

## INSTRUCTIONS

### Purpose of This Form.

This form is for use by an entrepreneur to petition to the Bureau of Citizenship and Immigration Services (BCIS) for status as an immigrant to the United States pursuant to section 203(b)(5) of the Immigration and Nationality Act, as amended. That section of the law pertains to immigrant visas for an investor in a new commercial enterprise. The BCIS is comprised of offices of the former Immigration and Naturalization Service.

### Who May File.

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

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

The establishment of a new commercial enterprise may include:

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

The amount of investment required in a particular area is set by regulation. Unless adjusted downward for targeted areas or upward for areas of high employment, the amount of investment shall be **\$1,000,000 (one million dollars)**. You may obtain additional information from a BCIS field office in the United States or at a American embassy or consulate abroad.

### General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If an answer to a question is "none," please write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your A#, if any, and indicate the number of the item. Your petition must be properly signed and filed with the correct fee.

### Initial Evidence Requirements.

The following evidence must be filed with your petition:

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

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

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

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

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

- Evidence that capital is obtained through lawful means. The petition must be accompanied, as applicable, by: foreign business registration records, tax returns of any kind filed within the last five years in or outside the United States, evidence of other sources of capital, or certified copies of any judgment, pending governmental civil or criminal actions, or private civil actions against the petitioner from any court in or outside the United States within the past 15 years.

- Evidence that the enterprise will create at least ten full-time positions for U.S. citizens, permanent residents, or aliens lawfully authorized to be employed (except yourself, your spouse, sons, or daughters, and any nonimmigrant aliens). Such evidence may consist of copies of relevant tax records, Forms I-9, or other similar documents, if the employees have already been hired, or a business plan showing when such employees will be hired within the next two years.
- Evidence that you are or will be engaged in the management of the enterprise, either through the exercise of day-to-day managerial control or through policy formulation. Such evidence may include a statement of your position title and a complete description of your duties, evidence that you are a corporate officer or hold a seat on the board of directors, or, if the new enterprise is a partnership, evidence that you are engaged in either direct management or policy-making activities.

### Processing Information.

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

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

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

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

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

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

### Copies.

If these instructions state that a copy of a document may be filed with this application and you choose to send us the original, we may keep that original for our records.

### Where to File.

If the new commercial enterprise is located, or will principally be doing business in: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Mississippi, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, or Texas, Vermont, the U.S. Virgin Islands, Virginia or West Virginia, mail the petition to:

**BCIS Texas Service Center  
P.O. Box 852135  
Mesquite, TX 75185-2135**

If the new commercial enterprise is located, or will principally be doing business in: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, mail the petition to:

**BCIS California Service Center  
P.O. Box 10140  
Laguna Niguel, CA 92607-0526**

### Fees.

The fee for this petition is **\$400.00**. The fee must be submitted in the exact amount. It cannot be refunded. **DO NOT MAIL CASH.** All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Bureau of Citizenship and Immigration Services (do not use initials), except that:

- If you live in Guam and are filing this application there, make your check or money order payable to the "Treasurer, Guam."
- If you live in the U.S. Virgin Islands and are filing this application there, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. A check returned due to insufficient funds will render the application and any document issued invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

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### **Information and BCIS Forms.**

For information on immigration laws, regulations and procedures or to order BCIS forms, call our National Customer Service Center at **1-800-375-5283** or visit our website at **www.bcis.gov**.

### **Penalties.**

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are seeking and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

### **Privacy Act Notice.**

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1184, 1255 and 1258. We may provide this information to other government agencies. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your petition.

### **Paperwork Reduction Act Notice.**

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: (1) learning about the law and form, 15 minutes; (2) completing the form, 25 minutes; and (3) assembling and filing the application, 35 minutes, for an estimated average of 1 hour and 15 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, you may write to the Bureau of Citizenship and Immigration Services, HQRF5, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No.1615-0026. **DO NOT MAIL YOUR COMPLETED PETITION TO THIS ADDRESS.**

# I-526, Immigrant Petition by Alien Entrepreneur

**DO NOT WRITE IN THIS BLOCK - FOR BCIS USE ONLY (Except G-28 Block Below)**

Classification  _____	<b>Action Block</b>	Fee Receipt
Priority Date  _____		<b>To be completed by Attorney or Representative, if any</b> <input type="checkbox"/> G-28 is attached Attorney's State License No. _____
Remarks:		

**START HERE - Type or Print in Black Ink.**

## Part 1. Information about you.

Family Name	Given Name	Middle Name
Address:		
In care of _____		
Number and Street	Apt. #	
City	State or Province	Country
		Zip/Postal Code
Date of Birth (mm/dd/yyyy)	Country of Birth	Social Security # (if any)
		A # (if any)
<b>If you are in the United States, provide the following information:</b>		Date of Arrival (mm/dd/yyyy)
		I-94 #
Current Nonimmigrant Status	Date Current Status Expires (mm/dd/yyyy)	Daytime Phone # ( ) - with Area Code

## Part 2. Application type (Check one).

- a.  This petition is based on an investment in a commercial enterprise in a targeted employment area for which the required amount of capital invested has been adjusted downward.
- b.  This petition is based on an investment in a commercial enterprise in an area for which the required amount of capital invested has been adjusted upward.
- c.  This petition is based on an investment in a commercial enterprise that is not in either a targeted area or in an upward adjustment area.

