U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 13191900

Date: JUN. 23, 2021

Motion on Administrative Appeals 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 in December 2018, concluding the record did not establish, as required, that [redacted] the NCE, would create the requisite number of jobs.[1] We dismissed the subsequent appeal on March 31, 2020. The Petitioner now files a motion to reconsider the matter. On motion, she submits additional evidence and maintains that she qualifies for the EB-5 classification based on a $500,000[2] investment in the NCE, a business that was associated with a regional center, [redacted] (regional center). *See* 8 C.F.R. § 204.6(j)(4)(iii).[3]

The Chief terminated the [redacted] Regional Center's designation to participate in the EB-5 program in July 2018, finding that it failed to serve the purpose of promoting economic growth as required under 8 C.F.R. § 204.6(m)(6)(i)-(ii). The regional center appealed the Chief's determination and, on April 16, 2021, we dismissed the appeal. The termination of the regional center reflects a material change in the Petitioner's eligibility that cannot be overcome.[4] Accordingly, further pursuit of the matter at hand is moot.

ORDER: The motion to reconsider is dismissed.

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[1] See 8 C.F.R. § 204.6(j)(4)(i)(B).

[2] The Petitioner indicates that she has made an investment in a targeted employment area, and that the requisite amount of qualifying capital is therefore downwardly adjusted from $1,000,000 to $500,000. *See* 8 C.F.R. § 204.6(f)(2).

[3] 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).

[4] *See* 8 C.F.R. § 204.6(m)(7) (a foreign investor seeking an immigrant visa based upon an investment in a regional center must demonstrate that their investment is within a regional center approved to participate within the EB-5 program). *See also 6 USCIS Policy Manual* G.4, https://www.uscis.gov/policymanual/HTML/PolicyManual.html.