U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43422645

Date: AUG. 13, 2026

Motion on Administrative Appeals Office Decision

Form I-956F, Application for Approval of an Investment in a Commercial Enterprise

On March 15, 2022, the EB-5 Reform and Integrity Act of 2022 (RIA) was signed into law, repealing the prior legislation authorizing the Regional Center Program. Section 203(b)(5) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1153(b)(5) (2022). Under the RIA, the Secretary of Homeland Security has the authority to designate a regional center to participate in the Regional Center Program "on the basis of a proposal for the promotion of economic growth, including prospective job creation and increased domestic capital investment." Section 203(b)(5)(E)(i) of the Act. The Applicant, a regional center designated under the repealed legislation, seeks approval of an application for approval of an investment offering in a new commercial enterprise (NCE), pursuant to section 203(b)(5)(F)(i) of the Act.

U.S. Citizenship and Immigration Services (USCIS) Field Operations Director (FOD) denied the application, concluding that the Applicant did not submit "a comprehensive business plan for a specific capital investment project" and "a credible economic analysis regarding estimated job creation that is based upon economically and statistically valid transparent methodologies." *See* section 203(b)(5)(F)(i)(I) and (II) of the Act. We dismissed a subsequent appeal, concluding that [redacted] who signed the application as the Applicant's manager and is the owner and manager of the NCE, is ineligible to be involved with the Applicant and the NCE under section 203(b)(5)(H) of the Act.[1] The matter is now before us on motion to reopen.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

I. LAW

A motion filed on Form I-290B, Notice of Appeal or Motion, must be signed by the affected party or the attorney or representative of record, if any. 8 C.F.R. § 103.5(a)(1)(iii) (describing filing requirements applicable to motions).

[1] We reserved and did not address the remaining eligibility issues discussed in FOD's decision. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

II. ANALYSIS

For the reasons discussed below, the motion does not satisfy the signature requirements applicable to the proper filing of a motion, nor does it state new facts, supported by documentary evidence, to provide proper cause for reopening. A motion that does not meet applicable filing requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

A. Signature Issue

The Form I-290B is accompanied by a Form G-28, Notice of Entry of Appearance as Attorney or Representative, which identifies [redacted] as counsel for the Applicant. Notably, Mr. [redacted] signed both the Form I-290B and the Form G-28 on behalf of the Applicant. However, a benefit request filed by a legal entity may only be signed by a person with authority to act on behalf of that entity and to legally bind and commit it in all matters. *See generally* 1 *USCIS Policy Manual* B.2(C)(3), https://www.uscis.gov/policy-manual. Here, the record does not establish Mr. [redacted] authority to act on behalf of the Applicant with respect to the filing of the Form I-290B.[2]

Further, an attorney cannot sign a Form G-28 on behalf of a legal entity to authorize his or her own appearance on behalf of that entity, as Mr. [redacted] did here. *See generally Id.* at B.2(D). Therefore, he did not properly enter his appearance as the Applicant's attorney. A Form G-28 by itself, even when valid, does not authorize a representative to sign a request or other document on behalf of a person or legal entity. *Id.*

For these reasons, we conclude the motion was not signed by the affected party or by the attorney or representative of record, as required by 8 C.F.R. § 103.5(a)(1)(iii)(A). Accordingly, the motion will be dismissed.

B. Motion to Reopen

Even if we determined that the motion has been properly filed, it does not meet the requirements of a motion to reopen.

We dismissed the Petitioner's appeal based on a determination that [redacted], the Applicant's manager and an owner and manager of the NCE, is on the Department of Justice's List of Currently Disciplined Practitioners and is therefore prohibited from being involved with any regional center,

[2] An attorney may qualify as an authorized signer for a legal entity if he or she is employed in an employer-employee relationship by that entity as its legal representative (for example, in-house counsel or other attorney employees). *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(C)(3).

new commercial enterprise, or job-creating entity. *See* section 203(b)(5)(H)(i)(IV)(aa) of the Act. A person is involved with a regional center or new commercial enterprise if he or she is in a position of substantive authority to make certain operational or managerial decisions and includes those persons serving as administrators, owners, officers, board members, managers, executives, and similar positions. *See* section 203(b)(5)(v) of the Act.

The motion to reopen includes the following statement:

> Contemporaneous with this response, the Regional Center is actively in the process of filing Form I-956 Amendment reflecting the removal of [redacted] and the addition of [redacted] as the 100% owner and General Manager of [redacted] LLC. In addition, the Regional Center is filing Form I-956H [Bona Fides of Persons Involved with Regional Center Program] for [redacted] as the 100% owner and General Manager of [redacted] LLC. The I-956H confirms that [redacted] has no disqualifying history. As such [redacted] is no longer a "person involved" with . . . [redacted] LLC and therefore grounds for Denial regarding the Regional Center management are now moot.

A motion to reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). An unsupported claim that the Applicant has undergone a change in ownership and management and intends to file an amendment to its Form I-956, Application for Regional Center Designation, and an additional Form I-956H does not satisfy these requirements or provide proper grounds for reopening.[3] Further, the motion does not address the fact that Mr. [redacted] is also a person involved with [redacted] LP, the NCE named in this application. Specifically, as noted in our prior decision, he is identified on the application as the manager and owner of the NCE and as the managing member of the NCE's general partner ([redacted] LLC). His removal from the Applicant's ownership and management, even if corroborated by documentary evidence, would therefore not cure the grounds of ineligibility that led to the dismissal of the Applicant's appeal.

Although the Applicant has asserted new facts in support of the motion to reopen, those facts are not supported by documentary evidence and do not establish eligibility. Further, the motion does not meet the filing requirements described at 8 C.F.R. § 103.5(a)(1)(iii)(A). Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reopen is dismissed.

[3] USCIS records do not indicate that the Applicant has filed an amended Form I-956 or any additional Forms I-956H following our dismissal of its appeal on March 23, 2026.