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U.S. Citizenship
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FEB 08 2007

FILE:

SRC 05 089 50877

Office: TEXAS SERVICE CENTER Date:

IN RE:

Petitioner:

PETITION:

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

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

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

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification as an alien entrepreneur pursuant to section 203(b)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(5). The director determined that the petitioner had failed to demonstrate a qualifying investment of lawfully obtained funds or that he would create the requisite employment.

On appeal, counsel stated generally that the petitioner had made a qualifying investment, had demonstrated the lawful source of his funds and had presented a credible business plan. Counsel did not address any of the director's specific concerns. Rather, counsel stated that he would submit a brief and/or evidence to the Administrative Appeals Office (AAO) within 30 days. Counsel dated the appeal July 23, 2005. As of January 25, 2007, more than 18 months later, the AAO had received nothing further. Thus, on that date, this office contacted counsel by facsimile, advising that we had received no additional materials, inquiring as to whether anything had been submitted and requesting a copy of any additional materials submitted. The facsimile advised that failure to respond to our inquiry within five business days may result in the summary dismissal of the appeal. As of this date, approximately two weeks later, this office has received no response.

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 denial and has not provided any additional evidence. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.