



**U.S. Citizenship and  
Immigration Services**

## Suggested Order of Form I-526 Documentation

The following is the suggested order of documentation accompanying Form I-526, Immigrant Petition by Alien Entrepreneur. You can find the initial evidentiary requirements identifying required documentation at [8 C.F.R. § 204.6](#) and in the [Form I-526 instructions](#).

### 1. Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative

Notice of attorney of representtive

### 2. Form I-526, Immigrant Petition by Alien Entrepreneur

Petitioner's Form I-526

### 3. Cover Letter

Cover letter and exhibit index (highly recommended)

### 4. Evidence of establishment of a new commercial enterprise (NCE), which must include:

- As applicable, organizational documents of the NCE such as:
  - Articles of incorporation
  - Certificate of merger or consolidation
  - Partnership agreement
  - Certificate of limited partnership
  - Joint venture agreement
  - Business trust agreement
- Certificate evidencing authority to do business in a State or municipality (or a statement saying such a certificate is not required)
- **(For expanded businesses, if applicable)** Evidence that the required amount of capital was transferred to an existing business, and the investment has resulted in a substantial increase in net worth or number of employees of the business including, but not limited to:
  - Stock purchase agreements
  - Investment agreements
  - Certified financial reports
  - Payroll records
  - Any similar instruments, agreements, or documents evidencing the investment and the resulting substantial change.

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**5. Project documents, which may include:**

- Transactional documents for the project, such as
  - Limited partnership agreements
  - Operating agreements
  - Escrow agreements
  - Subscription agreements
  - Loan agreements
  - Offering memoranda

**6. Evidence the investment is in a Targeted Employment Area (TEA), when applicable**

- For rural areas
  - Evidence the NCE is principally doing business within a jurisdiction outside any standard metropolitan statistical area (MSA) and outside any city or town with a population of 20,000 or more in the most recent U.S. Census
- For high unemployment areas
  - Unemployment data for the relevant MSA or county in which the NCE is principally doing business demonstrating that it has an average unemployment rate of 150% of the national average rate; or
- A letter from an authorized body of the state government in which the NCE is located which certifies that the area in which the NCE is principally doing business has been designated as a high unemployment area<sup>[1]</sup>

**7. Evidence of petitioner's investment in the NCE, which may include:**

- Copies of bank statement(s) showing amount(s) deposited in U.S. business account(s) of the NCE
- Evidence of assets purchased for use by the NCE including, but not limited to:
  - Invoices
  - Sales receipts
  - Purchase contracts, if they identify the assets with the purchase cost, date of purchase, and the purchasing entity
- Evidence of property transferred from abroad for use by the NCE including, but not limited to:
- U.S. Customs and Border Protection commercial entry documents
- Bills of lading
- Transit insurance policies containing ownership information and information to identify the property and indicate its fair market value.
- Evidence of money transferred or committed to the NCE in exchange for shares of stock, which stock may not include terms requiring the NCE to redeem it at the holder's request
- Evidence of any loan or mortgage agreement, promissory note, security agreement, or other evidence of borrowing secured by the petitioner's assets (other than those of the NCE), and for which the petitioner is personally and primarily liable

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- Evidence of business activity of the NCE
  - Invoices
  - Purchases
  - Contracts

#### 8. Evidence of lawful source of funds:

- Evidence the petitioner's funds are from a lawful source. As applicable, petitioner must provide:
  - Foreign business registration records
  - Corporate, partnership, or any other entity tax returns filed within last 5 years
  - Personal tax returns including income, franchise, property, or any other kind filed within last 5 years
  - Evidence identifying any other source(s) of capital
  - Certified copies of any judgments or evidence of all pending governmental civil or criminal actions, governmental administrative proceedings, and any private civil actions involving monetary judgments against the petitioner in or outside the U.S. within the past 15 years
- Evidence of the path of petitioner's funds from the source to the NCE including, but not limited to:
  - Wire transfer records
  - Bank statements showing where funds originated

#### 9. Evidence the NCE will create (or maintain in the case of a troubled business) the required number of jobs for qualifying employees, which must include:

- A comprehensive business plan showing the need for not fewer than 10 qualifying employees and when such employees will be hired; or
- For employees already hired:
  - Relevant tax records
  - Forms I-9; or
  - other similar documents
- **(For regional center affiliated petitions)** Evidence of reasonable methodology to show that the required number of jobs will be created indirectly by the business
- **(For troubled businesses, if applicable):**
  - Evidence that the NCE has:
    - Been in existence for at least two years
    - 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 entrepreneur's Form I-526
    - A loss for such period equal to at least 20% of the troubled business's net worth prior to such loss
    - 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

10. Evidence the petitioner is or will be engaged in management of the NCE, either through the exercise of day-to-day managerial control or through policy formulation, which must be shown by:

- Statement of petitioner's position title and a complete description of the duties;
- Evidence the petitioner is a corporate officer or a member of the board of directors; or
- **(For partnerships)** Evidence the petitioner is engaged in either direct management or policy-making activities

11. (For regional center affiliated petitions) Approval notice of designated regional center

Form I-924 approval notice from USCIS designating the regional center with which the petitioner is associated

12. (For regional center affiliated petitions seeking deference) Previously approved project-specific documentation

- Business plan
- Economic analysis
- Organizational and transactional documents

[1] See 8 CFR 204.6(i)

Last Reviewed/Updated: 07/18/2017