



Embassy of the United States of America Consulate

Overview

The Treaty Trader (E-1) or Treaty Investor (E-2) visa is for a national of a country with which the United States (U.S.) maintains a treaty of commerce and navigation who is coming to the U.S. to carry on substantial trade, including trade in services or technology, principally between the U.S. and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is in the process of investing a substantial amount of capital, under the provisions of the Immigration and Nationality Act.

Requirements: Treaty Trader

Treaty trader applicants must meet specific requirements to qualify for a treaty trader (E-1) visa under immigration law. The consular officer will determine whether a treaty trader applicant qualifies for a visa.

- The applicant must be a national of a treaty country.
- The trading firm for which the applicant is coming to the U. S. must have the nationality of the treaty country.
- The international trade must be "substantial" in the sense that there is a sizable and continuing volume of trade.
- The trade must be principally between the U.S. and the treaty country, which is defined to mean that more than 50 percent of the international trade involved must be between the U.S. and the country of the applicant's nationality.
- Trade means the international exchange of goods, services, and technology. Title of the trade items must pass from one party to the other.
- The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the efficient operation of the firm. Ordinary skilled or unskilled workers do not qualify.

Requirements: Treaty Investor

Treaty investor applicants must meet specific requirements to qualify for a treaty investor (E-2) visa under immigration law. The consular officer will determine whether a treaty investor applicant qualifies for a visa.

- The investor, either a real or corporate person, must be a national of a treaty country.
- The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage of investment for a low-cost business enterprise must be higher than the percentage of investment in a high-cost enterprise.
- The investment must be a real operating enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- The investment may not be marginal. It must 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 U.S.
- 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 allowed.
- The investor must be coming to the U.S. 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 highly specialized skill capacity. Ordinary skilled and unskilled workers do not qualify.

E VISA APPLICATION PROCESS

Step one of the E visa application process

- Fill out the **Nonimmigrant Treaty Trader/Treaty Investor Application, [Form DS-156E](http://www.state.gov/m/a/dir/forms/)**, <http://www.state.gov/m/a/dir/forms/>
- Collect all the necessary supporting documents as explained in detail below

An applicant for a Treaty Trader (E-1) or Treaty Investor (E-2) visa **must first establish that the trading enterprise or investment enterprise meets the requirements of the law**, and complies with the many requirements for the E visa classification.

Please forward the company part of the application (DS-156E with all necessary supporting documents) as detailed below for our review first. Also attach a copy of the application fee receipt with your submission. Please tab and index your supporting documentation and note the corresponding tab number on the cover letter. To facilitate and expedite the review of your case, please highlight corroborating figures in annual reports, financial statements, etc.

The following is a **list of suggested documentation** that may establish the applicant's eligibility for an E-1 (Treaty Trader) or E-2 (Treaty Investor) visa. This is meant as a guide only and is not a list of required documentation. Other information and evidence may be submitted by the visa applicant to satisfy the consular officer that the applicant meets the requirements for this visa category as described by the immigration law.

I. Proof of Nationality of Investor or Applicant

Photocopy of passport

II. Ownership Documents: (either A,B or C)

- A. Sole Proprietorship: Shares/stock certificates, Shares register indicating total and outstanding shares issued, Minutes of annual shareholders meeting, other evidence
- B. Partnership: Partnership or Joint Venture Agreement, Shares/stock certificates indicating total shares issued and outstanding shares, other evidence
- C. Corporation:
 - Shares/stock certificates indicating distribution of ownership, i.e., shares held by each firm and shares held by individual owners' corporate matrix.
 - If publicly traded on the principal stock exchange of a treaty country, enclose a sample of recently published stock quotations.
 - Public announcement of corporate acquisition corporate chart showing head office and other subsidiary/branch locations in the U.S.
 - Other evidence of ownership

III. Trade

Purchase orders, Warehouse/custom declarations, Bills of lading, Sales contracts/contracts for services, Letters of credit, Carrier inventories, Trade brochures, Insurance papers documenting commodities imported into the U.S., Accounts receivable & accounts payable ledgers, Client lists, Other documents showing international trade is substantial and that 51% of the trade is between U.S. and the treaty country

