### NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION INSTRUCTIONS

This form, together with Form DS-160, Online 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 [3] policants seeking Treaty Trader or Treaty Investor status must complete Parts I and II must be updated periodically. All individual [5] pricants must complete Part III and Form DS-160 4 ou 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 he 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 investment in the United States (titles, 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). Specific instructions may vary by post and applicants should refer to post websites for more details.

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 it is of a high enough quantum and continuity 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. 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.
- 5. The applicant must be employed in a supervisory or executive capacity, or possess 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 treaty investor's commitment to 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.
- 5. 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 investment enterprise are not considered to be at risk.
- 6. 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 must be employed in a supervisory, executive, or specialized skills capacity. Ordinarily skilled and unskilled workers generally 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

## Summary of Comments on DS-0156-E

Page: 1		
Number: 1 TREATY	Author: McMillianJJ Subject: Inserted Text	Date: 3/4/2024 4:07:53 PM
•	Author: McMillianJJ Subject: Inserted Text an E2 investor. Parts I and II may also be comp ou as the principal applicant.	Date: 3/5/2024 8:45:45 AM leted by a responsible officer(s) of the enterprise if the information is
Number: 3 principal	Author: McMillianJJ Subject: Inserted Text	Date: 3/4/2024 3:55:57 PM
Number: 4 unless you are	Author: McMillianJJ Subject: Inserted Text an E2 investor.	Date: 3/4/2024 3:37:12 PM
Number: 5 principal	Author: McMillianJJ Subject: Inserted Text	Date: 3/5/2024 8:50:28 AM
Number: 6 unless instructe	Author: McMillianJJ Subject: Inserted Text ed by the embassy/consulate to submit them in a	Date: 3/5/2024 8:55:03 AM different format.



# U.S. Department of State NONIMMIGRANT TREATY TRADER/INVESTOR APPLICATION USE WITH FORM DS-160/I-129

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

OMB CONTROL NO. 1405-0101 EXPIRES: 12-31-2024 ESTIMATED BURDEN: 4 HOURS\* (See Instruction Page)

PART I - BUSINESS PROFILE				
1. Name of U.S. Enterprise, Busines	s, or Company 1			
Type of Business Enterprise:			Limited Liability	2
Corporation	Branch/Liaison Office	Partnership		<del> </del>
Privately owned	Joint Venture	Subsidiary	Other	
3. Address of 4 eadquarters, Subsid	iaries and Branch Offices of U.S.	Enterprise 5 pecify type of o	office)	
Telephone Number:			FAX Number:	
4. Date (mm-dd-yyyy) and Place Buspapers, partnership agreement, etc.)	siness Was Established or Incorp	porated in the <b>United States</b> (A	Attach appropriate documentation 6	<del>g., corporate</del>
5. What is the nature of the business	\$?			
General Trade	Exports from U.S.	Retail Sales	Other (Describe)	
Imports to U.S.	Manufacturing _	Services/Technology		
6. Describe fully the services, production	ction, or other activity 7 No. 5 ab	<del>ove</del> .		
7. Name and Address of Foreign Pa	arent Business (If any)			
Telephone Number:		F	AX Number:	
8. Nationality of Foreign Entity (Corp.		eign Individual Owner of <b>U.S. E</b>	Business (Attach documentation	<b>√</b> [8]
			IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/	_
NA NA	ME	NATIONALITY	IMMIGRATION STATES	PERCENT OF OWNERSHIP
O. Financial Statement			_	Total - 100%
9. Financial Statement 11 ear Calendar Year 12 Fiscal Year 13 ech most recent financial statement or auditor's report)				
Total Assets of U.S. Business	:	14 rent Cash	15 torical Cost	
Total Liabilities:		_	* Owner's equity	of a corporation refers
Owner's Equity:*		_	to paid-in capita	al plus retained er's capital accounts in
16 al Annual Operating Incom	18 fore Taxes	19 <sub>er Taxes</sub>		er's capital accounts in ind owner's capital
Net Income				e proprietorship.

