

Required Format for E-2 Visa Applications

Tab A	<p>Table of Contents and Cover Letter</p> <p>Please provide a cover letter describing how the company and the beneficiary qualify for E-2 status. This letter should address all the requirements for E-2 visa eligibility which are described in depth in U.S. Department of State Foreign Affairs Manual (9 FAM 402.9) and require the applicant to show:</p> <ul style="list-style-type: none"> ➤ That the requisite treaty exists (9 FAM 402.9-4(A)); ➤ That the individual and/or business possesses the nationality of the treaty country (9 FAM 402.9-4(B)); ➤ Applicant has invested or is in the process of investing (9 FAM 402.9-6(B)); ➤ Enterprise is a real and operating commercial entity (9 FAM 402.9-6(C)); ➤ Applicant's investment is substantial (9 FAM 402.9-6(D)); ➤ Investment is more than a marginal enterprise solely for earning a living (9 FAM 402.9-6(E)); ➤ Applicant is in a position to develop and direct the enterprise (9 FAM 402.9-6(F)); or that the applicant, if an employee, is destined to an executive/supervisory position or possesses skills essential to the firm's operation in the United States (9 FAM 402.9-7(B)). You may also explain why the enterprise was unable to find a qualified U.S. citizen or Legal Permanent Resident to fill the position; and ➤ That the applicant intends to depart the United States when the E-2 status terminates (9 FAM 402.9-4(C)).
Tab B	<p>Forms and Applicant Information</p> <ul style="list-style-type: none"> ➤ For principal applicant(s) and dependent family member(s): DS-160 confirmation page generated by the online system, with suitable photo. Please make sure that the confirmation page shows a bar code; ➤ For principal applicant(s): Fully completed form DS-156E parts I, II and III. Please fill out the form online. Contact information must include an e-mail address; ➤ A full-face, color photo per person (taken within the last 6 months), white background; 2 inch x 2 inch = 5 cm x 5 cm, without glasses (printed on photo paper); ➤ Principal applicant's resume or curriculum vitae and a copy of educational certificates, diplomas and/or transcripts; ➤ For principal applicant(s) and dependent family member(s): Photocopy of data (photo) page of passport (DO NOT SEND ANY PASSPORTS BY MAIL); copies of the official marriage certificate and birth certificates for dependents showing the relationship to the principal applicant; ➤ Machine-Readable Visa (MRV) payment receipt from U.S. Visa Info showing payment of the nonrefundable application fee for the principal applicant and each accompanying family member; ➤ If represented in this matter by an attorney, a signed Form G-28, "Notice of Entry of Appearance of Attorney as Representative" must be submitted. The G-28 must include the email address and phone number for the attorney. If the representative is not an attorney, please submit a letter of agreement with contact information between the applicant and the representative signed by both parties; ➤ Signed statement from the principal applicant of intent to depart the U.S. upon termination of E status.
Tab C	<p>Ownership</p> <p>The application must demonstrate that nationals of Belgium own at least 50% of the business. U.S. dual citizens or Legal Permanent Residents who hold Belgian nationality do not qualify for this determination. Please highlight the relevant sections in every document provided as evidence. Evidence can include, but is not limited to:</p> <ul style="list-style-type: none"> ➤ Articles of Incorporation (for corporations) or Organization (for LLCs) for the U.S. business or other similar documents for U.S. business; ➤ Share certificates and operating agreements (as applicable), share ledgers, stock certificates or other applications to confirm ownership; ➤ If the U.S. based business is a subsidiary or affiliate of a foreign corporation, provide their relevant incorporation and ownership documents (legal evidence e.g. Belgian Monitor, shareholder register...) for the business clearly showing the percentages of ownership of the ultimate owners; ➤ Color photocopies of the bio data pages of the passports of the owners of the ultimate parent company; ➤ If the firm has several owners or subsidiaries or if the chain of ownership includes intermediary entities, please include the following (as applicable): <ul style="list-style-type: none"> • An organization chart with names showing the full ownership structure of the entity; • Legal evidence (Belgian monitor, shares certificates, shareholder register...) of instances of ownership within that chain; • Photocopies of the biographical data page of the owners' passports and the ownership percentage of each unit holder of the definitive parent company; • If the firm is publicly traded with many shareholders (none of which own more than 50%) please also include: <ul style="list-style-type: none"> ○ A written declaration authorized by a corporate official stating all of the stock exchanges on which the firm is traded; ○ A copy of recently issued trading information concerning the nationality of the stock's owners; ○ If the firm is an incorporated entity outside of the U.S., include a chart of ownership of the business and a certificate of existence/registration from the state/province in which the company is incorporated.