IV. Investment

- A. For an existing enterprise:
Tax Valuation, Market Appraisal
- B. For a New Enterprise:
Trade Association Statistics, Chamber of Commerce Estimates, Market Surveys
- C. Source of Investment:
Personal statement of net worth prepared by a certified accountant
Transactions showing payment of sold property or business (proof of property ownership and promissory notes) and rental income (lease agreements)
Voided investment certificates or internal bank vouchers and appropriate bank statement crediting proceeds
Debit and credit advices for personal and/or business account withdrawals
Audited financial statement
Annual report of parent company
Net worth statements from certified professional accountants
- D. Evidence of Investment
 - 1. Existing Enterprise:
Escrow, Escrow account statement in the U.S., Escrow receipt, Signed purchase agreement, Closing and settlement papers, Mortgage documents, Loan documents, Promissory notes, Financial reports, Tax returns, Security agreements, Assumption of lease agreement, Business account statement for routine operations, Other evidence
 - 2. New Enterprise:

Inventory listing, Shipment invoices of inventory, Equipment or business related property, Receipts for inventory purchases, Canceled checks or official payment receipts for expenditures, Canceled check for first month's rent or full annual advance rent payment, Lease agreement, Purchase orders, Improvement expenses, Initial business account statements, Wire transfer receipts

V. Marginality

A. For Existing Business:

U.S. corporate tax returns, Latest audited financial statement or non-review statements, Annual reports, Payroll register, W-2 and W-4 tax forms, Canceled checks for salaries paid and/or corresponding payroll account

B. For New Business:

Payroll register, records of salaries paid to employees (if any), employee data including names, rates of pay, copies of W-2's

Financial projections for next 5 years, supported by a thorough business plan

Business income and corporate tax returns (proof of registration, ownership, audited financial and review engagements)

VI. Real & Operating Commercial Enterprise

Occupational license, Business license/business permits, Sales tax receipt, Utility/telephone bills, Business transaction records, Current/commercial account statements, Letters of credit, Invoices from suppliers, Advertising leaflets, Business brochures/promotional literature, Newspaper clippings

VII. Executive/Managerial/Supervisory/Essential Skills

-Letter from E-1/E-2 enterprise providing specific information on the applicant and the reason for his/her assignment to the U.S.

The letter must explain the employee's role in the U.S. company (job title and duties, the applicant's executive or supervisory responsibilities or, if not a supervisor, his/her specialist role, the level of education and knowledge required by the employee's position, his employment experience, progression of promotion or high level training or special qualifications and the reasons why a U.S. citizen or legal permanent resident cannot fill the position (if the position is not managerial or supervisory)

-Letter from responsible official at U.S. Company or office identifying the need for assigned employee

-Organizational chart showing current staffing pattern at U.S. Company

-Evidence of executive, supervisory or specialized knowledge, education, experience, skills or training, such as certificates, diplomas or transcripts.

Step two of the E visa application process

Please send the following documents to

**American Embassy
Consular Section
Attn. E Visas
Itäinen Puistotie 14 B
00140 Helsinki**

- 1. The Form DS-156E with all the necessary supporting documents**
- 2. Confirmation page of the Online Nonimmigrant Visa Electronic Application, [DS-160](#)**

<https://ceac.state.gov/genniv/>

Please note that each visa applicant needs to fill out this form (each family member regardless of age who will be accompanying you to the U.S.)

- 3. A copy of a Finnish passport (principal applicant) and copies of each family member's passport**
- 4. Receipt for the visa application fee for each visa applicant**

<http://finland.usembassy.gov/fees.html>

Step three of the E visa application process

Once the consular officer has previewed the company part of the application, an interview will be scheduled for the E visa interview. The wait time for an E visa interview varies depending on our work load but it is approximately 3-4 weeks. We will inform the applicant by email once his/her interview appointment has been scheduled.

The applicant can expect the consular officer to request additional documentation, to make a determination about eligibility for a treaty trader or treaty investor visa. It is impossible to specify the exact documentation required since circumstances vary greatly by applicant. Please note the burden of proof to establish status rests with the applicant. If the applicant's qualification for E-1 or E-2 classification is uncertain, the consular officer may request whatever documentation is needed to overcome that uncertainty.