



Instructions for Petition by Entrepreneur to Remove Conditions on Permanent Resident Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-829
OMB No. 1615-0045
Expires 03/31/2014

What Is the Purpose of Form I-829?

Form I-829 is for immigrant entrepreneurs to petition to remove the conditions on their, and certain dependents', permanent resident status which they obtained based on investment in a new commercial enterprise. The petitioner must submit this petition within the 90-day period immediately preceding the second anniversary of obtaining conditional permanent resident status.

What Happens When I File or Fail to File Form I-829?

Effect of Filing

If you properly file this petition with USCIS before your conditional permanent resident status is terminated, your conditional permanent resident status is extended for one year. You will receive a filing receipt that you should carry with your Permanent Resident Card (Green Card). If you travel outside the United States while this petition is pending, you will have to show, when you board a plane, ship, or other carrier to come back to the United States, that you are eligible to return. You should present both your Permanent Resident Card and the filing receipt for this petition when you return, as well as in all other situations in which you are required to provide evidence of your conditional permanent resident status.

Effect of Not Filing

If you fail to file this petition within the 90-day period immediately preceding the second anniversary of obtaining your conditional permanent resident status, USCIS will terminate your conditional permanent resident status and you will become removable from the United States. However, if your failure to file within that 90-day period was for good cause and due to extenuating circumstances, you may file your petition late with a written explanation and request that USCIS, in its discretion, excuse your late filing.

Who May File Form I-829?

You may use this form to request the removal of conditions on your permanent resident status if you were granted conditional permanent resident status as an entrepreneur. You may include your conditional permanent resident spouse or former spouse and children in your petition, or they may file separately.

If you are the conditional permanent resident child of an entrepreneur and you have reached 21 years of age, or if you are the conditional permanent resident spouse of an entrepreneur, you may still be included in the entrepreneur's petition or you may choose to file a separate petition.

If you are the former conditional permanent resident spouse of an entrepreneur, who was divorced from the entrepreneur during the period of conditional permanent residence, you may also be included in the entrepreneur's petition or you may choose to file a separate petition.

NOTE: If you are filing a separate petition from the entrepreneur, you should attach a copy of the entrepreneur's Form I-797, Notice of Action, relating to his or her I-829 petition.

If you obtained conditional permanent resident status through your entrepreneur spouse or parent, and that spouse or parent has died, you may use this form to petition for removal of the conditions on your permanent resident status.

General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail you a form. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. Each petition must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these instructions.)

Biometric Services Fee. If you file this petition with USCIS, you do not need to include a biometric services fee at the time you submit your petition. If you are later notified that you must submit biometrics, you will receive a biometric services appointment notice with instructions on how to submit the additional biometric services fee. If you file this petition with an agency other than USCIS, please check with that agency to determine if and when you must submit a biometric services fee.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Should I Submit** sections of these instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your petition. After USCIS receives your petition and ensures it is complete, we will inform you in writing if you need to attend a biometrics services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS Office outside the United States to set up an appointment. If you fail to attend your biometric services appointment, USCIS may deny your petition.

Acknowledgement of Appointment at USCIS Application Support Center. Review the ASC Acknowledgement that appears in **Part 8.** of the petition. The purpose of this ASC Acknowledgement is to confirm that you have completed your petition, reviewed your responses, and affirmed that the information was provided by you and is complete, true, and correct. If someone helped you fill out your petition, that person should review the ASC Acknowledgement with you to make sure you understand it.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How To Fill Out Form I-829

1. Type or print clearly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.

Specific Instructions

Part 1. Information About Regional Center

Item Numbers 1. - 2.c. Information About the Regional Center. If the entrepreneur’s investment is associated with a regional center, provide the name and the identification number of the regional center. Also, provide the receipt number for the approved Form I-924, Application For Regional Center Under the Immigrant Investor Program, upon which the Form I-526, Immigrant Petition by Alien Entrepreneur, was based. This receipt number may be the receipt number for the initial designation of the regional center or for an amendment to the regional center.

Part 2. Basis for Petition

Item Numbers 1. - 3. Petition Type. Select only one box that indicates the basis for your petition.

Part 3. Information About You

Item Numbers 1.a. - 1.c. Your Full Name. Provide your full legal name in the spaces provided.

