



BERKELEY
REGIONAL CENTER
伯克利区域中心

Partial Capital Commitments for EB-5

How to Take Advantage of Partial Capital Commitment for your EB-5 Investment

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EXECUTIVE SUMMARY

USCIS has two requirements for EB-5 that include invest \$500,000¹ and create 10 jobs. What is less known is that the entire \$500,000 does not need to be invested up front. USCIS permits an investor to be in the process of investing or making a partial capital commitment to submit an I-526 and establish a priority date. The partial capital contribution schedule eases the burden for the investor and provides more time to plan for the larger financial commitment. More importantly, an investor can file the I-526 immediately with a partial capital contribution and establish a priority date.

INTRODUCTION

All EB-5 investors must invest into a new commercial enterprise (NCE), invest \$500,000, and create full-time positions for at least 10 qualifying employees. The total investment amount and job creation requirements are straightforward concepts. What is less known is that to begin your EB-5 application, the full \$500,000 investment is not required.

The USCIS Form I-526 specifically states: “You may file this petition for yourself if you have invested or are actively in the process of investing the required investment amount in a new commercial enterprise (NCE).” The language stating you are “actively in the process of investing” is very important for two reasons:

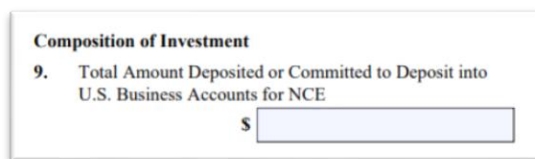
- 1) **The I-526 application process can take over 18-months to get approved by USCIS.** Given this time lag, the sooner an investor can file the I-526 to start the process, the better.
- 2) **Many investors have their net worth tied up in existing investments that may take several months to liquidate.** Making a partial capital contribution to start the I-526 filing while planning for the remaining amount can help alleviate the initial burden.

A partial capital contribution schedule will allow an investor to file an I-526 application today, while permitting time to plan for the remaining capital contribution.

USCIS Form I-526 Requirements

The instructions for the USCIS Form I-526 state “You may file this petition for yourself if you have invested or are actively in the process of investing the required investment amount in a new commercial enterprise (NCE).”

In question 9 of Part 2, Information about your investment, it requests the “Total Amount Deposited or Committed to Deposit into the U.S. Business Account for NCE.”



Composition of Investment

9. Total Amount Deposited or Committed to Deposit into U.S. Business Accounts for NCE

\$

¹ The investment amount in a new commercial enterprise (NCE) is generally \$1,000,000; however, the minimum investment requirement is \$500,000 in a targeted employment area (High Unemployment or Rural).

In question 21 of Part 2, Information About Your Investment, it asks to “Please identify the sources of capital you have invested or are actively in the process of investing in the NCE.”

Your Sources of Investment Capital

Please identify the sources of the capital you have invested or are actively in the process of investing into the NCE. (Select all that apply.)

21.a. Income

21.b. Indebtedness (Loan, Loan Proceeds, Promissory Note, etc.)

21.c. Gift (including capital obtained through inheritance)

21.d. Tangible Assets (Equipment, Inventory, etc.)

21.e. Other

21.f. In the space below, describe the documentation included with this petition to demonstrate that the capital you have invested or are actively in the process of investing was obtained through lawful means.

To see the full USCIS Form I-526, click this link: [USCIS Form I-526](#)

Planning Your Capital Contributions

A partial capital commitment or installment style contribution schedule is permitted by USCIS; however, investors still need to have a plan to complete the full \$500,000 investment before USCIS reviews the I-526. Processing times for I-526s are taking on average more than 18-months. This hypothetically gives investors up to 18-months to complete the capital contribution if the EB-5 project permits this much time.

Example Capital Contribution Schedule



USCIS is clear in [§ Sec. 204.6\(j\)\(2\)](#) that mere intent to invest is not enough. USCIS requires that I-526 “... petition must be accompanied by evidence that the petitioner has placed the required amount of capital at risk for the purpose of generating a return on the capital placed at risk.”

Having a good plan in place will not only satisfy USCIS requirements, but it will ensure that the investor successfully completes their capital contribution commitment.

Identify EB-5 Project Accepting Partial Capital Commitments

Now that you know that partial capital commitments are permitted by USCIS to file your I-526, the next step is to identify a regional center that accepts partial capital commitments.

Behring Companies is accepting partial capital commitments on its [1900 Broadway project](#). Our 1900 Broadway project maintains compliance with USCIS for our investors with the following approach:

- 1) Make an initial capital contribution to the escrow account showing your initial commitment to EB-5 investment;
- 2) Sign a declaration to invest letter that explains the details of your investment, the payment terms, sources of funds for the eventual \$500,000 commitment and the fact that you understand the minimum capital commitment will be funded 100% before receiving I-526 approval;
- 3) Sign a side letter agreement with the Partnership amending the original terms of subscription, outline your contribution schedule and acknowledge the consequences of failing to fulfill your commitment;
- 4) Provide these documents to your immigration attorney to attach within your I-526 filing.



About Berkeley Regional Center

The Berkeley Regional Center Fund LLC is an accredited EB-5 regional center by USCIS (ID1316551161). Berkeley Regional Center does business under the name of Behring Companies.

Behring Companies (Behring) includes the development, private equity investment and EB-5 operations associated with Colin Behring. As a developer, Behring has drawn on it's family history of over 60+ years of developing high value platform for international real estate development and investment. Behring's executive team has executed the development, construction or investment in over \$1.5 Billion in valuable property.

Learn more about [Behring Companies and our EB-5 projects](#).

Why Behring



I-526 Money Back Guarantee

I-526 approval guaranteed or 100% refund of capital and fees



Already Under Construction

Projects already have capital, are under construction & guaranteed to create jobs



Job Creation Guarantee

Construction and indirect job creation alone can meet jobs requirement 100%



Construction Completion Guarantee

Construction is guaranteed to be completed. Secured by the Developer's balance sheet



Secured by 100% Equity Pledge

The EB-5 Loan to the project is protected by a pledge of 100% of the ownership of the asset just like a bank lender