U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 28882746

Date: DEC. 2, 2024

Appeal of 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 noncitizens 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 Investor Program Office denied the petition, concluding that the record did not establish that the new commercial enterprise will create at least 10 full-time positions for qualifying employees. The matter is now before us on appeal. 8 C.F.R. § 103.3.

U.S. Citizenship and Immigration Services records indicate that the Petitioner has adjusted to permanent resident status through an unrelated proceeding. The Petitioner filed Form I-485, Application to Register Permanent Residence or Adjust Status, with receipt number [redacted] on April 19, 2024. That application was approved on August 7, 2024.

Because the Petitioner's status has been adjusted to permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed.