



# Instructions for Immigrant Petition by Standalone Investor

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

USCIS  
Form I-526  
OMB No. 1615-0026  
Expires 03/31/2027

## What Is the Purpose of Form I-526?

This form is used by a standalone 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. An investor seeking to pool his or her investment with one or more additional investors seeking classification under INA section 203(b)(5) must file for such classification in accordance with INA section 203(b)(5)(E) using Form I-526E, Immigrant Petition by Regional Center Investor at [www.uscis.gov/i-526e](http://www.uscis.gov/i-526e).

## 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) that will benefit the U.S. economy by creating full-time employment in the United States for at least 10 U.S. citizens, U.S. nationals, 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.

The required investment amount is set by statute and updated in the Federal Register every five years. You may obtain additional information about the EB-5 program and investment amount on the USCIS website at [www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program](http://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program), or a U.S. Embassy or U.S. Consulate abroad.

## General Instructions

We provide free forms through the USCIS website. To view, print, or complete 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 Contact Center and ask that we mail a form to you.

**Signature.** You (or your signing authority) must properly complete your petition. USCIS will not accept a stamped or typewritten name in place of any signature on this petition. 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. If your petition is not signed, or if the signature is not valid, we will reject your petition. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

**Validity of Signatures.** USCIS will consider a photocopied, faxed, or scanned copy of the original handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

**Filing Fee.** See Form G-1055, available at [www.uscis.gov/forms](http://www.uscis.gov/forms), for specific information about the fees applicable to this form.

**Evidence.** When you file your petition, you must submit all evidence and supporting documents listed in the **What Evidence Must You Submit** and **Specific Instructions** sections of these Instructions.

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**Biometric Services Appointment.** USCIS may require you to appear for an interview or provide biometrics (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 application or petition. If we determine that a biometric services appointment is necessary, we will send you an appointment notice with the date, time, and location of your appointment. If you are currently overseas, your notice will instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to schedule an appointment.

At your biometrics 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.

If you do not attend your biometric services appointment, we may deny your petition.

**Copies.** You should submit legible photocopies of requested documents unless the Instructions specifically instruct you to submit an original document. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

**NOTE:** If you submit original documents when they are not required or requested, **USCIS may destroy them after we receive them.**

**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 they are competent to translate from the foreign language into English. The certification must also include their signature, printed name, the signature date, and their contact information.

**USCIS Contact Center.** For additional information on the petition and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) or call at **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

**Disability Accommodations/Modifications.** To request a disability accommodation/modification, follow the instructions on your appointment notice or at [www.uscis.gov/accommodationsinfo](http://www.uscis.gov/accommodationsinfo).

### How To Complete 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 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.

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## Specific Instructions

### Part 1. Petition Type.

**Item Numbers 1.** Indicate if your submission is an initial petition or if you are amending a previously submitted petition because of a material change affecting eligibility. If you are filing an amendment to a previously filed Form I-526, provide the prior petition's receipt number. If you are filing an amendment, complete all parts of this form with information related to the modification of your business plan, your request to extend or modify a designation of a high unemployment area, and/or your investment of additional capital, as applicable. In addition, describe the circumstances of any material change affecting eligibility in **Part 11. Additional Information.**

**Item Number 2.** You may file an amendment to your previously filed petition where the change does not affect eligibility at time of filing, such as where business circumstances require you to modify a particular aspect of your business plan, provided the business plan was credible when filed. Identify if your amendment is to modify the business plan of your NCE, to modify the designation of a high unemployment area, or because you invested additional capital for any reason to maintain your eligibility. You may select more than one reason for your amendment. USCIS will deny any amendment to modify or change the source of your original capital.

**Item Number 3.** You must submit an amendment to your previously filed petition if you seek to extend a designation of a high unemployment area because the new commercial enterprise is principally doing business in a new location. While USCIS automatically extends the designation for two years when it approves a petition, you must file an amendment to your approved petition if, two years after approval, you are still actively in the process of investing the required amount capital.

**Item Number 4.** You must select one of these options for the submission of required initial evidence. If you select to submit evidence through a myUSCIS account within 30 days of filing your Form I-526 petition, you will receive instructions with your receipt notice. We strongly encourage you to submit the evidence as soon as practicable after receiving the instructions. USCIS will deny your petition if the evidence is not submitted within 30 days of your Form I-526 filing.

**Item Number 5.** If this is an initial petition, provide the receipt number of any Form I-526 or Form I-526E you previously filed. If this is an amendment, leave this response blank.

### Part 2. Information About You

**Item Number 1. Alien Registration Number (A-Number)** (if any). The A-Number is an immigration file number provided by U.S. immigration officials. We use your A-Number to identify your immigration records. It is a 7 to 9-digit number that begins with an "A" and can be found on correspondence or cards you have received from DHS, USCIS, or on immigration court records (for example, Form I-797, Receipt Notice; an Employment Authorization Document; a Permanent Resident Card). If you do not have an A-Number, USCIS may assign one to you.

**Item Number 2. USCIS Online Account Number.** You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN 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 do not have a U.S. Social Security number, type or print "N/A."

**Item Number 4. Your Full Name.** Provide your full legal name in the spaces provided.

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**Item Number 5. Other Names Used** (if any). Provide all the names you have used, including maiden name, married names, and nicknames, in the space provided.

**Item Number 6. Date of Birth.** Provide your date of birth in a month/day/year format.

**Item Number 7. Sex.** Indicate whether you are male or female as provided on your birth certificate issued at the time of birth or issued closest to the time of birth or in secondary evidence you provided to USCIS, if applicable.

**Item Number 8. Place of Birth.** Provide the city or town, state or province, and country where you were born in the spaces provided.

**Item Number 9. – 10. Country(ies) 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, type or print “stateless” and provide an explanation in **Part 11. Additional Information.** **If you are a citizen or national of more than one country, list any additional countries of citizenship or nationality in Part 11. Additional Information.**

**Item Number 11. Country of Last Foreign Residence.** Provide the name of the country where you had your last foreign residence.

**Item Number 12. – 13. 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 14. – 16. 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 17. - 20. Employment History.** Provide your current employment information and prior employment information for the prior 20 years of your employment history. If you are currently unemployed or retired, you must provide the last 20 years of your employment history. Additionally, you must also provide any positions held with government or military at any time, not just within this 20 year timeframe. Indicate the full legal name of the employer and address of employment, job title, and dates of employment for each position.

### **Your Entry Into The United States**

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

**Item Number 21. Date of Arrival.** Provide the date you arrived in the United States in a month/day/year format.

**Item Number 22. Place of Arrival or Port-of-Entry.** Provide the city/town and state where you arrived in the United States.

**Item Number 23. 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:** You may visit the CBP website at [www.cbp.gov/i94](http://www.cbp.gov/i94) to obtain a paper version of an electronic Form I-94 if needed. If you cannot obtain the Form I-94 from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. See Form G-1055, available at [www.uscis.gov/forms](http://www.uscis.gov/forms), for specific information about the fees applicable to Form I-102.

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### Part 3. Information About Your Spouse and Children

**Item Number 1. 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 Numbers 4. – 5. Country(ies) of Citizenship.** Provide the name of the country where your spouse is a citizen and/or national. If your spouse is a citizen of more than one country, has had more than one citizenship, or the nationality differs from your spouse's citizenship, provide the information in **Part 11. Additional Information**. Indicate whether your spouse is a citizen or national of each country you list. This is not necessarily the country where your spouse was born. If you do not have citizenship in any country, write "stateless" and provide an explanation in **Part 11. Additional Information**.

**Item Number 6. Relationship.** Indicate the relationship the person has with you (spouse or child).

**Item Numbers 7. – 8. 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 3.** 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 9. – 38.** These data collections are provided for you to fill out for all of your children. They collect the same information as **Item Numbers 1. – 8.**

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

**Provide all requested information about the new commercial enterprise (NCE).** If the NCE is a holding company and its wholly owned subsidiaries, provide information about the top-level holding company in **Item Numbers 1. - 12.** and all wholly-owned subsidiaries, including names, and dates and jurisdiction of formation in **Item B.** in **Item Number 2.**

### Part 5. Information About Your Investment

#### Investment Type and Required Capital Investment

You must select at least one of the following options, and provide the requested information. If your investment meets more than one of these categories, select all that apply.