## Page: 2

Author: McMillianJJ Subject: Inserted Text Date: 2/5/2024 9:53:48 AM
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Author: McMillianJJ Subject: Sticky Note Date: 2/5/2024 9:35:22 AM
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Author: McMillianJJ Subject: Cross-Out Date: 2/5/2024 9:32:38 AM
Author: McMillianJJ Subject: Comment on Text Date: 2/5/2024 9:53:04 AM  kt to read (Specify type of office: Headquarters, Subsidiary of U.S. Headquarters, Branch Office)
Author: McMillianJJ Subject: Cross-Out Date: 2/5/2024 9:52:37 AM iate documentation or follow instructions from embassy or consulate"
·
Author: McMillianJJ Subject: Cross-Out Date: 2/5/2024 9:34:49 AM he services, production, or other activity of the U.S. Enterprise"
Author: McMillianJJ Subject: Inserted Text Date: 2/5/2024 9:52:07 AM  ate documentation or follow instructions from embassy or consulate"
Author: McMillianJJ Subject: Cross-Out Date: 2/5/2024 9:44:56 AM  ar" and space provided
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Author: McMillianJJ Subject: Inserted Text Date: 2/5/2024 9:49:19 AM
rent financial statement or attach appropriate documentation/follow instructions from embassy or consulate.)"
Author: McMillianJJ Subject: Inserted Text Date: 2/5/2024 9:56:50 AM
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ded ( )" or developers can provide space to enter the relevant calendar year instead of parentheses
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A .II . M ANIII: 115 11: 4 5 0 4 D 4 2/5/2024 0 42 25 AM
Author: McMillianJJ Subject: Cross-Out Date: 2/5/2024 9:43:26 AM me" before Operating Income and follow that with Net Income
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e as a field
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## Comments from page 2 continued on next page



# U.S. Department of State NONIMMIGRANT TREATY TRADER/INVESTOR APPLICATION USE WITH FORM DS-160/I-129

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

OMB CONTROL NO. 1405-0101 EXPIRES: 12-31-2024 ESTIMATED BURDEN: 4 HOURS\* (See Instruction Page)

PART I - BUSINESS PROFILE					
Name of U.S. Enterprise, Business, or Company					
Type of Business Enterprise:		1	-1		
Corporation Branch/Liaison Office	Partnership	Limited Liability			
Privately owned Joint Venture	Subsidiary	Other			
3. Address of Headquarters, Subsidiaries and Branch Offices of U.S. Ent	terprise (Specify type of office)				
Telephone Number:	FAX N	umber:			
4. Date (mm-dd-yyyy) and Place Business Was Established or Incorporal papers, partnership agreement, etc.)	ted in the <b>United States</b> (Attach a	appropriate documentation; e.g	ı., corporate		
papers, partieremp agreement, etc./					
5. What is the nature of the business?					
General Trade Exports from U.S.	etail Sales O	ther (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)					
Talanhana Number	□ A ∨ A I.	umb or:			
Telephone Number:	FAX Nu				
8. Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign	individual Owner of <b>U.S. Busine</b>	IF INDIVIDUAL INVESTOR,			
NAME	NATIONALITY	IMMIGRATION STATUS/	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:		+ Ourserle equity	of a corneration refere		
Owner's Equity:*		* Owner's equity of to paid-in capita	of a corporation refers I plus retained		
Total Annual Operating Income:		earnings; partne	er's capital accounts in		
Net Income 20 Before Taxes	After Taxes		nd owner's capital e proprietorship.		

