

**Instructions for I-526, Immigrant
Petition by Alien Entrepreneur****Instructions**

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

NOTE: The filing fee is \$1,435. Refer to "What is the Fee?" on Page 2.

What Is The Purpose of Form I-526?

This form is used by an entrepreneur to petition the U.S. Citizenship and Immigration Services (USCIS) for status as an immigrant to the United States pursuant to section 203(b)(5) of the Immigration and Nationality Act, as amended. That section of the law pertains to immigrant visas for an investor in a new commercial enterprise.

Who May File Form I-526?

You may file this petition for yourself if you have established a new commercial enterprise:

1. In which you will engage in a managerial or policy-making capacity; and
2. In which you have invested or are actively in the process of investing the amount required for the area in which the enterprise is located; and
3. Which will benefit the U.S. economy; and
4. Which will create full-time employment in the United States for at least ten U.S. citizens, permanent residents, or other immigrants authorized to be employed, other than yourself, your spouse, your sons or daughters, or any nonimmigrant aliens.

The establishment of a new commercial enterprise may include:

1. Creation of a new business;
2. The purchase of an existing business with simultaneous or subsequent restructuring or reorganization resulting in a new commercial enterprise; or
3. The expansion of an existing business through investment of the amount required, so that a substantial change (at least 40 percent) in either the net worth, number of employees, or both, results.

The amount of investment required in a particular area is set by regulation. Unless adjusted downward for targeted areas or upward for areas of high employment, the amount of investment shall be **\$1 million**. You may obtain additional information from our Web site at www.uscis.gov, or a U.S. Embassy or consulate abroad.

General Instructions**Fill Out Form I-526**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

Initial Evidence Requirements

The following evidence must be filed with your petition:

1. Evidence that you have established a lawful business entity under the laws of the jurisdiction in the United States in which it is located, or, if you have made an investment in an existing business, evidence that your investment has caused a substantial (at least 40 percent) increase in the net worth of the business, the number of employees, or both.

Such evidence shall consist of copies of articles of incorporation, certificate of merger or consolidation, partnership agreement, certificate of limited partnership, joint venture agreement, business trust agreement, or other similar organizational document; a certificate evidencing authority to do business in a state or municipality, or if such is not required, a statement to that effect; or evidence that the required amount of capital was transferred to an existing business resulting in a substantial increase in the net worth or number of employees, or both.

This evidence must be in the form of stock purchase agreements, investment agreements, certified financial reports, payroll records, or other similar instruments, agreements, or documents evidencing the investment and the resulting substantial change.

2. Evidence, if applicable, that your enterprise has been established in a targeted employment area. A targeted employment area is defined as a rural area or an area which has experienced high unemployment of at least 150 percent of the national average rate. A rural area is an area not within a metropolitan statistical area or not within the outer boundary of any city or town having a population of 20,000 or more.
3. Evidence that you have invested or are actively in the process of investing the amount required for the area in which the business is located.

Such evidence may include, but need not be limited to, copies of bank statements, evidence of assets that have been purchased for use in the enterprise, evidence of property transferred from abroad for use in the enterprise, evidence of monies transferred or committed to be transferred to the new commercial enterprise in exchange for shares of stock, any loan or mortgage, promissory note, security agreement, or other evidence of borrowing that is secured by assets of the petitioner.

4. Evidence that capital is obtained through lawful means. The petition must be accompanied, as applicable, by: foreign business registration records, tax returns of any kind filed within the last five years in or outside the United States, evidence of other sources of capital, or certified copies of any judgment, pending governmental civil or criminal actions, or private civil actions against the petitioner from any court in or outside the United States within the past 15 years.
5. Evidence that the enterprise will create at least ten full-time positions for U.S. citizens, permanent residents, or aliens lawfully authorized to be employed (except yourself, your spouse, sons or daughters, and any nonimmigrant aliens). Such evidence may consist of copies of relevant tax records, Form I-9s, or other similar documents, if the employees have already been hired, or a business plan showing when such employees will be hired within the next two years.

6. Evidence that you are or will be engaged in the management of the enterprise, either through the exercise of day-to-day managerial control or through policy formulation. Such evidence may include a statement of your position title and a complete description of your duties, evidence that you are a corporate officer or hold a seat on the board of directors, or, if the new enterprise is a partnership, evidence that you are engaged in either direct management or policy-making activities.

Translations. Any document containing a foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

Regardless of the location of the new commercial enterprise, file Form I-526 to:

**USCIS California Service Center
P.O. Box 10526
Laguna Niguel, CA 92607-0526**

What Is the Fee?

The filing fee for Form I-526 is **\$1,435**.

Use the following guidelines when you prepare your check or money order for Form I-526:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and

2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:

- A. If you live in Guam, make it payable to **Treasurer, Guam**.
- B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.
- C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts, or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744**

Processing Information

Acceptance

Any petition that is not signed or accompanied by the correct fee will be rejected with a notice that it is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until accepted by USCIS.

Initial Processing

Once Form I-526 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-526.

Requests for more information or interview

We may request more information or evidence or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on Form I-526 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

Approval

If you have established that you qualify for investor status, the petition will be approved. If you have requested that the petition be forwarded to a U.S. Embassy or consulate abroad, the petition will be sent there unless that consulate does not issue immigrant visas. If you are in the United States and state that you will apply for adjustment of status, and the evidence indicates you are not eligible for adjustment, the petition will be sent to a U.S. Embassy or consulate abroad. You will be notified in writing of the approval of the petition and where it has been sent, and the reason for sending it to a place other than the one requested, if applicable.

Meaning of Petition Approval

Approval of a petition shows only that you have established that you have made a qualifying investment. It does not guarantee that the U.S. Embassy or consulate will issue the immigrant visa. There are other requirements that must be met before a visa can be issued. The U.S. Embassy or consulate will notify you of those requirements. Immigrant status granted based on this petition will be conditional. Two years after entry, you will have to apply for the removal of conditions based on the ongoing nature of the investment.

Denial

If you have not established that you qualify for the benefit sought, the petition will be denied. You will be notified in writing of the reasons for the denial.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet Web site at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny Form I-526 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-526.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C.1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information, that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour and 15 minutes per response, including the time for reviewing instructions, completing, and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0026. **Do not mail your application to this address.**