U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF T-C-H-

DATE: NOV. 1, 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 pursuant to 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 of the Immigrant Investor Program Office denied the petition. The Chief concluded the Petitioner did not establish that he placed at least $500,000 at risk,[1] or that he obtained the invested funds through lawful means.

The matter is now before us on appeal. The Petitioner does not submit additional evidence or an appellate brief to support his appeal.

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

[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.

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 his appeal. In part 3 of the form, "Information About the Appeal or Motion," the Petitioner checked the box that reads: "I am filing an appeal to the AAO [Administrative Appeals Office]. My brief and/or additional evidence will be submitted to the AAO within 30 calendar days of filing the appeal." The Petitioner's cover letter, filed with the Form I-290B, similarly states that he will "submit a supplemental brief within thirty days (30) after filing of the Notice of Appeal with the AAO." As of today's date, however, six months after the Petitioner's April 2016 appeal, we have not received a brief or additional evidence.

In his decision, the Chief evaluated the Petitioner's evidence, concluding that he did not demonstrate, by a preponderance of the evidence, his eligibility for the classification. Specifically, he did not show that: (1) at the time he submitted the petition, he had invested or was actively in the process of investing at least $500,000 of his funds in the new commercial enterprise, and (2) that he obtained the invested funds through lawful means. On appeal, the Petitioner has not identified specific materials in the record illustrating his eligibility, or provided any legal support to show that the Chief's findings are erroneous. As he has not specifically identified any flawed conclusion of law or statement of fact for the appeal, we will summarily dismiss the appeal.

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

Cite as *Matter of T-C-H-*, ID# 96501 (AAO Nov. 1, 2016)