Item Number 2. Alien Registration Number (A-Number) (if any). Provide your A-Number. Your A-Number is the number used to identify your immigration records. You may find this number on documents you received from USCIS (such as your Permanent Resident Card), U.S. Immigration and Customs Enforcement (ICE), or the Executive Office for Immigration Review (EOIR) during immigration court proceedings. If you have more than one A-Number, use **Part 11. Additional Information** to list all the A-Numbers that have been assigned to you.

Item Number 3. USCIS ELIS Account Number (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide your USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is not the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.

Item Number 4. U.S. Social Security Number (if any). Provide your U.S. Social Security Number, if you have one. If you have been issued or have previously used more than one Social Security Number, use **Part 11. Additional Information** to list all the Social Security Numbers that have been issued to you or that you have previously used.

Item Number 5. Form I-526 Receipt Number. Provide the receipt number for the approved Form I-526 on which this petition is based.

Item Numbers 6.a. - 7.c. Other Names You Have Used (including maiden names, nicknames, and aliases, if any). Provide all the names you have ever used, including maiden names, married names, nicknames and aliases, in the spaces provided.

Item Numbers 8.a. - 9. Your U.S. Mailing Address. Provide the address where you would like to receive printed notices about your petition. If your petition is approved, this is also the address that USCIS will use to mail your new Permanent Resident Card.

NOTE: Do not provide a PO Box or the address of your attorney or accredited representative.

Item Numbers 10.a. - 10.h. Your Physical Address. If your mailing address is not the same as the place where you currently live, provide your current physical address.

Item Number 11. Date of Birth. Provide your date of birth in a mm/dd/yyyy format.

Item Number 12. Gender. Indicate whether you are male or female.

Item Number 13. Country of Birth. Provide the name of the country where you were born.

Item Number 14. Country of Citizenship or Nationality. Provide the name of the country where you are a citizen and/or national. This is not necessarily the country where you were born. If you do not have citizenship in any country, write “stateless” and provide an explanation in **Part 11. Additional Information**.

Item Numbers 15. - 16. Criminal History. Indicate whether you have been arrested, cited, charged, indicted, convicted, fined, or imprisoned for violating any law or ordinance since becoming a conditional permanent resident. Also, indicate if you have ever committed any crime for which you were not arrested since becoming a conditional permanent resident.

NOTE: If you answer “Yes” to **Item Number 15.**, you must provide certified court dispositions, arrest reports, statements of charges, indictment information, and any other charging documents that were issued. If you answer “Yes” to **Item Number 16.**, you must provide the date and location (town or city, state or province, and country) of the events and provide an explanation in **Part 11. Additional Information**.

See the **What Evidence Should I Submit** section of these instructions for information on required documents.

Part 4. Information About Your Current Spouse or Former Conditional Permanent Resident Spouse

If you are the entrepreneur, provide information about your current spouse or former conditional permanent resident spouse.

NOTE: The former conditional permanent resident spouse of an entrepreneur, who was divorced from the entrepreneur during the period of conditional permanent residence, may be included in the petition or may file a separate petition.

If you are the current spouse or former conditional permanent resident spouse of an entrepreneur and you are filing a separate I-829 petition, provide information about your current or former entrepreneur spouse.

NOTE: If you have both a current spouse and a former conditional permanent resident spouse, use **Part 11. Additional Information** to provide this same information about your current spouse or former conditional permanent resident spouse who you did not already include in the spaces provided in **Part 4**.

Item Numbers 1.a. - 1.c. Your Current Spouse’s or Former Conditional Permanent Resident Spouse’s Full Name. Provide your current spouse’s or former conditional permanent resident spouse’s full legal name in the spaces provided.

Item Number 2. Gender. Indicate whether your current spouse or former conditional permanent resident spouse is a male or female

Item Number 3. A-Number (if any). Provide your current spouse’s or former conditional permanent resident spouse’s A-Number, if any. If your current spouse or former conditional permanent resident spouse has more than one A-Number, use **Part 11. Additional Information** to list all the A-Numbers that have been assigned to him or her.