**Item Number 1. Rural Area.** Select this box if your investment is in **an NCE that is principally doing business in** a rural area. A rural area is an area outside a metropolitan statistical area (MSA) (as designated by the Director of the Office of Management and Budget) and outside the outer boundary of a city or town with a population of 20,000 or more (based on the most recent decennial census of the United States).

**Item Number 2. High Unemployment Area.** Select this box if your investment is in **an NCE that is principally doing business in** a high unemployment area. A high unemployment area is an area comprised of the census tract or contiguous census tracts where the NCE is principally doing business and may include any directly adjacent census tracts if the weighted unemployment average of the area identified is at least 150% of national average rate.

**Item A. in Item Number 2.** Provide any directly adjacent census tract(s) used in your calculation to establish an area of high unemployment. Enter the 11-digit FIPS code (2-digit state code, 3-digit county code, and 6-digit tract code format) that uniquely identifies each census tract.

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**Item B. in Item Number 2.** Provide the weighted unemployment average calculated for the high unemployment area you identified.

**Item C. in Item Number 2.** Indicate the national average unemployment rate at the time of your investment.

**Item D. in Item Number 2.** Identify the data sources used for the calculations provided in **Items B. - C. in Item Number 2.**

**Item Number 3. High Employment Area.** Select this box if your investment is in an NCE that is principally doing business in a census tract, or contiguous census tracts, in a metropolitan statistical area (MSA) where the national average unemployment rate is at least 150 percent of the unemployment being experienced in the area identified. The area's unemployment rate and the national unemployment rate must be compared using the same data source and timeframe. As provided under 8 CFR 204.407(b), the investment amount required in a high employment area is adjusted upward and greater than the standard investment amount.

**Item A. in Item Number 3.** Provide the unemployment average calculated for the census tracts where the NCE is principally doing business.

**Item B. in Item Number 3.** Indicate the national average unemployment rate at the time of your investment.

**Item C. in Item Number 3.** Identify the data sources used for the calculations provided in **Items B. - C. in Item Number 3.**

**Item Number 4. Non-TEA/Non-High Employment Area.** Select this box if your investment is in an NCE that is not principally doing business in a rural area, a high unemployment area, or a high employment area.

#### **Composition of Your Investment, Administrative Costs and Fees, and Your Net Worth**

**Item Number 5. Dates and Amounts of Your Investment.** Provide the date(s) and amount(s) of your investment in the NCE in a month/day/year format. If you are actively in the process of investing capital, provide the date(s) and amount(s) you anticipate making the investment.

**Item Number 6. 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 11. Additional Information.**

**Item Number 7. Total Value of Assets Purchased.** Indicate the total value of all assets purchased for use in the NCE.

**Item Number 8. Total Value of All Property.** Indicate the total value of all property transferred from abroad for use in the NCE.

**Item Number 9. 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 10. Total Stock or Other Equity.** Indicate the total value of all stock or other equity purchased in the NCE.

**Item Number 11. 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 11. Additional Information.**

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**Item Number 12. Administrative Costs and Fees.** Provide the date(s) and amount(s) of any administrative fees you paid associated with your investment in the NCE in a month/day/year format.

**Item Number 13. Your Net Worth.** Indicate your current net worth in U.S. dollars (\$).

**Item Number 14. 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, as well as any funds used to pay administrative costs and fees associated with your investment identified in **Item Number 12**. Select all that apply. Provide details in the space provided. If you need additional space, use the space provided in **Part 11. Additional Information**.

**Item Number 15. Types of Evidence.** Identify the types of evidence you submitted to demonstrate the lawfulness of your investment capital and funds used to pay administrative costs and fees associated with your investment by selecting all that apply from the provided list. Include all evidence demonstrating the lawfulness of the capital over the period in which such capital was derived through the time in which such capital was invested into the new commercial enterprise. For example, if your capital was derived from accumulated income for the two-year period prior to its investment into the new commercial enterprise and you are submitting personal tax returns, you should submit tax returns for that two-year period. Or if your capital was derived from distributions from a separate business you own based on income accumulated at that business over a seven-year period, you should submit tax returns for the business for that seven-year period.

**Item Number 16. Gifts or Loans.** If the funds used to make your investment or pay any administrative costs or fees were gifted or loaned to you, identify the donor or lender and include the documentation with this petition to demonstrate that such funds were obtained through lawful means. Any gifted or loaned funds invested in the NCE must have been gifted or loaned in good faith to the investor and were not gifted or loaned to circumvent limitations on permissible sources of capital, including proceeds from illegal activity.

