

EB 5 Integrity Fund: What Investors Pay

A comprehensive guide from EB5 Attorneys

The EB 5 Integrity Fund is a dedicated funding mechanism created by the EB 5 Reform and Integrity Act of 2022 to finance USCIS oversight, compliance audits, and enforcement activities within the EB 5 program. Every investor filing an I 526E petition pays \$1,000 into this fund. Regional centers pay their own annual fees. This guide explains what the fund pays for, how it affects investors and regional centers, and whether it has delivered on its promise of improved program integrity.

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What the Integrity Fund Is and How It Was Created

The EB 5 Integrity Fund was established by Section 104(a)(3) of the EB 5 Reform and Integrity Act of 2022, codified at INA § 203(b)(5)(H)(iv). Before the RIA, USCIS funded its EB 5 operations through general filing fees, which meant that compliance and enforcement activities competed with adjudication for limited resources. Congress created the Integrity Fund as a separate, dedicated funding source specifically for program integrity functions. The fund is financed through two primary sources. First, each I 526E petition is accompanied by a \$1,000 integrity fund fee paid by the investor (or on the investor's behalf). This fee is separate from the I 526E filing fee and is collected at the time of petition submission. Second, regional centers pay an annual fee based on the number of investors in their projects, with the specific amount set by USCIS. As of April 2026, the annual regional center fee is \$20,000, plus an additional amount per investor associated with the regional center. These fees are deposited into the Integrity Fund and are available to USCIS exclusively for EB 5 program integrity activities. The fund cannot be diverted to general USCIS operations or other immigration programs. This earmarking was deliberate: Congress intended the fund to provide a stable, dedicated revenue stream that ensures USCIS has the resources to actively oversee the EB 5 program rather than relying on reactive enforcement after fraud has already occurred.

What the Integrity Fund Pays For

The statute authorizes the Integrity Fund to be used for several specific purposes under INA § 203(b)(5)(H)(iv)(II). These include conducting compliance reviews of regional centers, new commercial enterprises, job creating entities, and associated fund administrators. USCIS uses the fund to conduct both scheduled and unannounced site visits to regional center projects, verifying that project activities match the representations in approved business plans and offering documents. The fund also pays for investigations into potential fraud, material misrepresentation, and securities law violations within the EB 5 program. USCIS has used Integrity Fund resources to hire specialized compliance officers, forensic accountants, and investigators with expertise in securities and financial crimes. These personnel review regional center financial records, audit fund administration practices, and investigate tips and referrals about potential program abuse. Training is another authorized use. The fund supports training for USCIS adjudicators, compliance officers, and other personnel involved in EB 5 operations. Given the financial complexity of EB 5 cases (which involve business valuations, economic modeling, securities offerings, and multi jurisdictional transactions), specialized training is necessary for effective oversight. Finally, the fund supports technology and systems upgrades that improve USCIS's ability to monitor and manage the EB 5 program, including data analytics tools that can identify patterns of potential non compliance across the portfolio of approved regional centers.

The \$1,000 Investor Fee: How It Is Collected and What It Means for Your Budget

The \$1,000 Integrity Fund fee is paid by the investor at the time the I 526E petition is filed. It is submitted as a separate payment from the I 526E filing fee (\$11,160 as of April 2026). The fee is non-refundable, meaning it is not returned if the petition is denied, withdrawn, or abandoned. For investors budgeting the total cost of their EB 5 case, the Integrity Fund fee adds to an already substantial list of expenses. The total government filing fees for a typical EB 5 case include the I 526E filing fee (\$11,160), the Integrity Fund fee (\$1,000), the I 485 adjustment of status fee (\$1,440) or consular processing fee (DS 260 immigrant visa fee of \$345 plus \$235 USCIS immigrant fee), and the I 829 petition to remove conditions fee (\$9,795). These fees total approximately \$22,000 to \$23,000 in government fees alone before attorney fees, regional center administrative fees, and the investment itself. The Integrity Fund fee applies per petition, not per family. If you are filing a single I 526E petition with derivative beneficiaries (spouse and children), you pay one \$1,000 fee. However, in the rare situation where multiple family members file separate petitions, each petition requires its own \$1,000 fee. Your attorney should include the Integrity Fund fee in the comprehensive cost estimate provided at the start of your engagement.