Item Number 4. USCIS ELIS Account Number (if any). If your current or former conditional permanent resident spouse previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide his or her USCIS ELIS Account Number. The USCIS ELIS Account Number is not the same as an A-Number. The USCIS ELIS Account Number is a system-generated, 12-digit number (for example, 100123456789) and is not the same as an A-Number.

Item Number 5. Date of Birth. Provide your current spouse’s or former conditional permanent resident spouse’s date of birth in a mm/dd/yyyy format.

Item Numbers 6.a. - 7.c. Other Names Used (including maiden names, nicknames, and aliases, if any). Provide all the names that your current spouse or former conditional permanent resident spouse has ever used, including maiden names, married names, nicknames and aliases, in the spaces provided.

Item Numbers 8.a. - 8.h. Mailing Address. Provide your current spouse’s or former conditional permanent resident spouse’s mailing address, if it is different from the address that you provided in **Part 3**.

Item Numbers 9. - 11. Marital Status. Indicate whether the person listed in this section is your current spouse or former conditional permanent resident spouse and provide the date of your marriage as well as the date of the termination of your marriage, if applicable.

Item Numbers 12. - 13. Residing and Applying Together. Indicate whether your current spouse or former conditional permanent resident spouse is currently living with you and whether or not he or she is applying with you to remove the conditions on his or her permanent resident status.

Item Numbers 14. - 15. Current Immigration Status. Provide your current spouse's or former conditional permanent resident spouse's immigration status (for example, conditional permanent resident, tourist/visitor, entered without inspection). Also, indicate whether your current spouse's or former conditional permanent resident spouse's immigration status is based on your current immigration status.

See the **What Evidence Should I Submit** section of these instructions for information on required documents.

Part 5. Information About Your Children

Provide information about ALL of your children including biological children, stepchildren, and adoptive children, regardless of age.

Item Numbers 1.a. - 1.c. Your Child's Full Name. Provide your child's full legal name in the spaces provided.

Item Number 2. Gender. Indicate whether your child is male or female.

Item Number 3. A-Number (if any). Provide your child's A-Number, if any. If your child has more than one A-Number, use **Part 11. Additional Information** to list all the A-Numbers that have been assigned to him or her.

Item Number 4. USCIS ELIS Account Number (if any). If your child previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide his or her USCIS ELIS Account Number. The USCIS ELIS Account Number is not the same as an A-Number. The USCIS ELIS Account Number is a system-generated, 12-digit number (for example, 100123456789) and is not the same as an A-Number.

Item Number 5. Date of Birth. Provide your child's date of birth in a mm/dd/yyyy format.

Item Numbers 6.a. - 6.c. Other Names Used (including maiden names, nicknames, and aliases, if any). Provide all the names that your child has ever used, including maiden names, married names, nicknames, and aliases, in the spaces provided.

Item Numbers 7.a. - 7.h. Mailing Address. Provide your child's mailing address, if it is different from the address that you provided in **Part 3**.

Item Numbers 8. - 9. Residing and Applying Together. Indicate whether your child is currently living with you and whether or not he or she is applying with you to remove the conditions on his or her permanent resident status.

Item Number 10. Current Immigration Status. Provide your child's current immigration status (for example, conditional permanent resident, tourist/visitor, in the country without inspection).

See the **What Evidence Should I Submit** section of these instructions for information on required documents.

NOTE: If you have more than one child, provide the same information for each child in the spaces provided for **Child 2**, **Child 3**, and **Child 4**, as applicable. If you have more than four children, use **Part 11. Additional Information** to list each additional child and provide the same information.

Part 6. Your Biographic Information

Provide the biographic information requested in **Item Numbers 1. - 6**. Providing this information as part of your petition may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these instructions.

Item Numbers 1. - 2. Ethnicity and Race. Select the boxes that best describe your ethnicity and race.

Categories and Definitions for Ethnicity and Race

- A. Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in **Part 6, Item Number 1.**)
- B. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- C. Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- D. Black or African American.** A person having origins in any of the black racial groups of Africa.
- E. American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- F. Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Item Number 3. Height. Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.

Item Number 4. Weight. Enter your weight in pounds. If you do not know your weight, or if you need to enter a weight that is under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.

Item Number 5. Eye Color. Select the box that best describes the color of your eyes.

Item Number 6. Hair Color. Select the box that best describes the color of your hair.

