



Instructions for Immigrant Petition by Alien Investor

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

USCIS
Form I-526
OMB No. 1615-0026
Expires 11/30/2021

What Is the Purpose of Form I-526?

The form is used by an investor to petition U.S. Citizenship and Immigration Services (USCIS) for status as an immigrant to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA), as amended.

Who May File Form I-526?

You may file this petition for yourself if you have invested or are actively in the process of investing the required investment amount in a new commercial enterprise (NCE):

1. In which you will engage in a managerial capacity through day-to-day managerial control or policy formulation;
2. Which will benefit the U.S. economy; and
3. Which will create full-time employment in the United States for at least 10 U.S. citizens, lawful permanent residents, or other immigrants lawfully authorized to be employed in the United States, other than yourself, your spouse, or your sons or daughters.

An NCE may be established by:

1. The formation of a business after November 29, 1990;
2. The purchase of a business formed on or before November 29, 1990, and simultaneous or subsequent restructuring or reorganization resulting in an NCE; or
3. The expansion of a business formed on or before November 29, 1990, through investment of the amount required so that a substantial change (at least 40 percent increase) in either the net worth or number of employees results.

The amount of investment required is set by regulation. You may obtain additional information from our website at www.uscis.gov, or a U.S. Embassy or U.S. Consulate abroad.

General Instructions

USCIS provides forms free of charge through the USCIS website. 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 a form to you. 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.

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

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the Specific Instructions section of these Instructions.

Biometric Services Appointment. Every individual who is an applicant, petitioner, derivative, beneficiary, or sponsor of an immigration benefit request or other request submitted to USCIS is required to submit biometrics unless USCIS waives or exempts the requirement. You and your beneficiaries will be notified of the time and place of your appointment if you or they must appear and you will each be provided requirements for rescheduling if necessary. If you or your beneficiaries fail to submit any biometrics as required, USCIS may deny your application, petition, or request.

DHS may store the biometrics submitted by an individual and use or reuse biometrics to conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), verify identity, produce documents, determine eligibility for immigration and naturalization benefits, or to perform any other functions necessary for administering and enforcing immigration and naturalization laws, and any other law within DHS authority.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the petition;
2. You reviewed and understood all of the information contained in, and submitted with, your petition; and
3. All of this information was complete, true, and correct at the time of filing.

Copies. You should 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 USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, your original documents may remain a part of the record, USCIS will not automatically return them to you, **and your original documents may be immediately destroyed upon receipt.**

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. The certification must include the translator's signature. DHS recommends the certification contain the translator's printed name and the date and the translator's contact information.

How To Fill Out Form I-526

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 12. 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 You

Item Number 1. Alien Registration Number (A-Number) (if any). Provide your A-Number. Your A-Number is the number used to identify your immigration records. This number may be located on documents you received from USCIS, U.S. Immigration and Customs Enforcement, or the Executive Office for Immigration Review during immigration proceedings in court.

Item Number 2. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

Item Number 3. U.S. Social Security Number (if any). Provide your U.S. Social Security number, if you have one.

Item Numbers 4.a. - 4.c. Your Full Name. Provide your full legal name in the spaces provided.

Item Numbers 5.a. - 6.c. Other Names Used (if any). Provide all the names you have used, including maiden name, married names, and nicknames, in the space provided.

Item Numbers 7.a. - 8. Mailing Address. Provide the address where you would like to receive written correspondence regarding your petition. Indicate whether your current mailing address is the same as your physical address.

Item Numbers 9.a. - 13.j. Physical Address. Provide your current physical (residential) address and all prior residential addresses for the past five years. Indicate the dates of residence at each address.

Item Numbers 14.a. - 18.l. Employment History. Provide your current employment information and all prior employment information for the past five years. Indicate the full legal name of the employer and address of employment, job title, and dates of employment for each position.

Other Information About You

Item Number 19. Date of Birth. Provide your date of birth in a month/day/year format.

Item Number 20. Sex. Indicate whether you are a male or female.

Item Numbers 21. - 23. Place of Birth. Provide the city or town, state or province, and country where you were born in the spaces provided.