Regional Center Annual Certification and Fees

Regional centers bear a significantly larger financial burden from the Integrity Fund than individual investors. Under INA § 203(b)(5)(H)(iv)(I), each regional center must pay an annual fee to maintain its designation. The base fee is \$20,000 per year, with additional per investor assessments that can bring the total annual cost to hundreds of thousands of dollars for large regional centers with many investors. In addition to the annual fee, regional centers must file annual certifications (Form I 956G) attesting to their compliance with all applicable requirements. The certification requires detailed financial reporting, including audited financial statements for the regional center, each new commercial enterprise, and each job creating entity. The cost of preparing these certifications (accounting fees, audit fees, legal fees) is borne by the regional center and ultimately passed through to investors in many cases through fund administrative fees or project expenses. Regional centers that fail to pay the annual fee or file the required certification face termination of their designation, with the cascading effects on investors described in our guide on regional center designation loss. The annual certification and fee requirement creates a recurring compliance burden that some smaller regional centers may find financially challenging, potentially leading to consolidation in the industry as smaller operators exit and larger, better capitalized regional centers absorb their projects.

How the Integrity Fund Affects Investors vs. Regional Centers

The Integrity Fund's impact falls differently on investors and regional centers. For investors, the direct impact is the \$1,000 per petition fee, a relatively modest amount in the context of an \$800,000 or \$1,050,000 investment. The indirect impact is potentially more significant: the fund supports oversight activities that may slow processing times (as USCIS conducts more thorough reviews) but should reduce the risk of fraud and project failure. For regional centers, the impact is substantial. The annual fees, certification requirements, and compliance reviews represent a significant operational cost and administrative burden. Regional centers must invest in compliance infrastructure (personnel, systems, audit processes) to meet the heightened standards. Those that fail to invest in compliance face termination. The intended effect is to drive underperforming or noncompliant operators out of the program, leaving a smaller but more reliable pool of regional centers. From the investor's perspective, the Integrity Fund creates a tension between short term costs and long term program quality. The fee adds to the cost of participating in the EB 5 program, and the increased compliance scrutiny may extend processing times as USCIS reviews are more thorough. However, the fund also funds the investigations and audits that protect investors from fraudulent or poorly managed projects. Over time, a well functioning Integrity Fund should reduce the incidence of project failures and fraud that have historically damaged investor confidence in the program.

The Fund's Role in Program Oversight and Enforcement

Before the RIA and the Integrity Fund, USCIS EB 5 oversight was widely criticized as inadequate. The Government Accountability Office (GAO), the DHS Office of Inspector General, and the SEC all published reports identifying significant vulnerabilities in the EB 5 program, including insufficient monitoring of regional centers, lack of coordination with securities regulators, and limited ability to detect fraud before investors were harmed. The Integrity Fund was designed to address these gaps by providing dedicated resources for proactive oversight. USCIS has used the fund to establish a dedicated EB 5 compliance unit staffed with investigators and analysts who specialize in the program. This unit conducts regular compliance reviews of regional centers, which include reviewing financial records, verifying job creation claims, and assessing whether project activities match approved business plans. The fund also supports coordination with other federal agencies, including the SEC, the Financial Crimes Enforcement Network (FinCEN), and the Department of Justice. This interagency coordination was largely absent before the RIA and the availability of Integrity Fund resources. When USCIS investigators identify potential securities fraud or money laundering in an EB 5 project, they can refer the matter to agencies with enforcement authority, creating a more complete enforcement framework. USCIS has published limited information about specific enforcement actions funded by the Integrity Fund, but the agency has reported an increase in compliance reviews and site visits since the fund became operational.

Has the Integrity Fund Improved Program Integrity?

