

## **Purpose of This Form.**

This form is for a conditional permanent resident who obtained such status through entrepreneurship to remove the conditions on his or her residence.

*Who May File.* 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 notice for 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 to petition for removal of conditions.

*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 is "none," write "none". If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), and indicate the number of the item to which the answer refers. You must file your petition with the required Initial Evidence. Your petition must be properly signed and accompanied by the correct fee. If you are under 14 years of age, your parent or guardian may sign the petition in your behalf.

*Translations.* Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

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

*Initial Evidence.* Alien Registration Card. You must file your petition with a copy of your alien registration card and a copy of the alien registration card of your conditional permanent resident spouse and any of your conditional permanent resident children you are including in your petition.

Evidence of the Commercial Enterprise. Submit the following types of evidence with your petition. (Please label each type of evidence.)

.Evidence that you established a commercial enterprise. Such evidence includes, but is not limited to, Federal tax returns;

.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

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

- .Bank statements;
- .Invoices and receipts;
- .Contracts;
- .Business licenses; and
- .Federal or state income tax returns or quarterly tax statements.

.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:

- .Payroll records;
- .Relevant tax documents; and
- .I-9 Forms.

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

- .Your spouse's alien registration card;
- .Your spouse's death certificate; and
- .Evidence that the conditions set forth above in "Evidence of the Commercial Enterprise" have been met.

*When To File.* You must file this petition during the 90 days immediately before the second anniversary of the date you were accorded 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 which you should carry with your alien registration card (Form I-551). If you travel outside the United States during this period, you may present your card and the filing receipt 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 on which you were granted this status. You will then become deportable 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 the INS excuse the late filing.

## **Where To File.**

If your commercial enterprise is located in Alabama, Connecticut Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermont, Virgin Islands, Virginia, or West Virginia, mail your petition to: USINS Eastern Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001.

If your commercial enterprise is located in Arizona, California, Guam, Hawaii, or Nevada, mail your petition to: USINS Western Service Center. P.O. Box 30111, Laguna Niguel, CA 92607-0111.

If your commercial enterprise is located elsewhere in the United States, mail your petition to: USINS Northern Service Center, P.O. Box 82521, Lincoln, NE 68501 - 2521.

*Fee.* The fee for filing this petition is \$90.00. 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 Immigration and Naturalization Service, except that:

. If you live in Guam, and are filing this petition in Guam, make your check or money order payable to the "Treasurer, Guam".

. If you are living in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands".

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

## **Processing Information.**

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

*Initial processing.* Once a 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 an INS 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.* You will be advised in writing of the decision on your petition.

*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 filing for, 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 filing for. Our legal right to ask for this information is in 8 USC 1184, 1255 and 1258. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your request.

All the information provided on this form, including addresses, is protected by the Privacy Act and the Freedom of Information Act. This information will not be released in any form whatsoever to a third party, other than another government agency, who requests it without a court order or without your written consent, or in the case of a child, the written consent of the parent or legal guardian who filed the form on the child's behalf.

*Paperwork Reduction Act Notice.* We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 15 minutes to learn about the law and form; (2) 15 minutes to complete the form; and (3) 35 minutes to assemble and file the petition; for a total estimated average of 1 hour and 5 minutes per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0190 Washington, D.C. 20503.