Author: McMillianJJ Subject: Text Box Date: 1/25/2024 10:37:59 AM

Author: McMillianJJ Subject: Sticky Note Add Net Income after Operating Income

Date: 1/25/2024 10:28:21 AM

To measure the amount of international refer to shipment and sale of goods acreservices by treaty-country nationals to nationals.	trade with the United States international boundar tionals of the United States	ates, please co ries. For trad es and other c	omplete the e in service ountries.)	following. s and tec	(For trade in hnology, expo	merchand rts and im	dise, exports and imp <b>p</b> rts, ports, refer to the sale of
Gross International Trade of the U.S. En	terprise in	(year)		alendar Yea	or TRANSACTIO	iscal Year	Ending PERCENT OF TOTAL TRADE
Imports from treaty country to U.S.	husiness	DOLLAR	VALUE		(Optional)		TERGERY OF TOTAL TRADE
Exports from U.S. business to treat							
Imports from third countries to U.S.	•						
Exports from U.S. to third countries							
Domestic U.S. production/manufac				_			
Total:	turing		0.00			0	100%
Type of Investment (Check one)  Creation of a new business Total Start-up Costs:	Purchase Purchase	of an existing b Price:	usiness		Continuation of Fair Market Va	of an existing	g business ness:
12. Total Investment from Abroad Made in the	ne United States <i>(Attach d</i>	documentation	)				
FOR YEAR	Calendar Fisc	al					
	INITIAL INVESTMENT		то	TAL CUMUL	ATIVE INVESTME	NT	
Cash	INTIAL INVESTIMENT						
Inventory		-					
Equipment		-					
Premises		-					
		-					
Other (describe)		-	_				
TOTAL	0.00		0.0	)()			
13. Source of Investment Capital (personal trunds in the United States (Attach full document)  14. Type of Personnel in the United States	mentation) <sub>3</sub>	PART II - STA		onds, etc.	); Evidence of	Possessio	on and Control of
	Fiscal Year	MANAG EXECU	TIVE	E	ECIALIZED SSENTIAL	EN	LL OTHER MPLOYEES
Nationals of Treaty Country on E, F	H. & L Visas:	This Year 6	Next Year	This Yea	Next Year	This Yea	Next Year
U.S. Citizens and Legal Permanen						-	
Other (Third-Country Nationals):							
TOTAL:				0		0	
TOTAL.		0	0	0		0	
15. List all personnel of U.S. business holding nonimmigrant visa status or lawful perma	g executive, managerial a nent resident (LPR) status	nd/or specialis s.	st positions t	oy subsidi	ary/branch offi	ce. If alier	
NAME AND POSIT	TION/TITLE 9 IVISION		NATIONALI	FX_10	TYPE	DATE	PLACE OF ISSUANCE
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DS-156E Page 2 of 3

## Page: 3

T Number: 1	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 9:59:08 AM
	ction 10 "Trade of U.S. Enterprise"	
Number: 2	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 9:58:58 AM
Add title for section	on 11 "Investment of U.S. Enterprise"	
Number: 3	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 9:59:59 AM
"or follow instru	ctions from embassy or consulate"	
	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 10:00:23 AM
"or employees	of U.S. Enterprise"	
Number: 5	Author: McMillianJJ Subject: Inserted Text	Date: 1/25/2024 10:17:06 AM
"follow instructi	ons from embassy or consulate."	
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Replace with "Cu	rrent"	
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Replace with "Cu	rrent"	
	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 10:03:23 AM
Replace with "Cu	rrent"	
Number: 9	Author: McMillianJJ Subject: Cross-Out Date: 1,	25/2024 10:32:04 AM
Number: 10	Author: McMillianJJ Subject: Inserted Text	Date: 1/25/2024 10:32:50 AM
U.S. Immigrant/N	lonimmigrant status	

PART III - APPLICANT					
16. Name of Applicant (Family Name)	(First Name)	(Middle Name)			
Type of Applicant:     Principal owner/investor/trader     Manager      Manager  18. Present Position and Duties (Describe in	Supervisor Executive	Specialist Other			
19. Name and Address of 11 ployer					
20. Years with Present Employer	21. Highest Level of Education School	Major/Subject Degree	Year		
22. Other Relevant Experience and Education	n (Attach Curriculum Vitae ptional)				
23. Position in the <b>United States</b>					
Title  Description of duties ( <i>include names an</i>					
24. Annual U.S. Salary and Benefit Package	25. Name of Person in the <b>United</b> 3	States Being Replaced			
Salary		If NOT a replacement, is the a. An increase in staff?	nis:		
Allowances/Benefit		b. Continuation of existing of United States?			
I do solemnly swear or affirm that all stat and belief.  Signature of Responsible 0		are true and complete to the best of my knowledged	ate (mm-dd-yyyy)		
27. Name and Address of Person Who May		Telephone:  FAX:  Email:	3 4=		

DS-156E Page 3 of 3

## Page: 4

Number: 1	Author: McMillianJJ Subject: Inserted Text	Date: 2/5/2024 10:06:08 AM		
Change to read	"Name and Address of Present Employer"			
Number: 2	Author: McMillianJJ Subject: Inserted Text uctions from embassy or consulate"	Date: 1/25/2024 10:36:17 AM		
"or follow instr	uctions from embassy or consulate"			
Number: 3	Author: McMillianJJ Subject: Sticky Note	Date: 2/5/2024 10:08:04 AM		
Add email as a f	ield			
Number: 4	Author: McMillianJJ Subject: Text Box Date:	1/25/2024 10:37:06 AM		
Email:				
Author: McMillianJJ Subject: Sticky Note Date: 1/25/2024 10:37:43 AM Add "Email" as field				
Add "Ema	il" as field			