**Item Number 17. Trace the Complete Path of Funds.** Complete the table with account information for every account included in the complete path of your investment capital and administrative fees from your account to the NCE's account or escrow account. The complete path of funds begins on the first row with the initial source account or accounts from which you initially received the invested capital and administrative fees, then include any intermediate accounts used to transfer the funds to the NCE or NCE escrow account sequentially, and ends in the final row with the NCE or NCE escrow account. Dates should be the dates the funds were transferred into each intermediate account and the NCE or NCE escrow account (no date is needed for the initial source account or accounts). Amounts should be stated in the currency held in the accounts (such as CNY/RMB/¥, INR/₹, VND/₫, EUR/€ or USD/\$).

**Item Number 18. Currency Exchanges or Swaps.** Complete the table with account information for any account used for a currency exchange or currency swap involving your investment capital or administrative fees. Amounts should be stated in the currency held in the accounts (such as CNY/RMB/¥, INR/₹, VND/₫, EUR/€ or USD/\$).

**Item Number 19. Breaks in the Path of Funds.** Identify any breaks in the path of funds of your investment capital and administrative fees from your account or accounts to the NCE or NCE escrow account. A break in the path of funds means that some or all of the funds were transferred to an account not listed in the stated path of funds or otherwise removed from an account in a manner not accounted for in the stated path of funds. If there are any breaks in the path of funds, identify the bank accounts immediately prior to and immediately following each break in the path of funds.

**Item Number 20.** Provide the identity of any third-party you used to transfer capital into the United States on your behalf, including any licensing information for that third-party, the bank account used to transfer the capital to the NCE or its escrow account, and the relationship you have to that third-party, if any. This may include any money-service business or third-party exchanger, such as a hawala. For businesses, you should include the name and address of the entity, a copy of the business license or registration information, and any other information that confirms the identity of the business. For individuals, you should include the person's full name, date of birth, country of birth, country of citizenship, and a copy of the person's state-issued identification document, passport, birth certificate, or other documents to confirm the identity of the person.

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## Part 6. Employment Creation Information

**Item Number 1.** Indicate if you are employed by the NCE in which you have invested. If you are employed, provide your position, office or title and your duties, activities, and responsibilities with the NCE.

**Item Number 2. 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, United States national, 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 3. Current Full-time Direct and Qualifying Employees.** Indicate how many full-time direct and qualifying employees are working in the NCE currently.

**Item Number 4. 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 5. 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.

**Item Number 6. Total Investment Made Available to Job-Creating Business(es) of the NCE.** Indicate the total amount of your capital that has been or will be made available to the job-creating business(es) of the NCE.

## Part 7. Visa Processing and Immigration Proceedings

**Item Numbers 1. - 5. 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 Number 6.** Indicate if you are submitting any additional forms with your petition, including an application to adjust status, obtain employment authorization, or obtain a travel document. You may file an application to adjust status concurrently with or subsequent to this Form I-526 if approval of your Form I-526 petition would make an immigrant visa immediately available to you. Consult the U.S. Department of State Visa Bulletin and the USCIS website to determine if an EB-5 immigrant visa is immediately available to you.

**Item Numbers 7. - 10. Immigration Proceedings.** Indicate whether you are or have you ever been in removal, exclusion or deportation proceedings before the 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. Indicate whether you ever been unlawfully present or overstayed a visa and if you ever been denied a visa or deported. Provide an explanation for why you are in proceedings in **Part 11. Additional Information** and under what grounds you were denied a visa or deported. 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 11. - 12. Employment in the United States.** 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 11. Additional Information**.

