A). AILA has reached out to USCIS for further guidance on the impact of the temporary lapse on adjudications and will provide information as it becomes available.

The EB-5 Committee reminds members that USCIS previously issued **guidance** on this subject on December 25, 2018.[4] However, it remains uncertain if stakeholders can rely on that guidance, as USCIS has treated petitions differently in the past. It should be noted that USCIS did not hold in abeyance I-829 Petitions during the sunset in 2018. The simple answer is that nobody knows how USCIS will handle these cases.

Remember, however, that the Direct Jobs Program does NOT expire (or sunset) and remains fully operational allowing for issuance of EB-5 visa benefits.

3. Issues to raise with your client who wants to file a I-526 petition in the Regional Center Program before June 30, 2021.

Investors seeking to take advantage of the $500,000 investment threshold prior to the sunset should be aware of the heightened risk for adverse consequences based on future court or regulatory actions by the government. Counsel to an Investor seeking to file a regional center sponsored I-526 petition during this time must discuss and outline the relevant risks to the investor prior to filing a petition. Below is a list of special considerations for counsel to discuss with clients:

A. Do the project documents allow for a $500,000 investment? An I-526 petition sponsored by a regional center typically requires extensive corporate documentation to demonstrate the applicant has an irrevocable commitment to invest the required capital amount. Practitioners should review all documentation attached to an I-526 petition to ensure compliance with applicable laws and regulations, including, but not limited to, private placement memorandum, operating agreements, business plans, economic reports, subscription agreements, escrow agreements, TEA determinations, and any other documents filed with such petition.
B. What if clients ask to invest only a portion of the investment? USCIS has not issued clear guidance on their interpretation of "in the process of investing." It is not clear how USCIS will treat petitions where the investor only transferred a portion of the investment funds to the new commercial enterprise at the time of filing the I-526 petition. USCIS frequently uses the "approvable when filed" standard to deny EB-5 petitions.

C. What if the client seeks to file without fulsome, or even any, source of funds documents? USCIS recently reverted to its previous guidance on **"Requests for Evidence and Notices of Intent to Deny**."[5] However, it is not clear how USCIS will treat a petition where little to no source of funds materials are presented in the I-526 petition. Again, USCIS frequently uses the "approvable when filed" standard to deny EB-5 petitions.

D. What if a TEA designation is not yet completed by the appropriate State? USCIS has no published policy on accepting "back dated" TEA letters that are inter-filed later into a petition.

E. Will I-526 petitions filed between the Court's decision and June 30, 2021 be "grandfathered" at the lower investment amounts? As discussed here, it is not yet known if the government will appeal the Court's decision in *Behring*. A subsequent court ruling overturning the District Court's decision could materially impact whether an I-526 petition filed at the lower investment threshold is "approvable when filed."

F. What will happen to pending petitions or applications after June 30, 2021? As of the date of this Alert, there is no legislative action passed to extend the EB-5 Regional Center program beyond June 30, 2021. USCIS previously indicated during a lapse of the program in 2018 that pending I-526 petitions, I-485 applications and I-924 applications will be held in abeyance until Congress takes action to reauthorize the Regional Center program. However, it is not known how long USCIS will hold applications in abeyance if Congress fails to quickly reauthorize the Regional Center program.

G. Can you continue to file I-526 petitions and I-485 applications with USCIS after June 30, 2021? While USCIS stated that new I-526 petitions and I-485 applications could continue to be filed after the lapse of the Regional Center Program in 2018, USCIS has not yet confirmed whether it will continue to accept and receipt in those applications beyond June 30, 2021.

H. Can the Client obtain a full refund of his capital investment and costs if he files the I-526 petition now during this brief window but ultimately the petition is later denied (for such reasons as Program not extended, USCIS no longer holding cases in abeyance, Modernization Regulations are restored on appeal, or any other project-related issues)?

Due to the risks involved and the last-minute nature of the court's decision discussed above the sunset date of the Regional Center Program, practitioners should exercise heightened caution and make sure clients understand the associate risks of investment and filing at this time.

Impact on the EB-5 Direct Jobs Program

The "direct" EB-5 program (the non-regional center program) is not subject to the sunset on June 30, 2021 and it requires no reauthorization by Congress. Therefore, interested "direct" investors can continue filing applications beyond June 30, 2021 and USCIS can continue adjudicating those I-526 petitions and any I-485 applications filed after their approval.

However, investors filing at the lower investment threshold of $500,000 or $1,000,000 are still subject to adjudication risk surrounding the *Behring* decision as discussed throughout this Practice Pointer. Counsel for investors should be discussing these risks with their clients so they can make an informed decision prior to filing any new I-526 petition.

Protecting Attorney Interests

Given the significant uncertainty and likelihood of continuing changes in the EB-5 program, it is important that AILA members properly advise clients for their protection and for the attorney's own interest. AILA members should review their engagement letters and include appropriate written warnings to clients.

AILA continues to monitor these issues surrounding the litigation and the reauthorization of the Regional Center program and will provide updates as necessary.

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[1] 84 Fed. Reg. 35750 (Jul. 24. 2019).

[2] AILA Doc. No. 21031133.

[3] AILA Doc. No. 21061041.

[4] AILA Doc. No. 18122617.

[5] AILA Doc. No. 21060937.

Cite as AILA Doc. No. 21062534.
