(b)(6)

U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-J-C-

DATE: AUG. 22, 2016

APPEAL OF IMMIGRANT INVESTOR PROGRAM OFFICE DECISION

PETITION: FORM I-526, IMMIGRANT PETITION BY ALIEN ENTREPRENEUR

The Petitioner seeks classification as an immigrant investor. *See* 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 that will benefit the United States economy and create at least 10 full-time positions for qualifying employees.

The Chief, Immigrant Investor Program Office (IPO), denied the petition. The Chief concluded the Petitioner did not establish that she placed at least $500,000 at risk,[1] met the job creation requirements, or would manage doing business as the a new commercial enterprise (the NCE).

The matter is now before us on appeal. The Petitioner does not submit additional evidence or an appellate brief to support her appeal. In a statement, she maintains that the Chief erred in his findings and that she is eligible for the immigrant investor classification. She does not, however, offer any arguments or point to any evidence to support her position that the Chief's findings are erroneous.

Upon review, we will summarily dismiss the appeal because the Petitioner has not identified specifically any erroneous conclusion of law or statement of fact for the appeal. *See* 8 C.F.R. § 103.3(a)(1)(v).

I. LAW

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides, in pertinent part, we "shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal." Under the regulation, a summary dismissal is appropriate if the Petitioner makes general assertions that do not specifically identify an error in the Chief's decision.

[1] In this case, the required amount of capital is $500,000 because the investment is in a targeted employment area (TEA). The regulation at 8 C.F.R. § 204.6(f) explains that the minimum investment amount is generally $1,000,000, but may be adjusted down to $500,000 if the investment is in a TEA.

The Petitioner must state any arguments she wishes us to consider on appeal, even if she had previously raised the arguments before the Chief. *See* 8 C.F.R. § 103.3(a)(1)(v).

II. ANALYSIS

The Petitioner's Form I-290B, Notice of Appeal or Motion, does not identify specifically any erroneous conclusion of law or statement of fact for her appeal. In part 3 of the form, "Information About the Appeal or Motion," the Petitioner, through counsel, checked the box that reads: "I am filing an appeal to the AAO. My brief and/or additional evidence will be submitted to the AAO within 30 calendar days of filing the appeal." Along with the Form I-290B, the Petitioner submits the following statement:

> The Appellant . . . together with counsel hereby submit this appeal challenging the decision of CIS [U.S. Citizenship and Immigration Services] with regard to the Appellant's Form I-526, which was denied on January 29, 2016. It will be alleged and argued that there [sic] a number of errors in the decision: Appellant did show that she was actively involved in the process of investing the required amount of Capital ($500,000) and that the Capital was obtained by lawful means; that the investment will spur the creation of at least ten full-time jobs; and that the Appellant is and will be actively involved in the management of the new commercial enterprise.
>
> We will be submitting a brief, with more complete legal arguments and relevant citations, within 30 days of today's date.

As of today's date, however, five months after the Petitioner's March 2016 appeal, we have not received a brief or additional evidence.

In his decision, the Chief evaluated the Petitioner's evidence, concluding that she did not demonstrate, by a preponderance of the evidence, her eligibility for the classification. Specifically, she did not show that: (1) at the time she submitted the petition, she had invested or was actively in the process of investing at least $500,000 of her funds in the NCE; (2) she met or would meet the job creation requirements; and (3) she had engaged or would be engaged in the management of the NCE. *See* 8 C.F.R. § 204.6(j). On appeal, the Petitioner has not identified specific materials in the record illustrating her eligibility, or provided any legal support to show that the Chief's findings are erroneous. As she has not specifically identified any flawed conclusion of law or statement of fact for the appeal, we will summarily dismiss the appeal, pursuant to the regulation at 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of A-J-C-*, ID# 12073 (AAO Aug. 22, 2016)