

Instructions for I-829, Petition by Entrepreneur to Remove Conditions

Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers. Also, note the filing fee for Form I-829 is \$2,850 plus an \$80 biometric fee, if required. For more information, see "What is the Filing Fee?" on Page 3.

What Is the Purpose of Form I-829?

This form is for a conditional permanent resident who obtained such status through entrepreneurship to petition to the U.S. Citizenship and Immigration Services (USCIS) to remove the conditions on his or her residence.

When Should I Use Form I-829?

You must file this petition during the 90 days immediately before the second anniversary of the date that you obtained conditional permanent resident status. This is the date your conditional permanent residence expires.

Effect of Filing

Filing this petition extends your conditional permanent residence for six months. You will receive a filing receipt that you should carry with your Permanent Resident Card. If you travel outside the United States during this period, you may present your Permanent Resident Card and the filing receipt in order to be readmitted.

Effect of Not Filing

If this petition is not filed, you will automatically lose your permanent resident status as of the second anniversary of the date that you were granted conditional status. As a result, you will become removable from the United States. If your failure to file was for good cause and due to extenuating circumstances, you may file your petition late with a written explanation and request that USCIS excuse the late filing.

Who May File Form I-829?

If you were granted conditional permanent resident status through entrepreneurship, use this form to petition for the removal of those conditions. You may include your conditional permanent resident spouse and children in your petition, or they may file separately subsequent to your petition. If filing subsequently, attach a copy of Form I-797, Notice of Action, relating to the principal's petition.

If you obtained conditional permanent resident status through your entrepreneur spouse or parent, and your spouse or parent has died, you may use this form for removal of the conditions. You may use this form to petition for removal of the conditions.

General Instructions

Step 1. Fill Out Form I-829

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

Step 2. General Requirements

You must file your petition with:

1. **Permanent Resident Card (Form I-551).**
 - A. A copy of your Permanent Resident Card and, if applicable; and
 - B. A copy of the Permanent Resident Card of your conditional permanent resident spouse and each of your conditional permanent resident children included in your petition.
2. **Evidence of the Commercial Enterprise.** Submit the following types of evidence with your petition (Label each type of evidence):
 - A. Evidence that you established a commercial enterprise. Such evidence includes, but is not limited to, Federal tax returns;
 - B. Evidence that you invested or were actively in the process of investing the amount of capital required for the location of your enterprise. Such evidence includes, but is not limited to, an audited financial statement; and

C. Evidence that you sustained your enterprise and your investment in that business throughout your period of conditional permanent residence. Examples of such evidence include:

1. Invoices and receipts;
2. Bank statements;
3. Contracts;
4. Business licenses; and
5. Federal or State income tax returns or quarterly tax statements.

D. Evidence of the number of full-time employees at the beginning of the investment and at present. Such evidence includes but is not limited to:

1. Payroll records;
2. Relevant tax documents; and
3. Form I-9s.

3. If you are filing as a spouse or child whose entrepreneur spouse or parent has died, submit the following with your petition:

- A. Your spouse's permanent resident card;
- B. Your spouse's death certificate; and
- C. Evidence that the conditions set forth above in "Evidence of the Commercial Enterprise" have been met.

4. Biometric Services

You will have your photograph, fingerprint, and signature taken by USCIS. When you file Form I-829, USCIS will notify you in writing of the date, time, and location where you must go for the required biometric services. Failure to appear for the biometric services may result in a denial of your application.

NOTE: Because USCIS is now taking photographs of applicants, you no longer need to submit two passport-style photos.

5. Criminal History

A. If you have ever been arrested or detained by any law enforcement officer for any reason, and no charges were filed, submit:

i. An original official statement by the arresting agency or applicable court order confirming that no charges were filed.

B. If you have ever been arrested or detained by any law enforcement officer for any reason, and charges were filed, or if charges were filed against you without an arrest, submit:

i. An original or court-certified copy of the complete arrest record, and/or disposition for each incident (e.g., dismissal order, conviction record, **or** acquittal order.)

C. If you have ever been convicted or placed in an alternative sentencing program or rehabilitative program (such as a drug treatment or community service program), submit:

i. An original or court-certified copy of the sentencing record for each incident; **and**

ii. Evidence that you completed your sentence, specifically:

- a. An original or certified copy of your probation or parole record; or
- b. Evidence that you completed an alternative sentencing program or rehabilitative program.

D. If you have ever had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record, submit:

i. An original or court-certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction; **or**

ii. An original statement from the court that no record exists of your arrest or conviction.

NOTE: Unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than \$500 and or points on your driver's license.

Where To File?

Regardless of the location of the new commercial enterprise, file Form I-829 to:

**USCIS California Service Center
P.O. Box 10526
Laguna Niguel, CA 92607-0526**

What Is the Filing Fee?

The filing fee for Form I-829 is **\$2,850**.

The fee for biometric services is **\$80**.

You may submit one check or money order for both the petition and biometric services, for a total of **\$2,930**.

NOTE: Each conditional resident dependent, eligible to be included on the principal applicant's Form I-829 and listed under **Part 3** or **Part 4** of Form I-829, is required to submit an additional biometric services fee of **\$80**.

The fees must be submitted in the exact amount. It cannot be refunded. **Do not mail cash.**

Use the following guidelines when you prepare your check or money order for the Form I-829 fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form fee on this form is current as the the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts, or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744**

Processing Information

Any Form I-829 that is not signed or accompanied by the correct fee, will be rejected with a notice that Form I-829 is deficient. You may correct the deficiency and resubmit Form I-829. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once Form I-829 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 Form I-829.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS 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.

Decision. The decision on Form I-829 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-829, we will deny your Form I-829 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 for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. 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 Form I-829.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour, 5 minutes per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210; OMB No. 1615-0045. **Do not mail your application to this address.**