

TREATY TRADER and TREATY INVESTOR VISAS (both E-1 and E-2 visa applications)

Tab A (Table of Contents)

Tab B (Forms)

- 1) Completed **DS-160** for all applicants (to include derivatives)
- 2) **DS-156E** for primary applicant only

Tab C (Applicant Information)

- 1) Certificates that demonstrate proof of family relationships and the marital status for each applicant (one copy for the entire family is sufficient)
- 2) The principal applicant's résumé or curriculum vitae
- 3) A signed statement of intent to depart the U.S. upon termination of status for the principal applicant

Tab D (Cover Letter and additional documents)

1) The cover letter must describe how the enterprise qualifies for E-1 or E-2 status and must include a description of the beneficiary's specific skills and qualifications, if not addressed in the resume or CV. The letter must address all the requirements for E-1 or E-2 visa eligibility, described in depth in the U.S. Department of State Foreign Affairs Manual 9 FAM 41.51.

Address the following points in detail for the **E-1** visa:

- a. The trade is substantial and on-going
- b. The traded goods are easily identified and traceable
- c. **The enterprise is currently operational**
- d. At least 50% of the trade is between the US and the treaty country. Bills of lading are the preferred documentation to verify this requirement; however, annual reports, purchase orders or invoices, sales invoices, inventory data and insurance papers documenting commodities imported into the U.S. may be acceptable.

Address the following points in detail for the **E-2** visa:

- a. The investment is substantial
 - b. The investor has invested or is in the process of investing
 - c. **The enterprise is currently operational or will commence operations imminently**
 - d. The investment is more than a marginal one solely for earning a living. If you are not the principle investor, you must demonstrate the applicant will fill an executive/supervisory role or possesses skills essential to the firm's startup operations
- 2) Documentation that supports the applicant's expertise and underlines his/her essential skills. This may include any relevant diplomas, job training certificates and/or letters from previous employers.
 - 3) Include the first two pages of U.S. corporate tax returns, showing IRS reported sales for the two years immediately preceding the application and the most recent tax return filed with IRS.

4) Evidence that the enterprise has the present or future capacity to generate more than enough income for a minimal living for the treaty investor and his or her family. (The projected future capacity should be realized within 5 years after business start-up.)

Tab E (Ownership)

- 1) Proof of at least 50% treaty country nationality for the principal investor/owner
- 2) If the firm has several owners or subsidiaries or if the chain of ownership includes intermediary entities, please include the following (as applicable):
 - a) An organization chart with names showing the full ownership structure of the entity
 - b) Legal proof of ownership within a respective chain