NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION INSTRUCTIONS

This form, together with Form DS-156, Nonimmigrant Visa Application, constitutes the application for an E-1 Treaty Trader or E-2 Treaty Investor Nonimmigrant Visa. See visa requirements below. Incomplete or undocumented applications will be returned.

All first-time applicants seeking Treaty Trader or Treaty Investor status must complete Parts I and II. Parts I and II must be updated periodically. All individual applicants must complete Part III and Form DS-156. You must answer all relevant questions. Enter "Not applicable" where appropriate. If an enterprise is not yet fully operational, estimates and projections should be made concerning potential income, job creation, volume of sales, etc.

Supporting documents should be submitted in a binder with a table of contents and tabs. The following are examples of supporting documentation which should be attached to first-time applications (not every type of document is applicable in each case; the consular officer may request additional information *if required*): Evidence of possession and control of investment funds (bank records, financial statements, loans, savings, promissory notes, etc.); evidence of remittance to the United States (bank drafts, transfers, exchange permits, receipts, etc.); evidence of establishment of business in the United States (articles of incorporation, partnership agreement, organization and staffing charts, shares, titles, contracts, receipts, licenses, leases, etc.); evidence of the nationality of the investors/traders (passports, articles of incorporation of parent company, stock exchange listings, etc.); evidence of trade between the United States and the treaty country (invoices, bills of lading, customs clearances, warehouse receipts, shipping receipts, sales receipts, contracts, etc.); evidence of substantiality (financial statements, etc.); evidence that the enterprise is not marginal (payroll records, IRS Form 941, personal tax returns, evidence of other personal assets and income); evidence that the business is a real, operating enterprise (annual reports, catalogs, sales literature, news articles, and other evidence as appropriate); curriculum vitae of the proposed visa recipient (optional).

Use additional sheets of paper, as necessary, to complete responses.

TREATY TRADER AND TREATY INVESTOR VISA REQUIREMENTS

Section 101(a)(15)(E) of the Immigration and Nationality Act provides nonimmigrant visa status for a national of any of the countries with which the United States maintains an appropriate treaty of commerce and navigation, who is coming to the United States to carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing, a substantial amount of capital. The requirements for Treaty Trader and Treaty Investor visas are further elaborated in 22 CFR Part 41.51. These requirements are summarized below:

Requirements for a Treaty Trader (E-1) nonimmigrant visa are:

- 1. The applicant must be a national of a treaty country.
- 2. The trading firm for which the applicant is coming to the United States must have the nationality of the treaty country.
- 3. The international trade must be "substantial" in the sense that there is a sizable and continuous volume of trade.
- 4. The trade must be principally between the United States and the treaty country, which means that more than 50% of the international trade involved must be between the United States and the country of the applicant's nationality.
- 5. Trade means the international exchange of goods, services and technology. The item of trade, and title of that item, must pass from one party to the other in exchange for consideration.
- 6. The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the successful and efficient operation of the commercial enterprise. Ordinarily skilled or unskilled workers generally do not qualify.

Requirements for a Treaty Investor (E-2) nonimmigrant visa are:

- 1. The investor, either a real or corporate person, must be a national of a treaty country.
- 2. The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage in investment required for a low-cost business enterprise is generally higher than the percentage of investment required for a high-cost enterprise.

The investment must be in a real operating commercial enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank 3. account or similar security are not considered an investment.

- The investment may not be marginal. It must have the capacity to generate significantly more income than just to provide a living to the investor 4. and family, or it must have a significant economic impact in the United States.
- The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the 5. investment enterprise are not considered to be at risk.
- The investor must be coming to the United States solely to develop and direct the enterprise. If the applicant is not the principal investor, he or she 6. must be employed in a supervisory, executive, or highly specialized skills capacity. Ordinarily skilled and unskilled workers do not qualify.

CONFIDENTIALITY AND PAPERWORK REDUCTION ACT STATEMENTS

Confidentiality Statement - INA Section 222(f) provides that visa issuance and refusal records shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. Certified copies of visa records may be made available to a court which certifies that the information contained in such records is needed in a case pending before the court.

Paperwork Reduction Act Statement - *Public reporting burden for this collection of information is estimated to average 4 hours per response, including time required for searching existing data sources, gathering the necessary documentation, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: PRA_BurdenComments@state.gov



U.S. Department of State NONIMMIGRANT TREATY TRADER/INVESTOR APPLICATION USE WITH FORM DS-156/I-129

OMB APPROVAL NO. 1405-0101 EXPIRES: 12/31/2018 ESTIMATED BURDEN: 4 HOURS* (See Instruction Page)

(USE ADDITIONAL SHEETS OF PAPER, AS NECESSARY, TO COMPLETE RESPONSES)

