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Immigration and Naturalization Service

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



Public Copy

File: LIN-97-184-50345

Office: Nebraska Service Center

Date: JUL - 6 2001

IN RE: Petitioner:



Petition: Immigrant Petition by Alien Entrepreneur Pursuant to § 203(b)(5) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(5), and § 610 of the Appropriations Act of 1993.

IN BEHALF OF PETITIONER:



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 immigrant visa petition was denied by the Director, Nebraska Service Center, who certified the decision to the Associate Commissioner for Examinations for review. The decision of the director will be affirmed.

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), and §610 of the Appropriations Act of 1993.

The petitioner filed Form I-526, Immigrant Petition by Alien Entrepreneur, indicating that the petition was based on an investment in a new business in a targeted employment area eligible for downward adjustment of the minimum capital investment to \$500,000 and indicated that the new business was in a "regional center" eligible for participation in the Immigrant Investor Pilot Program. The petitioner contended that he is one investor, in a plan to recruit foreign investors, in Golden Rainbow Freedom Fund (GRFF), a Washington limited partnership. The expressed purpose of the partnership is to develop and/or finance export-related manufacturing and/or cargo facilities. The general partner of the partnership was stated as American Retirement, Inc., a Washington corporation. The petitioner claimed that he has invested \$500,000 into the partnership. The investment is in the form of a \$200,000 initial payment plus a loan for the balance of \$300,000, all of which is deposited in an escrow account to be refunded after one year if the petition has not been approved during that time.

The director denied the petition on or about January 4, 1999, and certified that decision to the Associate Commissioner pursuant to 8 C.F.R. 103.4(a). In the denial, the director found that the petitioner failed to demonstrate that GRFF#4 was a designated regional center or, if it was, that the petitioner had established a new commercial enterprise. The director further concluded that the petitioner had not demonstrated that he had invested in a targeted employment area, that he had placed his funds at risk, that all funds invested would be made available to the employment-creating enterprise, or that his funds originated from a lawful source.

The director advised the petitioner that the decision was certified for review and afforded the petitioner thirty days in which to submit additional documentation to the reviewing authority. As of this date, no further response has been received from the petitioner.

Based on a review of the record as presently constituted, there is no error of law or fact evident in the director's decision.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner

has not met that burden. The director's decision therefore shall be affirmed.

**ORDER:** The decision is affirmed. The petition is denied.