Item Numbers 24. Country of Citizenship or Nationality. Provide the name of the country where you are a citizen and/or national. If you are a citizen of more than one country or your nationality differs from your citizenship, provide the information in **Part 12. Additional Information**. Indicate whether you are a citizen or national of each country you list. 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 12. Additional Information**.

Item Number 25. Country of Last Foreign Residence. Provide the name of the country where you had your last foreign residence.

Your Entry Into The United States

If you are currently in the United States, provide the following information:

Item Number 26. Date of Arrival. Provide the date you arrived in the United States in a month/day/year format.

Item Numbers 27.a. - 27.b. Place of Arrival or Port-of-Entry. Provide the city/town and state where you arrived in the United States.

Item Numbers 28.a. - 28.b. Form I-94 Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your I-94 admission number and date that your authorized period of stay expires or expired (as shown on the Form I-94). The I-94 admission number also is known as the Departure Number on some versions of Form I-94.

NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If you cannot obtain the Form I-94 from the CBP website, you may do so by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, with USCIS. USCIS **does** charge a fee for this service.

Item Numbers 28.c. - 28.e. Passport or Travel Document Numbers. If you used a passport or travel document to request admission to the United States, enter either the passport or travel document information in the appropriate space on the form, even if the passport or travel document is currently expired. Also, provide the name of the country that issued the passport or travel document.

Item Number 28.f. Passport or Travel Document Expiration. Provide the date your passport or travel document expires or expired in a month/day/year format.

Item Number 28.g. Current Nonimmigrant Status. Provide your current nonimmigrant status (if applicable).

Item Number 28.h. Date Current Nonimmigrant Status Expires. Provide the date your current nonimmigrant status expires in a month/day/year format (if applicable).

Part 2. Your Biographic Information

Provide the biographic information requested in **Part 2., Item Numbers 1. - 6.** Providing this information as part of your application 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

- 1. 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 2., Item Number 1.**)
- 2. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- 3. 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.
- 4. Black or African American.** A person having origins in any of the black racial groups of Africa.
- 5. 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.
- 6. White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

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 need to enter a weight 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 3. Information About Your Investment

Regional Center (if any)

Item Number 1. Regional Center Association. Indicate whether your investment is associated with an approved regional center.

Item Numbers 2 - 5. Information About The Regional Center. Provide the name of the regional center with which your investment is associated and the regional center's identification number. Also provide the receipt number for the approved regional center application upon which your petition is based. Finally, provide the NCE identification number (NCEID) associated with the NCE into which you have invested or are actively in the process of investing, if applicable. USCIS assigns an NCEID to an NCE when it approves a Form I-924 application with an exemplar Form I-526 petition or when it approves the first Form I-526 petition for an NCE. Petitioners can obtain the NCEID from the regional center.

Petition Type and Required Capital Investment

You must select one of the following options, and provide the requested information.

Item Number 6. Targeted Employment Area (TEA). Complete **Item Numbers 6.a. - 6.h.** to indicate whether your petition is based on an investment in a targeted employment area for which the required amount of capital has been adjusted downward. Specifically, indicate whether the NCE or job creating entity (JCE) is principally doing business in the TEA and note, in each instance, whether the TEA is a rural area or high unemployment area. An NCE or a JCE (or both) is principally doing business in the location where it regularly, systematically, and continuously provides goods or services that support job creation. Provide the address where the NCE or JCE (as applicable) is principally doing business and creating jobs.

Item Number 7. Upward Adjustment Area. Indicate whether your petition is based on an investment in an area for which the required amount of capital has been adjusted upward.

Item Number 8. Non-TEA/Non-Upward Adjustment Area. Indicate whether your petition is based on an investment in an area that is neither a targeted employment area nor an upward adjustment area.

Composition of Your Investment and Your Income

You must provide the following information.

Item Number 9. U.S. Bank Account. Indicate the total amount of money you have deposited or committed to deposit in U.S. business account(s) for the NCE, including money placed into escrow with a U.S. or foreign bank. If you have not transferred any funds to a U.S. business account for an NCE, please provide an explanation in **Part 12. Additional Information.**

Item Number 10. Total Value of Assets Purchased. Indicate the total value of all assets purchased for use in the NCE.

Item Number 11. Total Value of All Property. Indicate the total value of all property transferred from abroad for use in the NCE.