Evaluating the Integrity Fund's effectiveness less than four years after its creation is premature, but some trends are observable. The number of compliance reviews and site visits has increased, according to USCIS reporting. Several regional centers have been terminated for compliance failures that likely would not have been detected under the pre RIA oversight framework. The annual certification requirement has created a regular check in point that forces regional centers to maintain current financial records and demonstrate ongoing compliance. However, the fund has also faced criticism. Some practitioners argue that the increased compliance burden has disproportionately affected smaller regional centers while large operators with dedicated compliance departments absorb the costs more easily. Others contend that USCIS has been slow to staff up its compliance unit and that the fund has accumulated a surplus rather than being fully deployed. The true test of the Integrity Fund will be measured over years and decades. If the fund reduces the frequency and severity of EB 5 fraud cases (such as the high profile cases that plagued the program in the 2010s), it will justify the cost. If it becomes primarily a revenue generator without proportionate enforcement output, Congress may need to revisit the framework. For investors, the practical question is whether the projects and regional centers available today are better vetted and more transparent than those available five years ago. The early evidence suggests that they are, though the improvement cannot be attributed solely to the Integrity Fund versus the broader regulatory framework established by the RIA.

What Investors Should Know Before Filing

Before filing your I 526E petition, understand how the Integrity Fund fits into the larger cost and compliance picture of your EB 5 investment. Budget for the \$1,000 fee as part of your total filing costs. Ask your regional center whether its annual fees and compliance costs are passed through to investors (and if so, how). Verify that your regional center is current on its annual certification by checking USCIS records. The Integrity Fund fee is not a guarantee of project success or fraud protection. It funds USCIS oversight, but the ultimate responsibility for selecting a sound investment remains with you and your advisors. Think of the fee as paying for a regulatory framework that reduces (but does not eliminate) the risk of fraud and mismanagement. Your attorney should explain how the Integrity Fund and the broader RIA compliance framework affect the project you are considering. A well run regional center will welcome the increased oversight because it validates their operations. A regional center that complains about compliance costs or seems unprepared for the new regulatory environment may be a higher risk partner. Due diligence before investing remains the single most important step you can take to protect your EB 5 petition, and the Integrity Fund supports (but does not replace) that due diligence.

Frequently Asked Questions

1. Is the \$1,000 Integrity Fund fee refundable if my petition is denied?

No. The Integrity Fund fee is non refundable regardless of the outcome of your petition. This is consistent with USCIS's general policy on filing fees. The fee is collected at the time of filing and deposited into the Integrity Fund for program oversight purposes. It is not tied to the adjudication outcome of your individual petition.

2. Do I pay the Integrity Fund fee per family member or per petition?

The fee is per I 526E petition, not per individual. A single I 526E petition typically includes the principal investor and derivative beneficiaries (spouse and unmarried children under 21). You pay one \$1,000 fee for the petition, regardless of how many family members are included as derivatives.

3. How much does a regional center pay into the Integrity Fund each year?

Regional centers pay a base annual fee of \$20,000, plus additional per investor assessments. The total annual cost depends on the number of investors associated with the regional center's projects. Large regional centers with hundreds of investors may pay significantly more than the base fee. These costs are set by USCIS and are separate from any state or federal registration fees the regional center may owe.

4. Can I see how the Integrity Fund money is being spent?

USCIS provides limited public reporting on Integrity Fund expenditures. The agency has disclosed general information about increased compliance reviews and site visits, but detailed financial accounting of the fund's receipts and expenditures is not published in a format easily accessible to individual investors. Congressional oversight committees have requested more detailed reporting, and USCIS may provide additional transparency in future reporting periods.

5. Does the Integrity Fund replace the need for my own due diligence?

Absolutely not. The Integrity Fund supports USCIS oversight of the EB 5 program, but it does not vet individual investments on your behalf. USCIS compliance reviews focus on whether regional centers meet regulatory requirements, not on whether a specific project is a sound investment. You remain responsible for conducting thorough due diligence on the project, the regional center, the management team, the financial projections, and the securities offering. Your attorney and financial advisors play a central role in this process.

6. What happens to the Integrity Fund if the EB 5 program is changed again by Congress?

The Integrity Fund is established by statute under INA § 203(b)(5)(H)(iv). Congress could modify or eliminate the fund through future legislation, but doing so would require an affirmative act of Congress. Given that the fund was created specifically to address longstanding program integrity concerns identified by the GAO and DHS Inspector General, elimination seems unlikely in the near term. Any changes to the fund would presumably include transition provisions for fees already collected.

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