



***With the Compliments of the  
U.S. Consulate General  
Frankfurt am Main, Germany***

### **Processing Procedures for Treaty Trader (E1) and Investor (E2) Visas**

All Treaty Trader (E1) and Investor (E2) visa applicants must appear for a personal interview at the U.S. Consulate General in Frankfurt.

Companies applying for E1 or E2 Treaty Trader or Investor status **for the first time / or with less than 25 employees and renewing their registration**, should initially mail in their application package to the Consulate. Consular staff will contact the company or applicant when the package has been reviewed and will arrange an interview appointment suitable to both parties.

Companies already registered with the Consulate in Frankfurt **and with more than 25 employees in the United States**, may schedule an appointment through our Visa Information Service without sending documents in advance.

**To schedule an appointment for your interview** please contact our Visa Information Service, Inland - tel: 0900-1-850055 (Euro 1.86.-/Min.)

From outside of Germany, tel: 0049-9131-772-2270 (Euro 15.-/per call)

You should have your passport number ready to give to the operator.

The U.S. Consulate General is located at Giessener Strasse 30, 60435 Frankfurt am Main

#### **How long will it take on the day of the interview?**

E visa applicants should anticipate spending several hours in Frankfurt.

Should you have any further questions please check our website or contact the office below:

U.S. Consulate General  
Non-Immigrant visa Unit  
Attn: **E-Visa Specialist**  
Giessener Strasse 30  
60435 Frankfurt am Main, Germany  
Tel: + 49 (0)69/7535-2268  
Fax: + 49 (0)69/7535-2265  
**[www.usembassy.de/visa](http://www.usembassy.de/visa)**

## **E Visa Background**

### **Section A - Treaty Traders (E-1)**

The treaty trader visa is designed for firms or individuals who develop substantial trade between the United States and a country with which the United States maintains a treaty of commerce and navigation. Germany is such a country.

In order to qualify for a treaty trader visa, the U.S. office of the company must engage in substantial international trade, a majority (at least 51%) of which must be between the United States and the country of the applicant's nationality. Trade involves the actual exchange of goods, monies or services and is generally demonstrated to exist by the number of transactions as well as by the dollar value of the transactions.

In general, treaty trader visas are available to managers, executives, or individuals with specific skills which are not generally available in the U.S. workforce and which make their presence essential to the efficient operation of the enterprise. Unskilled manual workers, clerical workers, or middle/lower-level management personnel do not qualify for employee visas.

Trade in goods includes both exports and imports between the U.S. and the treaty country. Trade in monies and services has been interpreted to include international banking, insurance, transportation, tourism, communications, data processing, advertising, accounting, design and engineering, and management consulting, among others.

Applicants for treaty trader status will be required to document the value, volume and frequency of the U.S.-treaty country trade, and to show that it is substantial relative to the nature of their firm's business.

### **EXAMPLE:**

- (1) A U.S. company has been set up or is actively in the process of being set up, at least 50% of the ownership is German (stock held by German nationals who are permanent resident aliens of the U.S. cannot be included in this 50%), the U.S. operation is engaged in substantial foreign imports or exports, and at least 51% of the imports or exports represent trade with Germany. This company would be likely to qualify for E visa registration based on its trade in goods. In deciding whether the volume of trade is substantial, the consular officer will consider the type of operation, as well as the volume and number of transactions.
- (2) A U.S. company or branch office has been set up or is actively in the process of being set up and at least 50% of its ownership is German. The U.S. operation is engaged in providing services to a substantial number of U.S. clients relating to computer software which has been developed abroad. At least 51% of the imported software originates in Germany. This company would be likely to qualify for E visa registration based on its trade in services.

- (3) A German-owned bank sets up a wholly-owned subsidiary or branch office in the United States. The bank's U.S. operation engages in a substantial number of financial transactions, at least 51% of which are with U.S. citizens. This bank would be likely to qualify for E visa registration based on its trade in monies.

### Section B - Treaty Investors ( E-2)

The treaty investor visa is designed for firms or individuals who invest or are in the active process of investing substantial funds in the U.S. Only individuals who are nationals of countries for which treaties of commerce and navigation with the U.S. exist can qualify for this visa. Germany is such a country.

The German investing firm or individual must make a substantial investment in the U.S. "Substantiality" is defined in the treaty visa questionnaire. In addition, the investment must not be marginal, a term used to describe an investment which will generate little more than a livable income for the investor and his family. The company or individual requesting treaty investor registration must be in a position to develop and direct the enterprise in the United States, which requires control of at least 50% of the U.S. enterprise.

Applicants for treaty investor status will be required to document the monies and/or goods invested in the United States as well as the ownership and anticipated revenues of the investment, and the number of U.S. and other employees.

