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 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-160. 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 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



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:							
Corporation Branch/Liaison Office	Partnership						
Privately owned Joint Venture	Subsidiary	Other					
Address of Headquarters, Subsidiaries and Branch Offices of U.S. Enter	ernrise (Specify type of office)						
or 7. a.a. 200 or 7. 200 a.a. 4.a. 10. or 3. a.a. 2. a	or price (epoon) type or emosy						
Telephone Number:	FAX No	umber:					
Date (mm-dd-yyyy) and Place Business Was Established or Incorporate	ed in the United States (Attach a	ppropriate documentation; e.g	g., corporate				
papers, partnership agreement, etc.)							
5. What is the nature of the business?		hor (Doggriba)					
Exports non-old		her (Describe)					
☐ Imports to U.S. ☐ Manufacturing ☐ Se	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 Nu	mber:					
8. Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign I	ndividual Owner of U.S. Busine	ss (Attach documentation))				
		IF INDIVIDUAL INVESTOR,					
NAME	NATIONALITY	IMMIGRATION STATUS/	PERCENT OF OWNERSHIP				
9. Financial Statement for year			Total - 100%				
9. Financial Statement for year Calendar Year	Fiscal Year (Attach mo	st recent financial statement o	r 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					
Total Annual Operating Income:		earnings; partne	er's capital accounts in				
Before Taxes	After Taxes	a partnership; a account in a sol	nd owner's capital				
		account in a sol	e proprietorship.				

10. To measure the amount of international trade with the United Stat refer to shipment and sale of goods across international boundar services by treaty-country nationals to nationals of the United State	ies. For tra	ide in servi	ices and techi	(For trade in nology, expo	merchand rts and im	dise, exports and imp p rts, ports, refer to the sale of
Gross International Trade of the U.S. Enterprise in	(year)	AR VALUE	Calendar Year	F TRANSACTIO	iscal Year	Ending PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business	DOLL	AR VALUE		(Optional)		
Exports from U.S. business to treaty country						
Imports from third countries to U.S. business						
Exports from U.S. to third countries						
Domestic U.S. production/manufacturing						
Total:						100%
11. Type of Investment (Check one)						
	of an existing Price:	business		Continuation o		
12. Total Investment from Abroad Made in the United States (Attach de	ocumentatio	on)	_			
FOR YEAR Calendar Fisca		,				
INITIAL INVESTMENT			TOTAL CUMULAT	IVE INVESTMEN	IT	
Cash		_				
Inventory		_				
Equipment		_				
Premises		_				
Other (describe)						
TOTAL		_				
13. Source of Investment Capital (personal funds, corporate funds, loa Funds in the United States (Attach full documentation)	ns, stocks,	debentures	, bonds, etc.);	Evidence of	Possessio	n and Control of
	ART II - ST	AFF				
14. Type of Personnel in the United States (Attach staffing chart) Specify: Calendar Year Fiscal Year						
		GERIAL		IALIZED ENTIAL		L OTHER IPLOYEES
	This Year	Next Year		Next Year	This Yea	
Nationals of Treaty Country on E, H, & L Visas:						
U.S. Citizens and Legal Permanent Residents:						
Other (Third-Country Nationals):			_			
TOTAL:			_			
15. List all personnel of U.S. business holding executive, managerial ar nonimmigrant visa status or lawful permanent resident (LPR) status	nd/or specia	list position	s by subsidia	y/branch offic		
					U.S. \	
NAME AND POSITION/TITLE/DIVISION		NATION	ALITY T	YPE (m	DATE nm-dd-yyyy)	PLACE OF ISSUANCE
						_
-						-
						
						_
						_

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16. Name of Applicant (Family Name) (First Name) (Middle Name) 17. Type of Applicant: Principal owner/investor/trader Manager Supervisor Other 18. Present Position and Duties (Describe in detail)	
Principal owner/investor/trader Supervisor Specialist Manager Supervisor Other 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 Major/Subject Degree Year	ar
22. Other Relevant Experience and Education (Attach Curriculum Vitae - Optional)	
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	
Type of Visa If NOT a replacement, is this: Date issued (mm-dd-yyyy) a. An increase in staff? Yes	∏No
Allowances/Benefits Place issued b. Continuation of existing employment in United States?	t in the
26. I do solemnly swear or affirm that all statements which appear in this application are true and complete to the best of my knowledge and belief.	
Signature of Responsible Officer Printed Name and Position or Office Date (mm-dd-yy)	-уууу)
27. Name and Address of Person Who May Be Contacted About This Application Telephone: FAX:	

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