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## Part 11. Additional Information

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. 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 review your copy of your completed petition before you go to your biometric services appointment at a USCIS ASC.** At your appointment, USCIS will allow 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, we 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 or through your myUSCIS account shortly after submitting your petition. If you select to submit evidence through a myUSCIS account **within 30 days of your Form I-526 filing**, you will receive instructions with your receipt notice. 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 or through your myUSCIS account **within 30 days** after submitting 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 authorized to do business in the United States.**

**Such** evidence shall, as applicable, consist of:

- A. Complete formation documents, such as copies** of articles of incorporation, **organization, association, certificate of merger or consolidation, or other similar formation documents, together with all amendments to such documents;**
- B. Complete copies of all other organization documents, such as partnership agreement, operating agreement, bylaws, or other similar organizational documents for the new commercial enterprise, together with all amendments to such documents; and**
- C. A certificate evidencing authority to do business in the state, municipality, or other applicable jurisdiction of the United States in which the new commercial enterprise is principally doing business.**

**2. Targeted Employment Area.** Evidence, if applicable, that your new commercial enterprise is principally doing business in a targeted employment area. A targeted employment area is defined as an area which, at the time of investment, is a rural area or high unemployment area. 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 (based on the most recent decennial census of the United States available at the time of filing). In the case of a rural area, a petitioner must submit a map of the proposed area with the population counts of that area that establish the NCE is principally doing business outside a metropolitan statistical area and outside the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States available at the time of filing). A high unemployment area includes the census tract(s) where the NCE is principally doing business and may include any directly adjacent census tracts, if the weighted unemployment average of the area is at least 150 percent of the national average rate. In the case of a high unemployment area, a petitioner must submit a list of the census tract or contiguous census tracts as well as any directly adjacent census tracts used in the calculation to determine the area is experiencing a weighted unemployment average rate of at least 150% of the national average rate and the method or methods by which the unemployment statistics were obtained, as well as the national unemployment rate used to calculate whether the area meets the definition of a high unemployment area. The labor force employment measure used for each census tract in the calculation must be the same labor force employment measure used for the national average unemployment rate. For example, if you used data from the U.S. Census Bureau's American Community Survey (ACS) to determine the unemployment rate for the requested area, you should also rely on ACS data to determine the national unemployment rate to which the area identified is compared.

The labor force employment measure used to perform the calculation must:

1. Be statistically valid for the identified census tracts;
2. Use unbiased estimates calculated at the census tract level;
3. Be updated periodically;
4. Be provided by a Federal agency. If Federal estimates are not available or are not updated periodically, estimates from the State, territory, or other local agency responsible for estimating unemployment, such as the State's Department of Labor, are acceptable; and
5. The survey methodology must use publicly available data along with a description of the applicable weights and the estimation of error and bias in the estimates.

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

Such evidence must include:

1. Evidence that the investment remains invested in the NCE on the date the EB-5 immigrant visa petition is filed;
2. For all investments into an NCE other than a sole proprietorship:
  - a. Executed investment, organizational, and other offering agreements including executed subscription agreements and operating or partnership agreements; and
  - b. As applicable, equity certificates, equity ledgers, capitalization tables, or other records of the NCE showing the investor invested in the NCE;
3. When investing cash:
  - a. Copies of bank statements showing amounts transferred from or on behalf of the investor and deposited into the U.S. business accounts for the NCE;
  - b. Evidence from the escrow agent showing the deposit of the investor's capital; and
  - c. Evidence from the NCE showing receipt of the investor's capital.

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4. When investing other forms of capital:
    - a. Evidence of assets that have been purchased for use in the NCE, including invoices, sales receipts, and purchase contracts containing sufficient information to identify such assets, their purchase costs, dates of purchase, and purchasing entity;
    - b. Evidence of property transferred from abroad for use in the NCE, including U.S. Customs and Border Protection commercial entry documents and transit insurance policies containing ownership information and sufficient information to identify the property; and
    - c. Evidence to indicate the fair market value of any capital other than cash, the methodology used to determine the fair market value of that capital, and the date of such determination.
  5. When investing using a promissory note as capital or as evidence of commitment to invest, evidence that the investors is required to complete payments on the promissory note prior to the end of their conditional permanent resident period and that:
    - a. Assets securing the note are owned by the investor;
    - b. The security interests are perfected;
    - c. The assets are amenable to seizure; and
    - d. The assets have an adequate fair market value.
  6. Evidence that the NCE has undertaken meaningful concrete business activity.
4. **Lawful Capital.** Evidence that the capital you invested or are actively in the process of investing, as well as any funds used to pay administrative costs and fees, were obtained through lawful means. **You must include the following documents, as applicable, with your petition:**
1. If any part of the capital is accumulated by the investor:
    - a. Bank records demonstrating the accumulation of capital;
    - b. Income certificates issued by the investor's employer; and
    - c. Personal income tax returns for the period when the capital was accumulated.
  2. If any part of the investor's capital is obtained from the sale or mortgage of property:
    - a. Appraisal or property value;
    - b. Evidence the investor owns the property from which the capital was obtained;
    - c. Mortgage contract;
    - d. Purchase or sale contract;
    - e. Sales tax or transfer tax payment receipts; and
    - f. Evidence of how the funds used to purchase any property were accumulated.
  3. If any part of the investor's capital is derived from the investor's ownership in a business:
    - a. Capital verification reports;
    - b. Company bank statements;
    - c. Financial audit reports;
    - d. Foreign business registration records;
    - e. Loan contracts between the investor and the business;
    - f. Shareholder or similar resolutions authorizing the investor to take a loan or receive a distribution;
    - g. Relevant tax returns; and

