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, contracts, loans, bank statements, etc.); evidence of substantiality (financial statements, audits, U.S. corporate or business tax returns, 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 commerical 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.
- 3. The investment must be in a real operating commercial enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- 4. 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 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 5. secured with the assets of the 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 6. the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skills capacity. Ordinarily skilled and unskilled workers do not qualify.

* 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 data needed, providing the information required, and reviewing the final collection. In accordance with 5 CFR 1320 5(b), persons are not required to respond to the collection of this information unless this form displays a currently valid OMB control number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A/ISS/DIR) Washington, D.C. 20520.

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

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

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

PART I - B	USINESS 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 offic	ce)	
Telephone Number:	FAX	X Number:	
4. Date (mm-dd-yyyy) and Place Business Was Established or Incorporat	ted in the United States (Atta	ach appropriate documentation; e.	g., corporate
papers, partnership agreement, etc.)	, ,		
5. What is the Nature of the Business?		Other (Describe)	
	etail Sales	Other (Describe)	
	ervices/Technology		
6. 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	K Number:	
8. Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign	Individual Owner of U.S. Bus	siness (Attach documentation)
NAME	NATIONALITY	IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/	
			PERCENT OF OWNERSHIP
0. Financial Otatomast forward			Total - 100%
9. Financial Statement for year Calendar Year	Fiscal Year (Attach	h most recent financial statement	or auditor's report)
Total Assets of U.S. Business:	Current Cash	Historical Cost	
Total Liabilities:		* Owner's eauitv	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 Ind owner's capital
	ALCE TAKES		le proprietorship.

10. To measure the amount of international trade with the United Statt refer to shipment and sale of goods across international boundari services by treaty-country nationals to nationals of the United States	es. For trade in se	rvices and tec	(For trade in mercha hnology, exports and i	ndise, exports and im p orts, imports, refer to the sale of
Gross International Trade of the U.S. Enterprise in	_ (<i>year</i>) DOLLAR VALUE	Calendar Yea	OF TRANSACTIONS	Ending PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business			(Optional)	
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				
Total:				100%
11. Type of Investment (Check one)				
	of an existing business Price:		Continuation of an existi Fair Market Value of Bu	
12. Total Investment from Abroad Made in the United States (Attach do	ocumentation)			
FOR YEAR Calendar Fiscal	I			
			TIVE INVESTMENT	
Cash:				
Inventory:				
· · · · · · · · · · · · · · · · · · ·				
Equipment:				
Premises:				
Other (describe):				
TOTAL:				
14. Type of Personnel in the United States (Attach staffing chart)	ns, stocks, debentur ART II - STAFF	es, bonds, etc.,	; Evidence of Possess	ion and Control of
Specify. Calendar Year Fiscal Year	MANAGERIAL EXECUTIVE	ES	SENTIAL E	ALL OTHER MPLOYEES ear Next Year
Nationals of Treaty Country on E, H, & L Visas:	This Year Next Ye	ear This Yea	Next Year This Yo	ear Next fear
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 specialist positi	ons by subsidia	ary/branch office. If ali	ens, indicate
nonimmigrant visa status or lawful permanent resident (LPR) status.		_	U.S.	VISA
NAME AND POSITION/TITLE/DIVISION	NATIC	DNALITY	TYPE DATE (mm-dd-yyyy)	PLACE OF ISSUANCE
			·	

(Farmity Varme) (First Name) (Middle Name) 17. Type of Applicant:	17. Type of Applicant: Principal owner/investor/trader Manager Manager 18. Present Position and Duties (Describe in detail). 19. Name and Address of Employer 20. Years with Present Employer 21. Highest Level of Education School:	Specialist Other Major/Subject: Degree:	Year:
Principal conner/investor/trader Bupervisor Principal conner/investor/trader Bupervisor Bupervisor Conner	Principal owner/investor/trader Supervisor Manager Executive 18. Present Position and Duties (Describe in detail). 19. Name and Address of Employer 20. Years with Present Employer 21. Highest Level of Education School:	Other Major/Subject: Degree:	Year:
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23. Position in the United States Title: Description of duties (include names and titles of all immediate subordinates): 24. Annual U.S. Salary and Benefit Package 25. Name of Person in the United States Being Replaced:	22. Other Palayant Experiance and Education (Attach Currisulum Vites, Optional)		
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