Tab D	<p>Investment</p> <ul style="list-style-type: none"> ➤ A detailed breakdown, or spreadsheet, of all funds invested into the U.S. venture. Please note that funds in a bank account do not qualify as at risk as required by 9 FAM 402.9-6(B). ➤ Evidence of your investment. For example: <ul style="list-style-type: none"> ○ Use of these funds for qualifying business expenses (Please include invoices, cancelled checks, and bank statements showing/highlighting matching debits); ○ Signed, dated, valid lease for business premises, including evidence of payments; ○ Evidence of equipment and/or inventory purchases; ○ Evidence of intellectual property or other intangibles invested; ○ Evidence of any other funds spent to acquire and set up the business. ➤ Evidence of the original source of the funds: <ul style="list-style-type: none"> ○ Documentation of the original source of the funds (sale of property, inheritance, loans, earnings, sale of business, etc.); ○ Movement of these funds to a U.S. account; ○ If the funds have come from a foreign based parent or an affiliate company, a copy of their latest financial statements. ➤ If buying an existing business, please provide all of the following that apply: <ul style="list-style-type: none"> ○ A signed, dated, valid purchase agreement; and ○ If applicable, a binding escrow agreement (9 FAM 402.9-6(B)) that explicitly confirms how the funds will be distributed if the visa is issued, what happens when it not issued, and is signed and dated by all parties. (Please cross-reference exactly any relevant purchase agreement.); ○ Signed, dated, valid lease for business premises, including evidence of payments; ○ Evidence of any other funds spent to acquire and set up the business. ➤ If you are establishing a start-up, please provide all of the following that apply: <ul style="list-style-type: none"> ○ Signed, dated, valid lease for business premises, including evidence of payments; ○ Evidence of equipment and/or inventory purchases; ○ If you are purchasing a franchise, please provide a signed and dated franchise agreement, evidence of payment of the franchise fee and a copy of your franchise disclosure document.
Tab E	<p>Real and Operating</p> <ul style="list-style-type: none"> ➤ Evidence that the business is a real and active commercial or entrepreneurial undertaking, producing some service or commodity. For example: <ul style="list-style-type: none"> ○ Relevant local, state, and/or federal licenses; ○ Monthly bank statements for current calendar year; ○ Sample of invoices or receipts from paying customers, agreements; ○ Pictures showing the premises and/or active operations. ➤ If the business is an affiliate or subsidiary of a foreign company or group, please provide evidence that the foreign company or group is active. For example: <ul style="list-style-type: none"> ○ Financial statements, annual report and other relevant documents.
Tab F	<p>Marginality – Evidence that the business is more than a marginal enterprise</p> <ul style="list-style-type: none"> ➤ U.S. federal tax returns for the business for the last three years. These must be copies of the signed and dated forms submitted to the IRS. We will not accept state tax returns; ➤ Detailed profit and loss statements for the current and previous calendar years; and ➤ All W-2, 1099s and/or payroll invoices for the last two tax years; ➤ If the business is a new start-up, please provide: <ul style="list-style-type: none"> ○ A comprehensive business plan; ○ A detailed five year profit and loss forecast for the business. Also provide the assumptions on which the forecast is based; and ○ A concise breakdown of start-up costs necessary for the business to become operational.

Please assemble your package according to these guidelines. If the application is incomplete, a U.S. Embassy Visa Section team member will contact the principal applicant and/or legal representative for submission of documents. Do not include brochures or other miscellaneous information that do not contribute to the value of your case. We evaluate many applications monthly. Please think lean, and demonstrate your business prowess.