



65

U.S. Department of Justice
Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

Public Copy

File: [REDACTED] Office: Texas Service Center

Date: JUN 6 2001

IN RE: Petitioner: [REDACTED]

Petition: Immigrant Petition by Alien Entrepreneur Pursuant to § 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(5)

IN BEHALF OF PETITIONER:

[REDACTED]

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

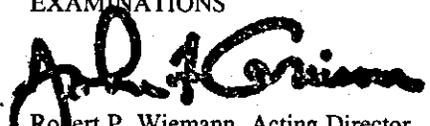
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The approved preference visa petition was revoked by the Director, Texas Service Center. The Service reopened the petition upon the petitioner's motion and/or appeal, and affirmed its initial decision. The case is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to § 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(5). The director initially revoked the petition based on the petitioner's alleged failure to respond to the director's notice of intent to revoke. The petitioner filed a motion to reconsider or, in the alternative, appeal, noting that he had responded to the notice of intent to revoke. The director reopened the petition for consideration of the petitioner's response and reaffirmed the revocation. The director determined that the petitioner had not demonstrated that he had invested, or was in the process of investing, the requisite amount of lawfully obtained capital as of the date of filing. The director further determined that the petitioner had failed to meet the employment-creation requirement.

The original appeal merely stated that the petitioner had responded to the notice of intent to revoke and included the materials submitted with that response. In his decision considering the new evidence and affirming the revocation, the director noted that the petition would be forwarded to the AAO for review. The director's decision is dated November 17, 1999. As of this date, more than 18 months later, neither the petitioner nor counsel have submitted a brief or evidence to address the director's final conclusions.

As stated in 8 C.F.R. 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel here has not specifically addressed the reasons stated for final revocation and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.