

**SUPPORTING STATEMENT FOR
Immigrant Petition by Standalone Investor; Immigrant Petition by Regional Center
Investor**

**OMB Control No.: 1615-0026
COLLECTION INSTRUMENT(S): I-526; I-526E**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 203(b)(5) of the Immigration Nationality Act, allows qualified immigrants seeking to enter the United States for the purpose of engaging in a commercial enterprise to receive an immigrant visa. To receive EB-5 status, applicants must file a Form I-526, Immigrant Petition by Standalone Investor, or Form I-526E, Immigrant Petition by Regional Center Investor, with U.S. Citizenship and Immigration Services (USCIS), with the fees prescribed in 8 CFR Part 106, and in accordance with the form instructions.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

USCIS uses the data collected on these forms to determine the eligibility of an investor seeking to enter the United States to engage in a new commercial enterprise (NCE). The Form I-526 is used by a standalone investor to petition USCIS for status as an immigrant to the United States under section 203(b)(5) of the Immigration and Nationality Act (INA), as amended. The form I-526E is used by an investor pooling their investment with one or more qualified immigrants participating in the Regional Center Program to petition USCIS for status as an immigrant to the United States under section 203(b)(5) of the INA, as amended. A regional center investor may also use Form I-526E to report any amendments necessary to establish ongoing eligibility if the regional center, NCE, or job-creating entity in which the investor has invested is terminated or debarred from participation in the Regional Center Program. USCIS's approval of the Form I-526 or Form I-526E demonstrates that the investor is investing or has invested the required amount of capital in a qualifying NCE, which may be located within a targeted employment area or associated with an infrastructure project. Further, an investor submitting Form I-526E is making their investment in a USCIS-designated regional center. The petition must include evidence that the investor has invested the required amount of capital in U.S. dollars of either \$1.05 million for standard investments or \$800,000 for investments in a new or existing commercial enterprise principally doing business in a targeted employment area or regional center-associated infrastructure project. The forms serve the purpose of standardizing requests for standalone investors

and regional center investors to petition USCIS for the benefit of status as an immigrant to the United States and ensuring that basic information required to determine eligibility is provided by applicants.

Form I-526 was previously revised to incorporate additional information regarding the petitioner and to better establish how the petitioner meets the eligibility criteria for the EB-5 preference category. For example, the previous version began to capture biographic information regarding the petitioner and a NCE identification number to better assist operations in ensuring cases associated with the same NCE are timelier and consistently adjudicated.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

Form I-526 and Form I-526E are currently available as a paper form that can be accessed electronically, completed online, and then printed and mailed to USCIS. These forms, and their instructions, are located on the USCIS website at www.uscis.gov/i-526 and www.uscis.gov/i-526e.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

USCIS has investigated its internal processes, files and data as well as those of other Federal agencies that may service the same population. USCIS was not able to find any other means by which the information necessary for this process could be obtained except for the use of these forms submitted for approval in this request. USCIS will continue to examine ways in which information may be obtained from other sources and any identified duplications can be minimized or removed.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

The collection of information does not have an impact on small businesses or other small entities.

6. **Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without the use of this information collection, an investor may not apply and USCIS may

not be able to determine an investor's eligibility for special immigrant status.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and

recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On July 2, 2026, USCIS published a Notice of Proposed Rulemaking for RIN 1615-AC94, *EB-5 Reform and Integrity Act of 2022; Ensuring the Integrity of the EB-5 Program; Automatic Revocation of Petitions for Immigrant Classification*, in the Federal Register at 91 FR 40676.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

USCIS does not provide any payment for benefit sought.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

There is no assurance of confidentiality.

This collection is covered under the following Privacy Impact Assessment:

- DHS/USCIS/PIA-003 Integrated Digitization Document Management Program (IDDMP), February 28, 2017, which covers the use, collection, and storage of forms that are scanned into Lockbox;
- DHS/USCIS/PIA-016 Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, March 25, 2016, which covers the collection, use, and storage of the form in CLAIMS 3; and
- Forthcoming Employment Creation Immigrant Visa (EB-5) Program, which covers the use of the form to apply for admission into the US as a lawful permanent resident through the EB-5 program.