Item Number 12. Total of All Debt Financing. Indicate the total of all debt financing for which the investor is personally and primarily liable and which is secured by assets owned by the investor provided to the NCE. Any indebtedness must be documented with evidence of the investor's ownership of the assets used to secure the indebtedness, as well as the fair market value of the investor's ownership interest in such assets.

Item Number 13. Total Stock or Other Equity. Indicate the total value of all stock or other equity purchased in the NCE.

Item Number 14. Other Capital. Indicate any other capital invested or in the process of being invested in the NCE. Provide an explanation for such capital in **Part 12. Additional Information.**

Item Numbers 15. - 18. Your Income. Indicate the following:

1. Your gross income at the time the investment was made in or committed to the NCE.
2. Your net income at the time the investment was made in or committed to the NCE.

3. Your current gross income.
4. Your current net income.

Item Numbers 19. - 20. Your Net Worth. Indicate the following: Your net worth at the time the investment was made in or committed to the NCE, and your current net worth.

Item Number 21.a. - 21.f. Sources of the Capital You Have Invested. Identify the sources of the capital you have invested or are actively in the process of investing into the NCE. Select all that apply. Provide details in the space provided. If you need additional space, use the space provided in **Part 12. Additional Information.**

Part 4. Information About the New Commercial Enterprise (NCE)

Type of NCE

Item Numbers 1.a. - 1.c. Select only one of the options.

1. Choose **Item Number 1.a.** to indicate that the NCE was formed after November 29, 1990.
2. Choose **Item Number 1.b.** to indicate that the NCE resulted from the purchase of a business formed on or before November 29, 1990, that is restructured or reorganized.
3. Choose **Item Number 1.c.** to indicate that the NCE resulted from a capital investment in and substantial expansion of a business formed on or before November 29, 1990.

Additional Information About The NCE

Item Numbers 2. - 5. Name and Location of NCE. Provide the full legal name of the NCE in which you invested or are actively in the process of investing capital. **NOTE:** This is a required field. Do not leave it blank. Also, provide the U.S. business address and contact information for the NCE, and indicate the type of entity the NCE is organized as (for example, corporation, limited liability company, partnership).

Item Numbers 6. - 7. Nature of Activity and Included Industries. Indicate the nature of the activity engaged in by the NCE (for example, furniture manufacturer). Provide the North American Industry Classification System (NAICS) codes for all industries included in the NCE.

Item Number 8. Troubled Business. Indicate whether you have invested or are actively in the process of investing in a troubled business and, if yes, provide an explanation of how the NCE qualifies as a troubled business. Troubled business means a business that has been in existence for at least two years, has incurred a net loss for accounting purposes (determined on the basis of generally accepted accounting principles) during the twelve- or twenty-four month period prior to the priority date on the alien investor's Form I-526, and the loss for such period is at least equal to twenty percent of the troubled business's net worth prior to such loss. For purposes of determining whether or not the troubled business has been in existence for 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 Number 9. Date NCE Formed. Indicate the date the NCE was formed in a month/day/year format.

Item Number 10. Federal Employer Identification Number. Indicate the Federal Employer Identification Number for the NCE.

Item Number 11. Date of Your Initial Investment. Indicate the date of your initial investment in the NCE in a month/day/year format.

Item Number 12. Amount of Your Initial Investment. Indicate how much you initially invested in the NCE.

Item Number 13. Capital Investment. Indicate your total capital investment in the NCE to date.

Item Number 14. Percentage of Ownership. Indicate the percentage of your ownership in the NCE.

Item Numbers 15.a. - 17.c. Multiple Investors. If you are not the sole investor in the NCE, please list the name of any other person or entity (for example, a corporation, limited liability company, partnership, etc.) that holds a percentage of ownership of the NCE. For each party indicate the percentage of ownership, and whether or not the party, if a person obtained classification or is seeking classification, as an alien investor under INA section 203(b)(5) on the basis of his or her investment in this NCE.

Part 5. Information About The Job-Creating Entity (JCE) (if different from the NCE)

Item Number 1. Indicate whether the JCE is different from the NCE.

Item Numbers 2. - 5. Name and Location of JCE. Provide the full legal name of the JCE. Also, provide the U.S. address and contact information of the JCE, and the type of entity the JCE is organized as (for example, corporation, limited liability company, partnership).

