

Required Document List for E-2 Applications

Please organize the documents as indicated below:

<p style="text-align: center;">Tab A: Cover Letter</p>	<p>This attachment should include a cover letter describing the company and the nature of its business. This letter must address all requirements for E visa eligibility as defined by the Foreign Affairs Manual. 9 FAM 402.9</p> <p>The letter should also address the following specific points:</p> <ol style="list-style-type: none"> 1. That the investor has invested or is actively in the process of investing, as per 9 FAM 402.9-6(B); 2. That the enterprise is currently running or will be running in the immediate future, as per 9 FAM 402.9-6(C); 3. That the investment is substantial, 9 FAM 402.9-6(D); 4. That the investment is more than a marginal one solely for earning a living, 9 FAM 402.9-6(E); 5. That the applicant is in a position to develop and direct the enterprise as per 9 FAM 402.9-6(F); or, if an employee, will occupy an executive/supervisory position or possesses skills essential to the firm's operations in the United States; 6. That the applicant intends to depart the United States when E-2 status terminates. <p>If the company has previously qualified for E visa status, please also include the date of the initial visa issuance.</p>
<p style="text-align: center;">Tab B: Administrative Documents</p>	<p>This attachment should include:</p> <ol style="list-style-type: none"> 1. A printed confirmation page from the Online Nonimmigrant Visa Application DS-160. Please include a confirmation page and: 2. One 5X5 cm photo taken within the last six months with a white background for each applicant or accompanying family member. 3. The DS-156E form must include a valid e-mail address. Please ensure that the form is filled out in its entirety. 4. In case of dependents: Proof of the marital status of the principal applicant, if applicable, and proof of family relationships (i.e., marriage certificate and birth certificates for spouse and children, if accompanying). 5. Payment receipt of the Nonimmigrant Visa (MRV) application fee(s)
<p style="text-align: center;">Tab C: Company Structure/Ownership</p>	<p>This attachment should include proof of treaty country ownership (it must be shown that nationals of a treaty country own at least 50 percent of an enterprise and that a national of the treaty country, through ownership or by other means, develops and directs the activities of the enterprise.) and controlling interest in the enterprise.</p> <p>Examples for corporations include: articles of incorporation, stock certificates and ledgers, Secretary of State certificates, or related documents.</p>

	<p>Examples for private companies include: articles of organization/formation, state registration of ownership, or related documents.</p> <p>If the firm has several owners or subsidiaries, or if the chain of ownership includes intermediary entities, please include the following:</p> <ol style="list-style-type: none"> 1. An organization chart clearly indicating the full ownership structure of the enterprise; 2. Legal proof of ownership within a respective chain; 3. Photocopies of the biodata page of the passports and the ownership percentage of each unit holder of the definitive parent company; 4. If the firm is an incorporated entity outside of the U.S., a chart of the ownership of the enterprise and a certificate of existence/registration from the jurisdiction where the company is incorporated.
<p>Tab D: Proof of Investment</p>	<p>This attachment should include proof that the funds have been invested or that the investor is actively in the process of investing as defined by 9 FAM 402.9-6(B).</p> <p>It is important to provide proof of actual purchases and/or signed contracts and leases related to the enterprise, not just wire transfers to a U.S. account. The application should also clearly demonstrate the source of funds being expended.</p> <p>Proof may be demonstrated by the following list of documents, include as many as possible:</p> <ul style="list-style-type: none"> • Escrow documents • Wire transfers • Lease contracts (must include lease length and start/end dates, property address and size, rental amount, landlord and tenant names, and all required signatures) • Sales invoices • Inventory listing, shipment invoices of inventory, equipment, or business-related property. Receipts for inventory purchases and improvement expenses. • Purchasing agreements (must include buyer and seller names, date of agreement, purchase amount, special conditions) • Franchise agreement (entire agreement required).
<p>Tab E: Proof that Enterprise Operates</p>	<p>This attachment should include proof that the enterprise is currently running or will open its doors imminently as defined by 9 FAM 402.9-6(C). Applicants must also include financial projections for the next 5 years, which may be included within a business plan.</p> <p>Supporting proof may include, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Business licenses ▪ Special permits (food, alcohol, etc.) ▪ Utility bills (electrical, water, etc.) ▪ Business transaction records ▪ Bank statements ▪ Invoices from suppliers ▪ Sales contacts/invoices ▪ Advertising, brochures and promotional literature