The collection is covered under the following System of Records Notices:

- DHS/USCIS/CBP/ICE 001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556, which covers the collection, use, and storage of information collected on the Form I-526 that is retained in the A-File; and
- DHS/USCIS-007 Benefits Information System, October 10, 2019, 84 FR 54622, which covers the collection, use, and storage of information collected on the Form I-526 to grant a benefit request such as lawful permanent residence. Also, covers the sharing of information between DoS and SEC for law enforcement.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

		A	B	C = A x B	D	E = C x D	F	G = E x F
Type of Respondent	Form Name / Form Number	# of Respondents (annual)	# of Responses per Respondent	Total Number of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Individuals or Households	Immigrant Petition by Standalone Investor/I-526	504	1	504	2.40	1,210	\$43.45	\$52,557

Individuals or Households	Immigrant Petition by Regional Center Investor/I-526E	4,000	1	4,000	2.27	9,080	\$43.45	\$394,526
Total				4,504		10,290		\$447,083

* The above Average Hourly Wage Rate is the [May 2021 Bureau of Labor Statistics](#) average wage for All Occupations \$28.01 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$40.89. The selection of "All Occupations" was chosen because respondents to this collection could be expected from any occupation.

The number of respondents for Form I-526E includes a nominal number of amendment filings that may be received.

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
 - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
 - Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.

There are no start-up, maintenance, and operating costs associated with this collection of information.

This information collection may impose some out-of-pocket costs on respondents in addition to the time burden for the form's preparation. Costs may include payments for document translation and preparation services, attorney and legal fees, postage, and costs associated with gathering documentation. USCIS estimates that the average cost for these activities is \$1,100. The estimated out of pocket cost to respondents is calculated as follows: 4,504 annual respondents multiplied by the average cost per response of \$1,100, which equals a total annual cost of **\$4,954,400**.

For informational purposes, the filing fees for Form I-526 and Form I-526E can be found in the G-1055, Fee Schedule, at www.uscis.gov/g-1055.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

USCIS establishes its fees using an activity-based costing model to assign costs to an adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, plus an amount to recover unassigned overhead (which includes the suggested average hourly rate for clerical, officer, and managerial time with benefits) and immigration benefits provided for free. USCIS uses the fee associated with an information collection as a reasonable measure of the collection's costs to USCIS, since these fees are based on resource expenditures related to the benefit in question. In addition, this figure includes the estimated overhead cost for printing, stocking, distributing and processing of this form.

The estimated cost of the program to the Government is calculated by multiplying the estimated number of respondents by the filing fee charge. Additionally, the amount of \$1,000 will be added to the result based on the additional charge required by the EB-5 RIA of 2022 for I-526E respondents filing an initial petition on or after October 1, 2022, with the exception of respondents filing an amendment request.

The following calculations were used to determine the estimated cost to the Government:

Form I-526

- Estimated number of respondents (504) x filing fee (\$3,675) = \$1,852,200.

Form I-526E

- Estimated number of respondents (4,000) x filing fee (\$3,675) = \$14,700,000.

- Estimated number of respondents filing an initial petition on or after October 1, 2022 (3,980) x required services fee by EB-5 RIA of 2022 (\$1,000) = \$3,980,000.

The total estimated cost to the Federal government is **\$20,532,200**.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

This information collection has been revised to reflect program changes stemming from the proposed rulemaking, *EB-5 Reform and Integrity Act of 2022; Ensuring the Integrity of the EB-5 Program; Automatic Revocation of Petitions for Immigrant Classification (RIN 1615-AC94)*.

Data collection Activity/Instrument (in hours)	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
I-526	832	1,210	378			
I-526E	6,600	9,080	2,480			
Total(s)	7,432	10,290	2,858			

USCIS is reporting an increase in the estimated annual hour burden to respondents for this collection as a result of the proposed rulemaking. The comprehensive changes for Form I-526 include the addition of petition type, various other data elements, new and clarifying instructional content, data elements for high-employment area, clearly identifying the types of evidence to demonstrate lawfulness of capital and administrative fees, tracing path of funds for capital and administrative fees, and removal of some data elements and instructional content. The comprehensive changes for Form I-526E include the addition of data elements to petition type, other various data elements, clearly identifying the types of evidence to demonstrate lawfulness of capital and administrative fees, tracing path of funds for capital and administrative fees, and new and clarifying instructional content. USCIS has provided a synopsis of the edits associated with the changes to the information collection within the paper filing instrument Table of Changes (TOC) for Form I-526 and Form I-526E.

USCIS is reporting no change to the estimated annual cost burden to respondents for this collection of information as a result of the proposed rulemaking.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and

ending dates of the collection of information, completion of report, publication dates, and other actions.

This information collection will not be published for statistical purposes.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

- 18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved with this collection.