



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 18506615

Date: FEB. 17, 2022

Appeal of Immigrant Investor Program Office Decision

Form I-526, Immigrant Petition by Alien Entrepreneur

The Petitioner seeks classification as an immigrant investor pursuant to the Immigration and Nationality Act (the Act) section 203(b)(5), 8 U.S.C. § 1153(b)(5). This fifth preference (EB-5) classification makes immigrant visas available to foreign nationals who invest the requisite amount of qualifying capital in a new commercial enterprise (NCE) that will benefit the United States economy and create at least 10 full-time positions for qualifying employees.

The Chief of the Immigrant Investor Program Office denied the petition, finding that the Petitioner did not demonstrate his investment in the NCE would create full-time positions for at least 10 qualifying employees, he placed the requisite amount of capital at risk, his investment funds derived from lawful sources, or that the NCE was principally doing business in a targeted employment area. The Petitioner appeals, maintaining that he has established eligibility for the EB-5 classification.

In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010). Upon *de novo* review, we will dismiss the appeal.

I. LAW

A foreign national may be classified as an immigrant investor if he or she invests the requisite amount of qualifying capital in a NCE. The foreign national must show that his or her investment will benefit the United States economy and create at least 10 full-time jobs for qualifying employees. An immigrant investor may invest the required funds directly in an NCE, as in this case, or through a regional center.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

II. ANALYSIS

The Petitioner indicates he invested \$500,000 in [REDACTED] the NCE, which provides freight forwarding, logistics, and transportation services, and is located in South Carolina. According to the submitted business plan, the NCE plans to hire employees for the daily operation of the NCE.

The Petitioner in this case did not submit an adequate appeal for review. The form I-290B itself, filed on September 3, 2019, did not specifically identify any erroneous conclusion of law or statement of fact but asserted a brief and additional evidence would be submitted within 30 days. The Petitioner requested additional time to file a brief and, on October 10, 2019, we provided the Petitioner an additional 30 days to file his appellate brief. As of the date of this decision, the Petitioner has not provided an appellate brief or additional evidence. The complete appeal, including any supporting brief, must be submitted within 30 days after the service of the decision. 8 C.F.R. § 103.3(a)(2)(i). We will therefore summarily dismiss this appeal because it did not identify specifically any erroneous conclusion of law or statement of fact in the unfavorable decision and the supporting brief was not submitted within 30 days after the service of the decision or the additional 30-day extension provided to him. 8 C.F.R. § 103.3(a)(1)(v), (2)(i).

III. CONCLUSION

We will summarily dismiss the Petitioner's appeal under 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.