Item Numbers 6. - 7. Nature of Activity and Included Industries. Indicate the nature of the activity engaged in by the JCE (for example, furniture manufacturer). Provide the North American Industry Classification System (NAICS) codes for all industries included in the JCE.

Item Numbers 8. - 13. Multiple Job Creating Entities. If there is more than one JCE involved in the project, list all other JCEs that are involved in the project, providing the full legal name, U.S. address and contact information of each JCE, as well as the type of entity the JCE is organized as (for example, corporation, limited liability company, partnership), the nature of the activity engaged in by the JCE (for example, furniture manufacturer), and the NAICS codes for all industries included in the JCE.

Part 6. Employment Creation Information

Item Number 1. Your Position. Indicate what your position, office or title is with the NCE.

Item Number 2. Duties. Describe your duties, activities, and responsibilities in the NCE.

Item Number 3. Salary. Indicate your current salary from the NCE.

Item Number 4. Job Benefits. Indicate the value of the benefits you receive in your current position in the NCE.

Item Number 5. Full-Time Direct and Qualifying Employees at Initial Investment. Indicate the number of full-time direct and qualifying employees who were working in the NCE at the time of your initial investment. 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, excluding you, your spouse, and your sons and daughters. This definition does not include independent contractors.

Item Number 6. Current Full-time Direct and Qualifying Employees. Indicate how many full-time direct and qualifying employees are working in the NCE currently.

Item Number 7. Difference In Number of Full-Time Direct and Qualifying Employees. Subtract the number in **Item Number 5.** from the number in **Item Number 6.** and provide the difference here.

Item Number 8. Estimated Full-Time Positions That Will Be Created. Indicate how many estimated direct full-time positions for qualifying employees will be created by the NCE and, if your petition is based on an investment in a regional center, how many estimated indirect jobs will be created by the NCE or JCE during the relevant time period. Indirect jobs are those that are held outside of the NCE but are created as a result of the NCE.

Item Number 9. Indirect Job Creation. If the NCE is associated with a regional center, indicate whether the petition relies on indirect job creation demonstrated by an economic model and, if yes, indicate the economic model used in

Part 12. Additional Information.

Item Number 10. Total Investment Made Available to JCE. Indicate the total amount of your capital that has been or will be made available to the JCE.

Item Number 11. Capital from Non-Petitioning Investors. Indicate the total amount of capital invested into the JCE from investors who have not and will not be filing a Form I-526.

Part 7. Processing Information

Item Numbers 1.a. - 5.f. Permanent Residence. Indicate how you will seek lawful permanent resident status by selecting the appropriate box for either immigrant visa processing abroad or an application for adjustment of status. If you intend to seek an immigrant visa abroad, indicate your country of citizenship or nationality and country of current residence. If you are currently in the United States and intend to apply for adjustment of status, indicate the country of your last permanent residence abroad and provide the address and telephone number of your last permanent residence abroad. If your native alphabet is other than Roman letters, write your foreign address in your native alphabet.

Item Numbers 6. - 9. Immigration Proceedings. Indicate whether you are in removal, exclusion or deportation proceedings before the Department of Homeland Security (DHS) or the Department of Justice's Executive Office for Immigration Review (EOIR) Immigration Court or the Board of Immigration Appeals, and, if so, the location of the proceedings. Also, provide an explanation for why you are in proceedings in **Part 12. Additional Information**. Also indicate whether you are currently subject to a final order of exclusion, deportation, or removal, or subject to reinstatement of such an order.

Item Numbers 10. - 11. Unauthorized Employment. Indicate whether you have ever worked without proper work authorization while in the United States. Also, provide an explanation for why you worked without proper work authorization in the space provided and, if necessary, in **Part 12. Additional Information**.

Part 8. Information on Petitioner's Spouse and Children

Item Numbers 1.a. - 1.c. Full Name. Provide the full legal name of your spouse in the spaces provided. If you do not have a spouse, provide the full legal name of your child, if you have one.

Item Number 2. Date of Birth. Provide the date of birth for the person in a month/day/year format.

Item Number 3. Country of Birth. Provide the country where the person was born.

