

Form I-956-001 NEW - Responses to 30-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2022-0010](#)

30-day FRN Citation (federalregister.gov): [87 FR 79343](#)

Publish Dates: December 27, 2022 – January 26, 2023

Comment #	Commenter ID	Comment	USCIS Response
1.		Commenter: Klasko Immigration Law Partners LLP	
	0041 (see attachment)	Klasko Immigration Law Partners LLP (“Klasko,” or “KILP”) respectfully submits the attached comments on behalf of all the plaintiffs in EB5 Capital, et al. v. DHS, et al., (No. 3:22-cv-3948-VC (N.D. Cal.)), .)), and plaintiff Invest in the USA (“IIUSA”) in Behring Regional Center LLC vs. Alejandro Mayorkas et al., Case No. 3:22-cv-2487VC (ND Cal.), to the above-referenced Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”) Agency Information Collection Activities: Draft Form I-956K (OMB Control No.:1615-NEW; Docket ID: USCIS–2022-0010) (hereinafter “Form I-956K”, or the “Form”) pursuant to a notice collection dated December 27, 2022. These comments are intended to supplement the November 1, 2022, comments submitted by plaintiffs on this form.	Response: See Comment Response below labeled with Commenter ID: 0041. The information from the attachment is listed below and will be addressed in this section. See Comment # 2 - 6.
2.		Commenter: Klasko Immigration Law Partners LLP	
	0041	Form I-956K Definitions: The Form calls for the registration of “direct promoters,” “third-party promoters,” and “migration agents.” Neither the statute, the regulations, nor the instructions to the Form define these terms, and they are not self-defining. The instructions should indicate USCIS’ definition of these terms before individuals or entities are required to register. Specifically, the instructions should distinguish between the terms so that a registrant can determine which category(ies) are applicable.	Response: USCIS may consider rulemaking to address these issues.

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3.		Commenter: Klasko Immigration Law Partners LLP	
	0041	Form I-956K Online Applications It is essential that the registrant be able to register online and provide the required evidence electronically. Mailing the form and documentation, particularly for registrants in remote areas, may prove unduly burdensome. USCIS should state when online Form I-956K registration will be available.	Response: USCIS is in the process of making all forms digital, however at this time there is not an expected completion date for the digital intake for I-956K.
4.		Commenter: Klasko Immigration Law Partners LLP	
	0041	Form I-956K Receipt Notices USCIS should confirm that electronic receipt notices will be provided to Form I-956K registrants and indicate the expected time frame for such notices.	Response: Receipt notices will be mailed to registrants on I-956K. USCIS is working on the automation of sending digital receipt notices but there is not an expected completion date for I-956K at this time.
5.		Commenter: Klasko Immigration Law Partners LLP	
	0041	Form I-956K Penalties The instructions state the following regarding penalties: “If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-956K, we may take appropriate action on any associated applications or petitions, which may include the denial of another immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.” USCIS should clarify what applications or petitions could be considered “associated” with a Form I-956K filing. USCIS should also clarify what immigration benefits may be denied. USCIS should confirm that investors will not be denied immigration	Response: If a promoter falsifies or conceals facts material to a regional center application or petition, this may result in the denial of that application or petition. This may include denials of Forms I-956F, I-526, and I-829. Appropriate actions may also include sanctions of regional centers. USCIS may consider rulemaking to address these issues further.

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		benefits due to fraud or misrepresentation by promoters.	
6.		Commenter: Klasko Immigration Law Partners LLP	
	0041	Form I-956K Miscellaneous Considerations USCIS should confirm that filing the Form I-956K is sufficient to enable the promoter activities to commence and should provide an effective date for Form I-956K registration, which is 30 days after finalization.	Response: Promoters may commence promotional activities after properly filing the Form I-956K. If a promoter receives notice that their form was rejected due to an improperly filed or incomplete submission, the promoter should pause promotional activities until they refile.
7.		Commenter: Klasko Immigration Law Partners LLP	
	0040 (see attachment)	Klasko Immigration Law Partners LLP (“Klasko,” or “KILP”) respectfully submits the attached comments on behalf of all the plaintiffs in EB5 Capital, et al. v. DHS, et al., (No. 3:22-cv-3948-VC (N.D. Cal.)), .)), and plaintiff Invest in the USA (“IIUSA”) in Behring Regional Center LLC vs. Alejandro Mayorkas et al., Case No. 3:22-cv-2487VC (ND Cal.), to the above-referenced Department of Homeland Security (“DHS”) and U.S. Citizenship and Immigration Services (“USCIS”) Agency Information Collection Activities: Form I-956G (OMB Control No.:1615-NEW; Docket ID: USCIS–2022-0010) (hereinafter “Form I-956G”) pursuant to a notice collection dated December 27, 2022. These comments are intended to supplement the October 28, 2022, comments submitted by plaintiffs on this form.	Response: See Comment Response below labeled with Commenter ID: 0040. The information from the attachment is listed below and will be addressed in this section. See Comment # 8 - 9.
8.		Commenter: Klasko Immigration Law Partners LLP	
	0040	I-956G Instructions RIA Requirements Are Not Applicable to Pre-RIA Projects. The instructions should clarify that certification and/or documentation for specific RIA requirements, such as separate accounts, fee disclosures, fund administrators, or annual audits, apply	Response: USCIS may consider rulemaking to address this issue.

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		only to I-956F projects described in the Form I-956G. These limiting instructions, and the language within the form, should be specifically applicable to Attachment 1 #18 regarding fee disclosures, #26 regarding separate accounts, #27 regarding fund administrator, and #28 regarding investment advisor and broker-dealer control. In addition, Attachment 1 #27 should provide an opportunity to select annual audits instead of a fund administrator and provide certain information regarding those audits.	
9.		Commenter: Klasko Immigration Law Partners LLP	
	0040	Form I-956G Winding Down Regional Centers In addition, USCIS should clarify that regional centers that do not intend to do business under RIA and therefore do not file a Form I-956 (“Winding Down” regional centers) will not be terminated based solely on their failure to file a Form I-956, if those Winding Down regional centers file the Form I-956G annually.	Response: USCIS may consider rulemaking or appropriate sub-regulatory guidance to address this issue.