

Form I-829 Petition Data Request List

This sample list consists of key items needed to prepare a full Form I-829 template in connection with an application with USCIS to remove the conditions for an EB-5 investor's conditional Green Card. The items listed are essential to draft a full and complete I-829 Petition that will provide USCIS with all of the required information.

1. Regional Center Documents

- a. Originally issued USCIS designation letter
- b. Certificate of formation
- c. FEIN letter from IRS
- d. Certificate of good standing
- e. Any approved amendments for name changes, designation expansions, etc.

2. Petitioner Documents

- a. Copy of petitioner's full, signed original I-526 filing
- b. I-526 approval notice
- c. Copy of petitioner's temporary Green Card
- d. Subscription amount wire transfer receipt
- e. Petitioner's federal and state tax return, K-1, or other relevant tax documents since the beginning of the project

3. New Commercial Enterprise (NCE) Documents

- a. Certificate of formation
- b. FEIN letter from IRS
- c. Certificate of good standing
- d. Federal and state tax returns for the NCE since the beginning of the project
- e. All banks statements of the NCE since the beginning of the project

4. Job Creating Enterprise (JCE) Documents¹

- a. Certificate of formation
- b. FEIN letter from IRS
- c. Certificate of good standing
- d. Federal and state tax returns for the JCE since the beginning of the project
- e. All banks statements of the JCE since the beginning of the project

¹ The same documentation will be required for any entity that functions as an intermediary between the JCE and the NCE, if applicable (e.g., an Upstream Borrower entity)

5. Key Project Documents

- a. Targeted Employment Area (TEA) Letter
 - i. Copy of original letter and any subsequent renewals of the TEA letter
 - ii. Confirmation that the project was built and is operating at the same address as indicated in the original I-526 filing
- b. Construction Documents
 - i. Final, detailed development budget showing all line items²
 - ii. Final detailed development timeline showing all milestones³
 - iii. Copies of all secured permits and licenses required for construction and opening of the project
 - iv. Proof of all JCE expenditures (collection of payment receipts for project costs)
 - v. Photos of completed project, and photos of project through construction
- c. Operational Documents (if applicable)
 - i. Audited financials for the JCE
 - ii. Current operating projections at the time of the I-829 filing (proforma model)
 - iii. Most recent appraisal of the project
- d. Business Plan Updates
 - i. All updates to the project that were made after the preparation of the original EB-5 business plan. Include items like any changes in location, scope of services, number of units/rooms, explanations for large differences in the budget or schedule, etc.

6. Material Agreements

- a. Executed construction contract with the General Contractor
- b. All executed agreements with all subcontractors (e.g., for FF&E, architects, engineers, etc.)
- c. Executed copies of all agreements with alternative financing sources (e.g., senior bank, equity investors, etc.)
- d. Executed EB-5 loan agreement/equity agreement between the NCE and JCE (and all applicable intermediate entities)
- e. Executed Limited Partnership Agreement complete with signatures from investor(s)
- f. Executed Escrow Agreement (if applicable)
- g. Operating agreement for the JCE
- h. Additional agreements (e.g., franchise agreements, management agreements, etc.)

² See EB5AN example and template for guidance on how to assemble the detailed development budget

³ See EB5AN example and template for guidance on how to assemble the detailed development timeline