## Part 3. Information about your investment.

Name of commercial enterprise in which funds are invested	_____		
Street Address	_____		
Phone # with Area Code	Business organized as (corporation, partnership, etc.)	_____	
Kind of business (e.g. furniture manufacturer)	Date established (mm/dd/yyyy)	IRS Tax #	_____

RECEIVED: \_\_\_\_\_ RESUBMITTED: \_\_\_\_\_ RELOCATED: SENT \_\_\_\_\_ REC'D \_\_\_\_\_

**Part 3. Information about your investment. (continued)**

Date of your initial investment (mm/dd/yyyy)	<input type="text"/>	Amount of your initial investment	\$ <input type="text"/>
Your total capital investment in the enterprise to date	\$ <input type="text"/>	Percentage of the enterprise you own	<input type="text"/>

If you are not the sole investor in the new commercial enterprise, list on separate paper the names of all other parties (natural and non-natural) who hold a percentage share of ownership of the new enterprise and indicate whether any of these parties is seeking classification as an alien entrepreneur. Include the name, percentage of ownership and whether or not the person is seeking classification under section 203(b)(5). **NOTE:** A "natural" party would be an individual person and a "non-natural" party would be an entity such as a corporation, consortium, investment group, partnership, etc.

If you indicated in **Part 2** that the enterprise is in a targeted employment area or in an upward adjustment area, name the county and state:

County	<input type="text"/>	State	<input type="text"/>
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**Part 4. Additional information about the enterprise.**

**Type of Enterprise (check one):**

- New commercial enterprise resulting from the creation of a new business.
- New commercial enterprise resulting from the purchase of an existing business.
- New commercial enterprise resulting from a capital investment in an existing business.

**Composition of the Petitioner's Investment:**

Total amount in U.S. bank account .....	\$	<input type="text"/>
Total value of all assets purchased for use in the enterprise.....	\$	<input type="text"/>
Total value of all property transferred from abroad to the new enterprise.....	\$	<input type="text"/>
Total of all debt financing.....	\$	<input type="text"/>
Total stock purchases.....	\$	<input type="text"/>
Other (explain on separate paper).....	\$	<input type="text"/>
<b>Total</b>	\$	<input type="text"/>

**Income:**

When you made the investment.....	Gross	\$ <input type="text"/>	Net	\$ <input type="text"/>
Now.....	Gross	\$ <input type="text"/>	Net	\$ <input type="text"/>

**Net worth:**

When you made investment.....	Gross	\$ <input type="text"/>	Now	\$ <input type="text"/>
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**Part 5. Employment creation information.**

Number of full-time employees in the enterprise in U.S. (excluding you, your spouse, sons and daughters)

When you made your initial investment?

Now

Difference

How many of these new jobs were created by your investment?

How many additional new jobs will be created by your additional investment?

What is your position, office or title with the new commercial enterprise?

Briefly describe your duties, activities and responsibilities.

What is your salary? \$

What is the cost of your benefits? \$

**Part 6. Processing information.**

Check One:

- The person named in **Part 1** is now in the United States and an application to adjust status to permanent resident will be filed if this petition is approved.
- If the petition is approved and the person named in **Part 1** wishes to apply for an immigrant visa abroad, complete the following for that person:

Country of nationality:

Country of current residence or, if now in the United States, last permanent residence abroad:

If you provided a United States address in **Part 1**, print the person's foreign address:

If the person's native alphabet is other than Roman letters, write the foreign address in the native alphabet:

Is a Form I-485, Application for Adjustment of Status, attached to this petition?

Yes

No

Are you in deportation or removal proceedings?

Yes (Explain on separate paper)

No

Have you ever worked in the United States without permission?

Yes (Explain on separate paper)

No

**Part 7. Signature.** Read the information on penalties in the instructions before completing this section.

I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the Bureau of Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature

Date

**Please Note:** If you do not completely fill out this form or fail to submit the required documents listed in the instructions, you may not be found eligible for the immigration benefit you are seeking and this petition may be denied.

**Part 8. Signature of person preparing form, if other than above. (Sign below)**

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name

Date

Firm Name

Address

Daytime phone # with area code

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