U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 26094901

Date: NOV. 26, 2024

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 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 Immigrant Investor Program Office denied the petition, concluding that the Petitioner did not document the lawful source of the $500,000 she claimed to have invested in [redacted] the NCE, which is associated with [redacted] The Chief also concluded that the record did not establish that the NCE would create the necessary number of jobs. 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 December 21, 2023. That application was approved on May 13, 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.