PART I - BUSINESS PROFILE							
1. Name of U.S. Enterprise, Business, or Company							
2. Type of Business Enterprise:							
Corporation Branch/Liaison Office	Partnership	_					
Privately owned Joint Venture	Subsidiary	Other					
3. Address of Headquarters, Subsidiaries and Branch Offices of U.S. Ent	erprise (Specify type of office)						
Telephone Number:	FAX N	umber:					
4. Date (mm-dd-yyyy) and Place Business Was Established or Incorporat	ed in the United States (Attach a	appropriate documentation; e.	g., corporate				
papers, partnership agreement, etc.)							
5. What is the nature of the business?							
	etail Sales	ther <i>(Describe)</i>					
	ervices/Technology	, ,					
6. Describe fully the services, production, or other activity in No. 5 above.							
b. Describe fully the services, production, or other activity in No. 5 above.							
7. Name and Address of Foreign Parent Business (If any)							
Telephone Number:	FAX Nu	imber:					
8. Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign	Individual Owner of U.S. Busine	ss (Attach documentation)				
NAME		IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/					
NAME	NATIONALITY		PERCENT OF OWNERSHIP				
			Total - 100%				
9. Financial Statement for year Calendar Year Fiscal Year (Attach most recent financial statement or auditor's report)							
Total Assets of U.S. Business:	Current Cash	Historical Cost					
Total Liabilities:		* Owner's equity	of a corporation refers				
Owner's Equity:*		to paid-in capita	al plus retained				
Total Annual Operating Income: Before Taxes	After Taxes		er's capital accounts in nd owner's capital				
Delote Takes			le proprietorship.				

10. To measure the amount of international trade with the United State refer to shipment and sale of goods across international boundarie services by treaty-country nationals to nationals of the United States	es. For trade in ser	vices and technolo	r trade in merchand ogy, exports and im	lise, exports and imports, ports, refer to the sale of
Gross International Trade of the U.S. Enterprise in	_ (<i>year</i>) [DOLLAR VALUE		Fiscal Year	Ending PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business		(0	ptional)	
Exports from U.S. business to treaty country				
Imports from third countries to U.S. business				
Exports from United States to third countries				
Domestic U.S. production/manufacturing				100%
Total:				
11. Type of Investment (Check one)				
Total Start-up Costs: Purchase F			ntinuation of an existin r Market Value of Busi	
12. Total Investment from Abroad Made in the United States (Attach do	,			
FOR YEAR Calendar J Fisca	I			
INITIAL INVESTMENT		TOTAL CUMULATIVE	INVESTMENT	
Cash				
Inventory				
Equipment				
Premises				
Other (describe)				
TOTAL				
14. Type of Personnel in the United States (Attach staffing chart)	ns, stocks, debenture ART II - STAFF	s, bonds, etc.); Ev	idence of Possessio	on and Control of
Specify: 🔲 Calendar Year 🔲 Fiscal Year	MANAGERIAL EXECUTIVE			
Nationals of Treaty Country on E, H, & L Visas:	This Year Next Ye	ar This Year	Next Year This Yea	r Next Year
U.S. Citizens and Legal Permanent Residents:				
Other (Third-Country Nationals):				
TOTAL:				
15. List all personnel of U.S. business holding executive, managerial an	d/or apopialist positio	no by outoidion/h	ranch office If alia	a indicato
nonimmigrant visa status or lawful permanent resident (LPR) status.		ins by subsidial y/c		
			U.S. '	VISA
NAME AND POSITION/TITLE/DIVISION				
	NATIO		DATE (mm-dd-yyyy)	PLACE OF ISSUANCE
				PLACE OF ISSUANCE
	NATIO			PLACE OF ISSUANCE
	NATIO	NALITY TYPE		PLACE OF ISSUANCE
	NATIO	NALITY TYPE		PLACE OF ISSUANCE
		NALITY TYPE		PLACE OF ISSUANCE
		NALITY TYPE		PLACE OF ISSUANCE
		NALITY TYPE		PLACE OF ISSUANCE
		NALITY TYPE		PLACE OF ISSUANCE

PART III - APPLICANT						
16. Name of Applicant (Family Name)	(First Name)	(Middle Name)				
17. Type of Applicant: Principal owner/investor/trader Manager	Supervisor Executive	Specialist				
18. Present Position and Duties (Describe in	n detail)					
19. Name and Address of Employer						
20. Years with Present Employer	21. Highest Level of Education School	Major/Subject	Degree	Year		
22. Other Relevant Experience and Educati	on (Attach Curriculum Vitae - Op	tional)				
23. Position in the United States Tit	le					
Description of duties (include names an						
24. Annual U.S. Salary and Benefit Packag	e 25. Name of Person in the L	Jnited States Being Replaced				
Salary	Type of Visa		NOT a replacement, i			
Allowances/Benef	Date issued (mm-dd-yyyy	/	An increase in staff? Continuation of existin	Yes No		
TOTAL	Place issued	b.	United States?			
26. I do solemnly swear or affirm that all sta and belief.	tements which appear in this app	plication are true and complete to	the best of my knowle	edge		
Signature of Responsible	Officer	Printed Name and Position or C	Office	Date (mm-dd-yyyy)		
27. Name and Address of Person Who May	Be Contacted About This Applic	cation	Tolopherer			
			Telephone:			
			FAX:			