Individual investors and executive/managerial personnel may be found eligible for the treaty investor visa. Other employees qualify only if they possess specialist skills which are not readily available on the U.S. labor market and if they are essential to the U.S. operations of the investment enterprise. Technical personnel may qualify if they are required for the establishment of the enterprise, or for the training and supervision of technicians employed in manufacturing, maintenance, *or* repair functions, or for the continuous development of product improvements and quality control. Low-level managers and employees who perform routine substantive job duties do not qualify.

In the past, treaty investor registration has been granted to a variety of firms including manufacturers, advertising agencies, legal partnerships, computer consultants, restaurants, property developers, and many others.

### EXAMPLE:

An investment in a U.S. business has been made, or is in the process of being made, which the treaty country firm or individual plans to develop and direct. To qualify for E-2 registration, the investment must be of an active type whose purpose is to create profit. The investment must be substantial and should be beneficial to the American economy or the local community by providing jobs for American workers. Passive investments, such as speculation in stocks, bonds, or real estate, do not qualify.

## Section C - General note for all applicants

**A TREATY VISA IS NOT A SUBSTITUTE FOR AN IMMIGRANT VISA. PERSONS WISHING TO REMAIN IN THE UNITED STATES INDEFINITELY SHOULD APPLY FOR IMMIGRANT VISAS. TREATY VISAS CAN BE RENEWED ONLY IF THE INVESTMENT OR TRADE CONTINUES TO MEET ALL APPLICABLE REQUIREMENTS OF U.S. IMMIGRATION LAWS AND REGULATIONS.**

No guarantee can be made that any visa will be issued until a consular officer has considered an application. A consular officer may require additional documentation when necessary. **BUSINESS PLANS AND TRAVEL ARRANGEMENTS WHICH REQUIRE E VISAS SHOULD NOT BE MADE UNTIL SUCH VISAS ARE ISSUED.** Applicants for treaty visa registration of U.S. businesses should allow four to six weeks for consideration of their applications.

In connection with your application, please submit the following:

### EMPLOYEE ONLY:

- (a) Completed "Part III - Applicant" of form DS-156E;
- (b) A letter from the employer giving the number of other recipients of E1 or E2 visas from the same firm who are in the U.S. and their positions in the company; and the number of U.S. nationals employed by the firm and their positions in the company, plus their detailed job descriptions;
- (c) An organizational chart of U.S. operations to indicate whom the employee manages/supervises and to whom he reports; and
- (d) The curriculum vitae or resume of the employee.

### FOR EMPLOYEE AND EACH FAMILY MEMBER:

- (1) A completed DS-156 non-immigrant visa application form;
- (2) A completed DS-157 supplemental form for all male applicants between the ages 16 and 45;
- (3) One photograph for each applicant, **please see our website for details**;
- (4) A valid passport;
- (5) Visa application fee per person. **Please see our website for details.** Additional visa issuance fees may apply. You will be informed of any extra fee due;
- (6) A spouse whose surname (as appearing on the passport) differs from the surname of the employee should submit a copy of his or her marriage certificate; birth certificates should be submitted for children whose surnames differ from those of their parents (i.e. from previous marriage, etc.).

### SPOUSES AND CHILDREN OF TREATY TRADERS/INVESTORS:

The spouse and children (unmarried under the age of 21) of treaty traders and treaty investors must have visas but need not meet the nationality requirements which apply only to the principal applicant. Fiancé(e)s and common-law spouses do not meet the definition of spouse under U.S. law and are not entitled to E visas until after a legal marriage exists. They may apply for other types of visas.

## ***Check List of E Visa Company Registration***

### 1. Evidence of Ownership and Nationality of Business:

- (a) Photocopy(ies) of Owner(s) Passports.
- (b) Documentation demonstrating current residence or domicile in Germany.
- (c) Share certificates and documents indicating total issued and currently outstanding shares (stocks) of the enterprise; partnership or joint venture agreement; stock exchange listing (for publicly-held enterprises).

### 2 . Evidence of Trade (E-1) only:

- (a) Copies of invoices, bills of lading, U.S. customs declarations, clients lists, accounts receivable/payable ledgers.
- (b) Most recent annual report.
- (c) Copies of most recent U.S. income tax return, IRS Form 5472 or financial statement.
- (d) Copies of broker or other licenses needed to conduct trade.

### 3. Evidence of Investment in the U.S. (E-2) only:

- (a) Substantiation of imputed value of the enterprise.
- (b) Evidence of ownership of funds invested.
- (b) Evidence of investment of funds in enterprise (bank transfers, bank statements, escrow agreements, etc.).
- (d) Substantiation for valuation of non-cash assets.
- (e) Copies of mortgages, loan agreements, promissory notes.
- (f) Documentation of ownership of equipment, inventory, etc.