Part 7. Information About the New Commercial Enterprise (NCE)

Item Numbers 1. - 3. Type of Enterprise. Indicate whether the NCE results from:

1. Creation of an original business after November 29, 1990;
2. Purchase of a business formed on or before November 29, 1990, that was restructured or reorganized at the time of, or after, the purchase; or
3. Expansion of a business formed on or before November 29, 1990, such that a substantial change in the net worth or number of employees results from the investment of capital.

Item Numbers 4. - 9. Name, Location, and Other Information About the NCE. Provide the full legal name of the NCE in which the entrepreneur invested or is actively in the process of investing funds. (**NOTE:** This is a required field. Do not leave it blank.) Also, provide the U.S. physical business address and contact information for the NCE, including telephone number (with area code) and internet address (if established). Indicate how the business is organized (for example, corporation, limited liability company, or limited or general partnership), and indicate the nature of the business (for example, furniture manufacturer).

Item Number 10. Included Industries. Provide the North American Industry Classification System (NAICS) code or codes for all industries included in the NCE and/or the Job Creating Enterprise (JCE) (as applicable).

Item Number 11. IRS Tax ID. Provide the Internal Revenue Service (IRS) Tax Identification Number for the NCE.

Item Number 12. Date Business Established. Provide the date that the NCE was established in a mm/dd/yyyy format.

Item Number 13. Amount of the Entrepreneur’s Initial Investment. Indicate how much money the entrepreneur initially invested in the NCE.

Item Number 14. Date of the Entrepreneur’s Initial Investment. Provide the date of the entrepreneur’s initial investment in the NCE in a mm/dd/yyyy format.

Item Number 15. Percentage of Ownership. Indicate the percentage of the NCE that the entrepreneur owns.

Item Number 16. Troubled Business. Indicate whether or not the investment was made or is being made into a troubled business. A troubled business means a business that has been in existence for at least two years, has incurred a net loss for accounting purposes (based on generally accepted accounting principles) during the 12 or 24-month period before the priority date on the entrepreneur's Form I-526, and the loss for that period is at least equal to 20 percent of the troubled business' net worth prior to the loss. For purposes of determining whether or not the troubled business has existed for at least two years, successors in interest to the troubled business will be deemed to have been in existence for the same period of time as the business they succeeded.

Item Numbers 17.a. - 17.c. Subsequent Investments in the NCE. Provide the dates, amounts, and types of investments (for example, cash, equipment, inventory, other tangible property, cash equivalents, or qualifying indebtedness as described in 8 Code of Federal Regulations (CFR) section 204.6(e)) the entrepreneur has made in the NCE since the entrepreneur's initial investment.

Item Numbers 18.a. - 18.b. Full-time Positions and Qualifying Employees. Indicate the number of full-time positions for direct and qualifying employees in the NCE at the time of the entrepreneur's initial investment. Also indicate how many full-time positions for direct and qualifying employees are currently in the NCE.

A direct and qualifying employee is an individual who provides services or labor for the NCE, who receives wages or other remuneration directly from the NCE, and who is a United States citizen, a lawful permanent resident, or other immigrant lawfully authorized to be employed in the United States. This includes, but is not limited to, a conditional resident, an asylee, a refugee, or an alien remaining in the United States under suspension of deportation. This definition does not include the entrepreneur, his or her spouse or sons or daughters, or any nonimmigrant alien. Also, this definition does not include independent contractors.

Item Numbers 19.a. - 20.b. Job Creation. Indicate how many new full-time direct jobs for qualifying employees the NCE has created or will create within a reasonable time. If your petition is based on an investment in a regional center, indicate how many direct jobs, indirect jobs, and induced jobs the NCE has created or will create within a reasonable time as a result of the entrepreneur's investment, based on the economic methodology presented with the petition. Indirect and induced jobs are those that are held outside of the NCE, but are created as a result of the NCE and are only considered for investments made through a regional center.

Item Number 21. Troubled Business Job Maintenance. If the investment was made into a troubled business, indicated how many full-time jobs were maintained as a result of the investment.

Item Numbers 22.a. - 24.c. Gross and Net Incomes. Provide the gross and net incomes that the NCE generated annually since the date of the entrepreneur's initial investment to the present.

