

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

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

OMB APPROVAL NO. 1405-0101 EXPIRES: 05/31/2004 ESTIMATED BURDEN: 2 HOURS* (See Page 4)

PART I - I	BUSINESS 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			
Address of Headquarters, Subsidiaries and Branch Offices of U.S. Enterprise					
3. Address of freadquarters, Substitutines and Branch Offices of 0.3. Enterprise	(specify type of office)				
Telephone Number:	FAX	Number:			
Date (mm-dd-yyyy) and Place Business Was Established or Incorporated in th			re nartnarchin		
agreement, etc.)	e Omied States (Attach approprie	me documentation, e.g., corporate pape	s, partnersnip		
5. What is the Nature of the Business?					
General Trade Exports from U.S.	etail Sales	Other (Describe)			
	ervices/Technology				
6. Describe fully the services, production, or other activity in No. 5 above.					
o. Describe runy the services, production, or other activity in No. 3 above.					
7. Name and Address of Foreign Parent Business (If any)					
Telephone Number:	FAX	Number:			
8. Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign Indiv	vidual Owner of U.S. Business (A	ttach documentation)			
		IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/	PERCENT OF		
NAME	NATIONALITY	COUNTRY OF RESIDENCE	OWNERSHIP		
	-				
	-				
	-		Total - 100%		
9. Financial Statement for year Calendar Year	Fiscal Year (Attach	most recent financial statement or audit	or's report)		
_		_	1 /		
Total Assets of U.S. Business:	Current Cash	Historical Cost			
Total Liabilities:		* Owner's equity of a corpo	oration refers to		
Owner's Equity:*		paid-in capital plus retain			
Total Annual Operating Income: Before Taxes	After Taxes	partner's capital accounts and owner's capital accou			
Defore 1 daes	ATICI TAXES	proprietorship.	in in a soic		

10. To measure the amount of international trade with the United States, ple and sale of goods across international boundaries. For trade in services nationals of the United States and other countries.)	and technology, expor	s and imp	oorts, refer to	the sale of	services	by treaty-country nationals to
Gross International Trade of the U.S. Enterprise	(year)			RANSACTIONS	al Year	Ending PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business				ptional)		
Exports from U.S. business to treaty country			1		_	
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)						
Creation of a new business Purchase I	of an existing business Price:		Cont Fair	tinuation of ar Market Value	e of Busin	business ess:
12. Total Investment from Abroad Made in the United States (Attach docume	entation)					
FOR YEAR Calendar Fisc	al					
INITIAL INVESTMENT		TOTAL	CUMULATIVE	Σ		
Cash:						
Inventory:						
Equipment:	_					
Premises:	-					
Other (describe):	_					
TOTAL:	_					
	_	-			_	
13. Source of Investment Capital (personal funds, corporate funds, loans, sto	ocks, debentures, bond	, etc.); Ev	vidence of Po	ssession and	Control	of Funds in the United
States (Attach full documentation)	PART II - STAFF					
14. Type of Personnel in the United States (Attach staffing chart)						
Specify: Calendar Year Fiscal Year						
	MANAGERIAL EXECUTIVE		SPECIALI ESSENTI			LL OTHER MPLOYEES
	This Year Next	ear		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:						<u> </u>
 List all personnel of U.S. business holding executive, managerial and/or s lawful permanent resident (LPR) status. 	specialist positions by s	ubsidiary	/branch office	e If aliens	indicate	nonimmigrant visa status or
lawful permanent resident (LFK) status.			oranen ornec	, II uliono,		0
					U.S.	VISA
NAME AND POSITION/TITLE/DIVISION	NATI	ONALITY			U.S. T	_
	NATI	ONALITY				VISA
	NATI	ONALITY				VISA
	NATI	ONALITY				VISA
	NATI	ONALITY				VISA
	NATI	DNALITY				VISA
	NATI	DNALITY				VISA
	NATI	DNALITY				VISA
	NATI	DNALITY				VISA

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	PART III - AP	PLICANT	
16. Name of Applicant (Family Name)	(First Name)	(Middle Name)	
17. Type of Applicant: Principal owner/investor/trader Manager 18. Present Position and Duties (Describe in deta	Supervisor Executive	Specialist Other	
19. Name and Address of Employer			
20. Years with Present Employer	21. Highest Level of Education School:	Major/Subject: Degree:	Year:
22. Other Relevant Experience and Education (A	ttach Curriculum Vitae - Optional)		
23. Position in the United States			
Titl Description of duties (include names and tit	•		
	05 M		
24. Annual U.S. Salary and Benefit Package	25. Name of Person in the United S	States Being Replaced:	
Salary Allowances/Benefits TOTAL	Date issued: (mm_dd_nnn)	If NOT a replacement, is a. An increase in staff? b. Continuation of existin United States?	Yes No
26. I do solemnly swear or affirm that all stateme and belief.	ents which appear in this application are	true and complete to the best of my knowledge	
Signature of Responsible O	fficer	Printed Name and Position or Office	Date (mm-dd-yyyy)
27. Name and Address of Person Who May Be 0	Contacted About This Application	Telephone: FAX:	

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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, 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).

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 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 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 highly specialized skills capacity. Ordinarily skilled and unskilled workers do not qualify.

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^{*} Public reporting burden for this collection of information is estimated to average 2 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/RPS/DIR) Washington, D.C. 20520.