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**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF Y-B-K-

DATE: MAY 3, 2016

APPEAL OF IMMIGRANT INVESTOR PROGRAM OFFICE DECISION

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

The Petitioner, an individual, seeks classification as an immigrant investor. *See* Immigration and Nationality Act (the Act) § 203(b)(5), 8 U.S.C. § 1153(b)(5). This fifth preference 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, denied the petition. The Chief concluded the Petitioner did not show that the new commercial enterprise (NCE), [REDACTED] was within a Targeted Employment Area, that he had invested or was in the process of investing at least \$1 million of his own funds in the NCE, or that the NCE met or would meet the statutory employment creation requirements.

The matter is now before us on appeal. In his appeal, the Petitioner included the Form I-290B, Notice of Appeal or Motion and no additional statements or evidence.¹

We will summarily dismiss the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) notes, 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.” The Petitioner’s Notice of Appeal or Motion, Form I-290B, does not specify reasons for appeal. In Part 3 of the Form I-290B, “Information About the Appeal or Motion,” the Petitioner 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.” As of today’s date, however, over five months after the Petitioner’s September 2015 appeal, we have not received any additional documents.

¹ The regulation at 8 C.F.R. § 292.4(a) provides that appeals filed by attorneys must contain a new and properly executed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Neither the Petitioner nor his counsel dated the Form G-28 filed on appeal. We communicated this omission to the Petitioner’s counsel in a November 16, 2015, facsimile pursuant to the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i). As of today’s date, however, more than 15 calendar days since our facsimile transmission, we have not received a new Form G-28. As the Petitioner signed the appeal, however, we will not reject it on this additional basis.

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As the Petitioner has not specifically identified any flawed conclusion of law or statement of fact for the appeal, we must 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 Y-B-K-*, ID# 16198 (AAO May 3, 2016)