

## EB-5 Visa Retrogression Update: Guangzhou Consulate Cancelling Scheduled Immigrant Visa Interviews

Article By:

Dillon R. Colucci

Kate Kalmykov

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Effective immediately, the **National Visa Center (NVC)** in concert with the **U.S. Consulate in Guangzhou** has begun issuing cancellation notices to individuals with scheduled immigrant visa interviews due to retrogression. This is a departure from the prior practice whereby individuals with scheduled immigrant visa interviews would have already been allocated an immigrant visa number, thus not subjecting them to retrogression. Individuals with recently scheduled immigrant visa interviews should check with their attorneys or legal representatives to ascertain whether a cancellation has occurred.

Individuals who receive a cancellation notice will be affected by retrogression. Accordingly, those individuals will have to review the monthly visa bulletin to ascertain when their priority date is current. Once their priority date is current, they will be able to re-apply for an EB-5 immigrant visa. Additionally the DOS maintains a “Priority Date Checker” which is an interactive form that will automatically populate the cut-off date applicable for you. Further information can be found [here](#) in English and [here](#) in Mandarin.

For those individuals who have derivative beneficiaries who are at risk of “aging-out,” this will not adversely affect those dependents. Any derivative beneficiary who submitted a DS-260, OR paid an immigrant visa fee will be protected by the Child Status Protection Act.

Additionally, we have begun receiving reports from the EB-5 community that NVC notices of scheduled immigrant visa interviews are not being mailed timely, which is leading to individuals missing scheduled immigrant visa interviews. This is unsurprising given the NVC’s inability to function effectively the past nine months. Please check back to our blog for further updates to these developing issues.

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