Item Number 25. Changes to NCE. Indicate whether the commercial enterprise has filed for bankruptcy, ceased business operations, materially changed the nature of the business, or had any changes in its business organization or ownership since the date of the entrepreneur's initial investment. If you answer "Yes," provide an explanation in

Part 11. Additional Information.

Item Number 26. Changes in Assets of NCE. Indicate whether the commercial enterprise has sold any corporate assets, shares, or property, or had any capital withdrawn since the date of the entrepreneur's initial investment. If you answer "Yes," provide an explanation in **Part 11. Additional Information.**

Item Number 27. Total Number of EB-5 Investors. Indicate the total number of EB-5 investors associated with the NCE.

Item Number 28. Total Amount of EB-5 Capital Invested. Indicate the total amount of EB-5 capital that has been invested in the NCE.

Part 8. Petitioner's Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature

Item Numbers 1.a. - 6.b. Select the appropriate box to indicate that you either read this petition yourself or someone interpreted this petition for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this petition for you. You must also affirm that you have read and understand (or that an interpreter or preparer read to you, and you understand) the **Acknowledgement of Appointment at USCIS Application Support Center in Part 8.** Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 9. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1.a. - 6.b. If you used anyone as an interpreter to read the instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 8.** to you in the same language in which you are fluent. The interpreter must sign and date the petition.

Part 10. Contact Information, Statement, Certification, and Signature of the Person Preparing this Petition, If Other Than the Petitioner

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 9.** and **Part 10.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. Anyone who helped you prepare your petition must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 8.** to you, and that you informed him or her that you understood the ASC Acknowledgement. If the person who helped you prepare your petition is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

Part 11. Additional Information

Item Numbers 1.a. - 6.b. If you need extra space to provide any additional information within this petition, use the space provided in **Part 11. Additional Information.** If you need more space than what is provided in **Part 11.**, you may make copies of **Part 11.** to complete and file with your petition, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed petition to review in the future and for your records. We recommend that you review your copy of your completed petition before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your petition is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

What Evidence Should I Submit?

You must submit all evidence requested in these instructions with your petition.

If you fail to submit required evidence and supporting documents, USCIS may reject or deny your petition for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these instructions.

1. Evidence of Conditional Permanent Resident Status

Submit a copy of the front and back of your Permanent Resident Card (Green Card) and copies of the Permanent Resident Cards for your spouse or former spouse and each child who is applying with you to remove the conditions on their permanent resident status

2. Evidence Related to the Entrepreneur's Commercial Enterprise, Investments, and Job Creation

Submit and label the following types of evidence with your petition:

- A. **Evidence that the entrepreneur established a commercial enterprise.** Such evidence includes, but is not limited to, Federal tax returns;
- B. **Evidence that the entrepreneur invested or was actively in the process of investing the requisite amount of capital.** Such evidence includes, but is not limited to, an audited financial statement or other probative evidence;
- C. **Evidence that the entrepreneur sustained the enterprise and the investment in that enterprise throughout the period of conditional permanent residence.** Examples of such evidence include:
 - (1) Invoices and receipts;
 - (2) Bank statements;
 - (3) Contracts;
 - (4) Business licenses; and
 - (5) Federal or state income tax returns or quarterly tax statements.
- D. **Evidence that the entrepreneur's investment created or can be expected to create, within a reasonable time, 10 full-time jobs for qualifying employees.** In the case of a troubled business, you must submit evidence that the NCE maintained the number of existing employees at no less than the pre-investment level during the period of your conditional permanent residence. Such evidence includes, but is not limited to:
 - (1) Payroll records;
 - (2) Tax documents; and
 - (3) Copies of Form I-9, Employment Eligibility Verification.

3. Evidence for petitioners filing as a former spouse or as a spouse or child whose entrepreneur spouse or parent has died

Submit the following with your petition:

- A. Your former spouse's, current spouse's, or parent's Permanent Resident Card (Green Card);
- B. Your former spouse's, current spouse's, or parent's divorce decree or death certificate; and
- C. Evidence listed above in "Evidence Related to the Entrepreneur's Commercial Enterprise, Investments, and Job Creation".