Item Number 4. Relationship. Indicate the relationship the person has with you (spouse or child).

Item Numbers 5. - 6. Permanent Residence. Indicate whether the person will seek lawful permanent resident status by selecting the appropriate boxes to indicate whether the person will apply for adjustment of status or for an immigrant visa abroad.

NOTE: An annotation of a dependent's intention to either apply for adjustment of status or an immigrant visa abroad in **Part 7.** of the Form I-526 is not binding, but should reflect the dependent's intent at the time you file the Form I-526 petition.

Item Numbers 7.a. - 36. These data collections are provided for you to fill out for all of your children. They collect the same information as **Item Numbers 1.a. - 6.**

Part 9. Statement, Contact Information, Declaration, Certification, and Signature of the Petitioner or Authorized Signatory

NOTE: Read the Penalties section of these Instructions before completing Part 8.

Item Numbers 1. - 8.b. Select the appropriate box in **Item Number 1.** to indicate whether you read this petition yourself or whether you had an interpreter assist you and provide the language the interpreter used. If someone assisted you in completing the petition, select the box in **Item Number 2.** indicating that you used a preparer and provide the preparer's name. 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 10. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1. - 7.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, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.

Part 11. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

Item Numbers 1. - 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 10.** and **Part 11.** 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 complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

Part 12. Additional Information

Item Numbers 1.a. – 7.d. If you need extra space to provide any additional information within this petition, use the space provided in **Part 12. Additional Information.** If you need more space than what is provided in **Part 12.,** you may make copies of **Part 12.** to complete and file with your petition, or attach a separate sheet of paper. Type or print 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 petition 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 Must You Submit?

You must submit all evidence requested in these instructions with your petition. If you fail to submit required evidence, 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.

Evidence to Accompany Petition

The following evidence must, when applicable, be filed with your petition:

- 1. Lawful Business Entity.** Evidence that you have invested in, or are actively in the process of investing in, a lawful business entity validly formed after November 29, 1990 and validly operating under the laws of the jurisdiction in the United States in which it is located. If you made an investment in a business formed on or before November 29, 1990, you must submit evidence that your investment resulted in a restructuring or reorganization of the business or 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, as applicable, consist of:

- A.** 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;
- B.** A certificate evidencing authority to do business in a state or municipality, or if such is not required or issued, a statement to that effect; or

C. Evidence that, as of a date after November 29, 1990, the required amount of capital was transferred to an existing business resulting in a substantial increase in the net worth or number of employees. 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. **Targeted Employment Area.** Evidence, if applicable, that your enterprise has created or will create employment in a targeted employment area. A targeted employment area is defined as an area that, at the time of investment, is a rural area or is designated as an area that has experienced an average unemployment rate of at least 150 percent of the national average rate. A rural area is an area not within a metropolitan statistical area and not within the outer boundary of any city or town having a population of 20,000 or more.

If the targeted employment area is rural, you must provide evidence that the new commercial enterprise is principally doing business within a civil jurisdiction not located within any metropolitan statistical area as designated by the Office of Management and Budget, nor within any city or town having a population of 20,000 or more as based on the most recent decennial census of the United States.

If the targeted employment area is an area of high unemployment, you must provide either:

- A. Evidence the metropolitan statistical area, the specific county within a metropolitan statistical area, the county in which a city or town with a population of 20,000 or more is located, or the city or town with a population of 20,000 or more outside of a metropolitan statistical area, in which the new commercial enterprise is principally doing business has experienced an average unemployment rate of 150 percent of the national average rate; or
- B. A description of the boundaries and the unemployment statistics for the area for which designation is sought as set forth in 8 CFR 204.6(i), and the reliable method or methods by which the unemployment statistics were obtained.

3. **Investment.** Evidence that you have invested or are actively in the process of investing the required amount of capital.

Such evidence may include, but need not be limited to, copies of bank statements showing amounts deposited into the U.S. business accounts for the enterprise, evidence of assets that have been purchased for use in the enterprise, evidence of property transferred from abroad for use in the enterprise (including U.S. Customs and Border Protection commercial entry documents, bills of lading, and transit insurance policies containing ownership information and sufficient information to identify the property and to indicate the fair market value of such property), evidence of monies transferred or committed to be transferred to the NCE in exchange for shares of stock that cannot be redeemed at the holder's request, or any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing that is secured by assets owned by the petitioner (other than those of the NCE) and for which the petitioner is personally and primarily liable.