- h.** Evidence of how the funds used to purchase any business ownership was accumulated.
- 4.** Certified copies of any judgments, or evidence of all pending governmental administrative, civil or criminal actions, **governmental administrative proceedings, and** any private civil actions (pending or otherwise) involving monetary judgments against the petitioner from any court in or outside the United States **or an attestation that the investor is not subject to any such judgments, actions, or proceedings**
- 5.** The identity of **all persons** who transferred **or will transfer, on your behalf, any capital or funds** used for your investment into the United States **or to pay administrative costs and fees associated with investment.**
- 6.** If **any part of your investment capital is** gifted or borrowed:
  - a.** A letter from the donor acknowledging the gift and confirming the gift has no expectation of repayment;
  - b.** A copy of the loan agreement;
  - c.** Identification of the person or entity that supplied the gift or loan;
  - d.** Evidence **that the source of any funds provided by a donor or, if other than a bank, the lender demonstrating that such funds were obtained through lawful means and that the funds were gifted or loaned in good faith and were not gifted or loaned to circumvent any limitations imposed on permissible sources of capital, including, but not limited to proceeds from illegal activity; and**
  - e.** Evidence **that the gift or loan can be used for investment purposes.**

Capital does not include:

- Assets directly or indirectly acquired by unlawful means;
  - Any capital invested in exchange for a note, bond, convertible debt, obligation, or any other debt arrangement between you and the NCE;
  - Any capital invested with a guaranteed rate of return; or
  - Any capital invested that is subject to an agreement between you and the NCE that provides you with a contractual right to repayment, such as a mandatory redemption or sell-back option held by you.
- 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, U.S. national, 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 **include:**
    - 1.** **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;
    - 2.** **Employment eligibility verification forms for the relevant employees;**
    - 3.** Evidence the NCE is using, or commits to use, e-Verify, or successor system, to validate employees' eligibility to work in the United States; **and, as applicable;**
    - 4.** Evidence that any reorganization or restructuring of a pre-existing business, as applicable, has not caused and will not cause a net loss of employment; **and**
    - 5.** Evidence that establishes the pre-acquisition level of employment for NCE and shows that the investment created, or will create, the required number of full-time positions for qualified employees in addition to those that existed before the investment.
  - 6. Identification.** Submit a photocopy of government-issued identification, which may include a copy of your passport.

#### Where To File?

Please see our website at [www.uscis.gov/i-526](http://www.uscis.gov/i-526) for the most current information about where to file this petition.

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## Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange), or call the USCIS Contact Center.

**NOTE:** Do not submit a change of address request to the USCIS Lockbox.

## Processing Information

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

**Requests for More Information.** USCIS 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 we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your petition. During your interview, USCIS may require you to 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 our decision in writing.

## USCIS Forms and Information

To ensure you are using the latest version of this petition, visit [www.uscis.gov](http://www.uscis.gov).

## 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.

## DHS Privacy Notice

**AUTHORITIES:** The information requested on this petition, and the associated evidence, is collected under Immigration and Nationality Act (INA) sections 101, 103, 203, 204, 216A, and 245 (as amended), the EB-5 Reform and Integrity Act of 2022, Div. BB of the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103), 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.

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**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-001 - Alien File, Index, and National File Tracking System of Records and DHS/USCIS-007 - Benefits Information System] 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 you can find at [www.dhs.gov/privacy](http://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

USCIS may not conduct or sponsor an information collection, and you are not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at **2.40 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. 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0026. **Do not mail your completed Form I-526 to this address.**

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