4. Evidence of Criminal History

If you have ever:

- A. Been **arrested or detained** by any law enforcement officer for any reason since becoming a conditional permanent resident, **and no charges were filed**, submit an original official statement by the arresting agency or applicable court order confirming that no charges were filed.
- B. Been **arrested or detained** by any law enforcement officer for any reason since becoming a conditional permanent resident, **and charges were filed, or if charges were filed without an arrest**, submit an original or court-certified copy of the complete incident record. The record must show the disposition for each incident (such as a dismissal order, conviction record, or acquittal order).
- C. Been **convicted or placed in an alternative sentencing program or rehabilitative program** (such as a drug treatment or community service program) since becoming a conditional permanent resident, submit an original or court-certified copy of the sentencing record for each incident. Also, submit evidence of the completion of the sentence, such as an original or certified copy of the probation or parole record or record of the completion of an alternative sentencing program or rehabilitative program.
- D. Had any **arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your or their record** since becoming a conditional permanent resident, submit an original or court-certified copy of the court order removing the arrest or conviction. Submit an original statement from the court that no record exists of the arrest or conviction.

NOTE: You do not need to submit documentation for traffic offenses involving no arrest where the penalties were less than a \$500 fine, points on a driver's license, or both. You must, however, submit documentation if a traffic incident involved alcohol or drugs, regardless of the penalty.

Where To File?

Please see our Web site at www.uscis.gov/I-829 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this petition. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

What Is the Filing Fee?

The filing fee for Form I-829 is **\$3,750**. A biometric services fee of **\$85** is also required for the petitioners, as well as any current spouse, former conditional permanent resident spouse, or conditional permanent resident children that are included on the petition between 14 and 79 years of age. That means you must submit a separate biometric services fee of **\$85** for each conditional permanent resident who is applying with you to remove the conditions on their permanent resident status.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your check or money order for the Form I-829 filing fee and biometric services fee:

- 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 checks or money orders payable to **U.S. Department of Homeland Security**.
NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."
- 3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.

Notice to Those Making Payment by Check

If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If USCIS cannot complete the EFT because of insufficient funds, we may try to make the transfer two additional times.

How to Check if the Fees Are Correct

Form I-829 filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS Web site at www.uscis.gov, select "FORMS," and find the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: If your Form I-829 requires payment of a biometric services fee for USCIS to take your fingerprints, photographs, and/or signature, you can use the same procedure to obtain the correct biometric services fee.

Address Changes

You must notify USCIS of your new address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address form to USCIS Lockbox facilities because these facilities do not process change of address requests.

Processing Information

Acceptance. USCIS will reject any petition that is not signed by the petitioner or accompanied by the correct fees. USCIS may also reject a petition that is missing required fields. You may correct the deficiency and resubmit the petition. However, the resubmitted petition will not retain the previous filing date.

Initial Processing. Once USCIS accepts your petition, we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility, and USCIS may reject or deny your petition.

Requests for More Information. We may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-829 involves a determination whether you have established eligibility for the removal of conditions on your permanent resident status. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this petition, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. 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 your Form I-829, we will deny your Form I-829 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Compliance Review and Monitoring

By signing this petition, you have stated under penalty of perjury (28 U.S.C section 1746) that all information and documentation submitted with this petition are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

The Department of Homeland Security (DHS) has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS' legal authority to verify this information is in 8 U.S.C. sections 1103, 1155, and 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 is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with 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.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this petition, and the associated evidence, is collected under sections 101, 103, 203, and 216A of the Immigration and Nationality Act (INA) (as amended) and the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, Pub. L. No. 102-395, sections 610, 106 Stat 1828, 1874 (1992) (as amended).

PURPOSE: The primary purpose for providing the requested information on this petition is to determine if you have established eligibility to remove the conditions on your permanent resident status or to include the removal of conditions on the permanent resident status for any spouse, former spouse, or child who is also applying with you. DHS will use the information you provide to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your petition.

ROUTINE USES: DHS may share the information you provide on this petition with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File (A-File) and Central Index System (CIS)] which you can find at www.dhs.gov/privacy. DHS may also share the information available, as appropriate, for law enforcement purposes or in the interest of national security.

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 3 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0045. **Do not mail your completed Form I-829 to this address.**

Not for
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