U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 07208019

Date: AUG. 19, 2020

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 he had invested at least $1,000,000 into a NCE, placed the requisite amount of capital at risk, or that his investment funds derived from lawful sources. The Petitioner appeals, submitting additional documentation and maintaining that he has established eligibility for the EB-5 classification.

According to 8 C.F.R. § 103.3(a)(1)(v), 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. 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). If an appellant makes a written request for additional time to submit a brief, we may grant it for good cause shown. 8 C.F.R. § 103.3(a)(2)(vii).

The Petitioner did not comply with the requirements for filing an appeal. The Form I-290B itself, filed on April 24, 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 filed an untimely brief on October 3, 2019, without having requested any time extensions. 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. 8 C.F.R. § 103.3(a)(1)(v), (2)(i).

ORDER: The appeal is summarily dismissed.