### 4. Evidence of Real and Operating (E-2) Enterprise in the U. S.:

- (a) Most recent U.S. income tax return.
- (b) Most recent audited balance sheet.
- (c) Business Plan.

### 5. Evidence that (E-2) Enterprise is not Marginal:

- (a) Most recent income tax returns and W-2 statements for employees.
- (b) List of employees to be hired with evidence of nationality.
- (c) Evidence of substantial outside income
- (c) Evidence, such as statements for business/ professional associations. Chambers of Commerce, that enterprise will produce income significantly in excess of that needed to provide a living for the investor and his/her family.



**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: 07/31/2007  
ESTIMATED BURDEN: 4 HOURS\*  
(See Page 4)

**PART 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 \_\_\_\_\_

3. Address of Headquarters, Subsidiaries and Branch Offices of U.S. Enterprise (*Specify type of office*)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone Number: \_\_\_\_\_

FAX Number: \_\_\_\_\_

4. Date (*mm-dd-yyyy*) and Place Business Was Established or Incorporated in the United States (*Attach appropriate documentation; e.g., corporate papers, partnership agreement, etc.*)  
 \_\_\_\_\_

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, or other activity in No. 5 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 Individual Owner of U.S. Business (*Attach documentation*)

NAME	NATIONALITY	IF INDIVIDUAL INVESTOR, IMMIGRATION STATUS/ COUNTRY OF RESIDENCE	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: \_\_\_\_\_

Owner's Equity:\* \_\_\_\_\_

Total Annual Operating Income: \_\_\_\_\_  
   Before Taxes    After Taxes

\* Owner's equity of a corporation refers to paid-in capital plus retained earnings; partner's capital accounts in a partnership; and owner's capital account in a sole proprietorship.

10. To measure the amount of international trade with the United States, please complete the following. (For trade in merchandise, exports and imports, refer to shipment and sale of goods across international boundaries. For trade in services and technology, exports and imports, refer to the sale of services by treaty-country nationals to nationals of the United States and other countries.)

Gross International Trade of the U.S. Enterprise in _____ (year)	<input type="checkbox"/> Calendar Year	<input type="checkbox"/> Fiscal Year	Ending _____
	DOLLAR VALUE	NO. OF TRANSACTIONS (Optional)	PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business	_____	_____	_____
Exports from U.S. business to treaty country	_____	_____	_____
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  
Total Start-up Costs: \_\_\_\_\_

Purchase of an existing business  
Purchase Price: \_\_\_\_\_

Continuation of an existing business  
Fair Market Value of Business: \_\_\_\_\_

12. Total Investment from Abroad Made in the United States (Attach documentation)

FOR YEAR \_\_\_\_\_  Calendar  Fiscal

	INITIAL INVESTMENT	TOTAL CUMULATIVE INVESTMENT
Cash:	_____	_____
Inventory:	_____	_____
Equipment:	_____	_____
Premises:	_____	_____
Other (describe):	_____	_____
TOTAL:	_____	_____

13. Source of Investment Capital (personal funds, corporate funds, loans, stocks, debentures, bonds, etc.); Evidence of Possession 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		SPECIALIZED ESSENTIAL		ALL OTHER EMPLOYEES	
	This Year	Next Year	This Year	Next Year	This Year	Next Year
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 and/or specialist positions by subsidiary/branch office. If aliens, indicate nonimmigrant visa status or lawful permanent resident (LPR) status.

NAME AND POSITION/TITLE/DIVISION	NATIONALITY	U.S. VISA		
		TYPE	DATE	PLACE OF ISSUANCE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**PART III - APPLICANT**

16. Name of Applicant  
 (Family Name) (First Name) (Middle Name)

17. Type of Applicant:

<input type="checkbox"/> Principal owner/investor/trader	<input type="checkbox"/> Supervisor	<input type="checkbox"/> Specialist
<input type="checkbox"/> Manager	<input type="checkbox"/> Executive	<input type="checkbox"/> 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:
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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):

<p>24. Annual U.S. Salary and Benefit Package</p> <p>_____ Salary</p> <p>_____ Allowances/Benefits</p> <p>_____ TOTAL</p>	<p>25. Name of Person in the United States Being Replaced: _____</p> <p>Type of Visa: _____</p> <p>Date issued: <i>(mm-dd-yyyy)</i> _____</p> <p>Place issued: _____</p> <p>If NOT a replacement, is this:</p> <p>a. An increase in staff? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>b. Continuation of existing employment in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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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-yyyy)*

27. Name and Address of Person Who May Be Contacted About This Application

Telephone: \_\_\_\_\_

FAX: \_\_\_\_\_



## 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.

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### 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.

\* 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 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.