U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 18907559

Date: JUN. 16, 2025

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) (2015).[1] This fifth preference (EB-5) classification makes immigrant visas available to aliens 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 on two separate and independent grounds. First, the Chief concluded that the Petitioner did not properly file her Form I-526 petition, because the petition did not include her signature. *See* 8 C.F.R. § 103.2(a)(2). Second, the Chief determined that the Petitioner did not sufficiently document the lawful source of the $500,000[2] she claimed to have invested in [redacted] LLC, the NCE that is associated with [redacted] LLC.[3] The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner submits a brief and additional evidence, maintaining that she has established eligibility for the EB-5 classification.

The Petitioner 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). We review the questions in this matter

[1] On March 15, 2022, the EB-5 Reform and Integrity Act of 2022 was signed into law, revising general eligibility requirements, substantially reforming and codifying the Regional Center Program in Section 203(b)(5) of the Act, and adding significant new integrity provisions. *See* Section 203(b)(5) of the Act, 8 U.S.C. § 1153(b)(5) (2022). As the Petitioner had filed her petition in August 2015, the relevant law then in existence governs this appellate adjudication.

[2] The Petitioner indicates that the NCE and the job creating entity (JCE) are in a targeted employment area, and that the required amount of qualifying capital is downwardly adjusted from $1,000,000 to $500,000. *See* 8 C.F.R. § 204.6(f)(2)(2015).

[3] [redacted] LLC, is an entity that U.S. Citizenship and Immigration Services (USCIS) designated to participate in the EB-5 program. A regional center is an economic unit involved with the promotion of economic growth, "including . . . improved regional productivity, job creation, and increased domestic capital investment." *See* 8 C.F.R. § 204.6(e) (2015).

de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

The regulation at 8 C.F.R. § 103.2(a)(2) states that a "petitioner must sign his or her benefit request" and that "[b]y signing the benefit request, the . . . petitioner . . . certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct." The U.S. Citizenship and Immigration Services (USCIS) Policy Manual explains that "[e]xcept as otherwise specifically authorized, a benefit requestor must personally sign his or her own request before filing it with USCIS." *See generally* 1 *USCIS Policy Manual* B.2(A), https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2. In addition, the USCIS Policy Manual provides, in pertinent part:

> In order to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors, USCIS rejects any benefit request with an improper signature and returns it to the requestor. USCIS does not provide an opportunity to correct (or cure) a deficient signature. The benefit requestor, however, may resubmit the benefit request with a valid signature. As long as all other filing requirements are met, including payment of the required fee, USCIS may accept the resubmitted benefit request.
>
> If USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS denies the request . . . .
>
> If USCIS issues a denial based on a deficient signature or unauthorized power of attorney (POA), the benefit requestor retains any motion and appeal rights associated with the applicable form.

Id.; *see also* 8 C.F.R. § 103.2(a)(7).

II. ANALYSIS

In this case, the Petitioner claims to have invested $500,000 in the NCE. According to a June 2015 business plan, the NCE plans to loan funds from alien investors to [redacted] LLC, the job creating entity (JCE), to develop the casino portion of the [redacted] in [redacted] New York.

The Petitioner submitted her petition in 2015, but the petition did not include her signature. Rather, it included the signature of another individual. In her response to the Chief's notice of intent to deny (NOID) the petition, the Petitioner, through counsel, alleged that "an inadvertent clerical error by the paralegal preparing the case for filing caused the Form I-526 [petition] signature pages for the Petitioner and for [another individual] . . . to be switched and attached to the wrong petition." She further claimed that it "was an accidental mix-up through no fault of the Petitioner" and provided a "new and duly executed Form I-526 [petition]," dated April 2017, approximately two years after she submitted the 2015 petition. The Chief denied the petition, in part, because the Petitioner's 2015

petition did not satisfy the requirements under 8 C.F.R. § 103.2(a)(2). *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A); *see also* 8 C.F.R. § 103.2(a)(7).

On appeal, the Petitioner, through counsel, again acknowledges that "the signature page of [her] originally submitted Form I-526 [petition] in fact belonged to another [individual]," and that the "signature pages were inadvertently interchanged by [her counsel's] firm due to clerical errors." The Petitioner states that in 2015, she "had properly signed and dated her [petition] prior to submission to USCIS," and presents a photocopy of a petition, bearing her signature, dated August 2015. She also offers a statement, "declar[ing] under penalty of perjury" that "[o]n 8/5/2015, [she] signed and dated Form I-526 [petition]" and that the "executed Form I-526 [petition] was transmitted to [her] attorney" for filing.

The record is insufficient to establish that the Petitioner's 2015 petition was properly filed because it did not satisfy the requirements under 8 C.F.R. § 103.2(a)(2). *See also* 8 C.F.R. § 103.2(a)(7); 8 C.F.R. § 204.6(d) (stating that "[t]he priority date of a petition . . . is the date the completed, signed petition (including all initial evidence and the correct fee) is properly filed"). The Petitioner acknowledges that the 2015 petition lacked her signature. Under USCIS Policy Manual, "[i]f USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS denies the request." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A). Additionally, the Policy Manual specifies that "USCIS does not provide an opportunity to correct (or cure) a deficient signature." *Id.* The Petitioner has not offered legal authority to support the proposition that "an [alleged] inadvertent clerical error" could excuse a deficient signature. As such, the Petitioner has not overcome this ground of denial discussed in the Chief's decision. As the identified reason for dismissal is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve any remaining issues concerning her eligibility.[4] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner's appeal will be dismissed because she has not established that her petition, submitted in 2015, satisfies the requirements under 8 C.F.R. § 103.2(a)(2). *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A); *see also* 8 C.F.R. § 103.2(a)(7).

ORDER: The appeal is dismissed.

[4] The Chief also denied the petition on the ground that she has not demonstrated the lawful source of the funds she claims to have invested in the NCE. *See* 8 C.F.R. § 204.6(e) (defining "capital" and requiring an alien investor to show that his or her invested capital did not derive, directly or indirectly, from unlawful means); *see also* 8 C.F.R. § 204.6(j). We will reserve this and any other eligibility issues that are not discussed in this decision for future consideration if the need arises.