<p>Tab F: Proof of Substantial Investment</p>	<p>This attachment should include evidence that the investment is substantial as defined by 9 FAM 402.9-6(D).</p>
<p>Tab G: Proof that Investment Not Marginal</p>	<p>This attachment should include evidence that the enterprise is more than marginal as defined by 9 FAM 402.9-6(E).</p> <p>All applicants should also include a business plan for the next five years prepared by a certified C.P.A., including projected expenses and profits. For all new businesses, the plan must verify the capacity of the enterprise to realize a profit within a maximum of five years.</p> <p>If the enterprise is already in existence, pages 1-2 of the appropriate federal tax forms for the most recent year may also be submitted.</p>
<p>Tab H: Applicant Qualifications</p>	<p>This attachment should include:</p> <ol style="list-style-type: none"> 1. Applicant's resume, including all relevant educational and work experience; 2. A company organizational chart, including the applicant's position in the company and the direct subordinates of principal applicant, if any; 3. Clearly identify any person being replaced by the applicant if any. <p>For applicants who have previously worked in the U.S., please provide pages 1-2 of IRS Form 1040 for the three most recent fiscal years.</p> <p>If an applicant is applying as an employee with Executive and Supervisory Responsibility, please provide evidence that he or she meets the criteria outlined in 9 FAM 402.9-7(B).</p> <p>If the applicant is applying as an essential employee, evidence that the employee has essential skills that the enterprise urgently needs, as well as the projected duration of this essentiality. You should include relevant diplomas, job training certificates or letters from previous employers in this section. You may also wish to explain why the enterprise was unable to find a qualified U.S. citizen or Legal Permanent Resident to fill the position. You should address the criteria contained in 9 FAM 402.9-7(C)</p>

E-1 and E-2 Dependent Applications

If you are the spouse or child of an E-1 or E-2 visa holder and you wish to apply as a dependent, be aware of the following:

- If you are the spouse or child of a E-1 or E-2 visa holder who received their visa in the past 6 months, please submit the following documents on the day of your drop-off appointment:
 1. DS-160 Form for E-1 or E-2 visa.
 2. Proof of your relationship to the primary visa holder (i.e., marriage or birth certificates)
 3. Copy of the principal E visa holder.

- If the principal E visa holder received his or her visa more than 6 months ago, please submit the following documents on the day of your drop-off appointment:
 1. DS-160 Form for E-1 or E-2 visa.
 2. Proof of your relationship to the primary visa holder (i.e., marriage or birth certificates)
 3. Copy of the principal E visa holder.
 4. DS-156E of the principal E visa holder.
 5. Evidence that the business is currently operating. Acceptable documentation may include, but is not limited to, monthly bank statements, invoices, profit and loss statements, and tax documentation covering the period since the principal's E visa was issued.

- If the principal investor or trader converted to E status while in the U.S. (for example, if he or she entered the U.S. on a B1/B2 visa and later received E status authorization), please submit the following documents on the day of your drop-off appointment:
 1. DS-160 Form for E-1 or E-2 visa.
 2. Proof of your relationship to the primary visa holder (i.e., marriage or birth certificates).
 3. Copy of Form I-797 (Notice of Action) approving the change of status.
 4. DS-156E of the principal E visa holder.
 5. Evidence that the business is currently operating. Acceptable documentation may include, but is not limited to, monthly bank statements, invoices, profit and loss statements, and tax documentation covering the period since the principal's E visa was issued.