4. **Lawful Capital.** Evidence that the capital you invested or are actively in the process of investing was obtained through lawful means. **You must include the following documents, as applicable, with your petition:** foreign business registration records, tax returns of any kind filed by you or on your behalf within the last five years in or outside the United States, evidence of other sources of capital, or certified copies of any judgments, or evidence of all pending governmental administrative, civil or criminal actions, and any private civil actions (pending or otherwise) involving monetary judgments against the petitioner from any court in or outside the United States within the past 15 years.

5. **Job Creation.** Evidence that the enterprise has created or will create at least ten full-time positions for qualifying employees. Qualifying employee means a U.S. citizen, lawful permanent resident, or other immigrant lawfully authorized to be employed in the United States. This definition does not include you, your spouse, your sons or daughters, or any nonimmigrant alien. Such evidence must consist of copies of relevant tax records, Form I-9s, or other similar documents, if the employees have already been hired, or a comprehensive business plan showing when such employees will be hired.

For cases involving **troubled businesses**, the petition must be accompanied by evidence that the number of existing employees is being or will be maintained at no less than the pre-investment level for a period of at least two years. Photocopies of tax records, Forms I-9s, or other relevant documents for the qualifying employees and a comprehensive business plan must be submitted.

For **regional center** cases, the full-time positions can be created either directly or indirectly by the NCE. Investors investing in a regional center are subject to all the same program requirements except that they may rely on indirect job creation as demonstrated through reasonable methodologies.

- 6. Position and Responsibilities in Enterprise.** 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 must 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 evidence that you are engaged in policy-making activities. You will be considered sufficiently engaged in policy-making activities if you are an equity holder in the new commercial enterprise and the organizational documents of the new commercial enterprise provide you with certain rights, powers, and duties normally granted to equity holders of the new commercial enterprise's type of entity in the jurisdiction in which the new commercial enterprise is organized.

What Is the Filing Fee?

The filing fee for Form I-526 is **\$3,675**. **A biometric services fee of \$85 is also required for the petitioner and each beneficiary.**

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

Use the following guidelines when you prepare your check or money order for the Form I-526 filing 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 check or money order 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 your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your petition and charge you a returned check fee.

How To Check If the Fees Are Correct

Form I-526's filing fee is 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 website at www.uscis.gov, select "FORMS," and check 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**.

Where To File?

Please see our website at www.uscis.gov/i-526 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**.

Address Change

A petitioner who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address go to the USCIS website 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 request to USCIS Lockbox facilities because these facilities do not process change of address requests.

Processing Information

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. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

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 **biometrics** to verify your identity and/or update background and security checks.

Decision. The decision on Form I-526 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. 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 website 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 the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. 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 schedule an appointment online at www.uscis.gov. Select “Tools,” then under “Self Service Tools,” select “Appointments” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-526, we will deny your 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.

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 is 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, 1153, 1154, 1155, and 1357, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Pub. L. No. 102-395, section 610, 106 Stat 1828, 1874 (1992) (as amended), and 8 CFR Parts 103, 204, 205, and 287. 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.

DHS Privacy Notice

AUTHORITIES: The information requested on this petition, and the associated evidence, is collected under Immigration and Nationality Act (INA) sections 103 and 203(b)(5) and 8 CFR parts 103 and 204.6.

PURPOSE: The primary purpose for providing the requested information on this petition, and the associated evidence, is to demonstrate that you have invested, or are actively in the process of investing, lawfully obtained capital in a new commercial enterprise in the United States that will create full-time jobs for not fewer than ten qualifying employees. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your petition.

ROUTINE USES: DHS may share the information you provide on this petition and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-003 Integrated Digitization Document Management Program and DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems] which can be found at www.dhs.gov/privacy. DHS may also share the information, 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 1 hour and 50 minutes 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 3 hours and 40 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 Avenue NW, Washington, DC 20529-2140; OMB No. 1615-0026. **Do not mail your completed Form I-526 to this address.**

Draft
Not for
Production
05/18/2020