



U.S. Embassy in Israel

## Treaty Investor (E-2) Required documents

The E-2 visa category for Israelis is not yet effective. The Embassy will issue a press release as soon as the E-2 investor visa is available to Israeli nationals. However, the U.S. Embassy in Tel Aviv accepts applications submitted on behalf of Israelis who hold dual citizenship with countries that maintain an investor treaty with the United States.

The enterprise and applicant have the burden of demonstrating that they fulfil the requirements for investor status under 9 FAM 402.9.

Please arrange your documents as per the below instructions. Highlight as necessary to emphasize pertinent information. Assertions made in the cover letter must be substantiated by documentary evidence.

Please submit applications in a binder, divided into sections by lettered or numbered tabs. Every file MUST include an E visa application for an employee.

### Tab A

Cover Letter: This must be printed on company letterhead and outline the company's qualifications for E-2 status. This letter must address all the requirements for E-2 visa eligibility as defined by the Foreign Affairs Manual, 9 FAM 402.9.

- The requisite treaty exists;
- The individual and/or business possesses the nationality of the treaty country;
- The applicant has invested or is in the process of investing;
- The enterprise is a real and operating commercial enterprise;
- The applicant's investment is substantial;
- The investment is more than a marginal one solely for earning a living;
- The applicant, if an employee, is destined to an executive/ supervisory position or possesses skills essential to the firm's operations in the United States; and
- The applicant intends to depart the United States when the E-1 status terminates.

If the enterprise previously qualified for E-2 visa status, please note the date and location of the initial qualification in the cover letter. Note any changes in the company since the initial qualification (such as size, nature, ownership etc.) in the cover letter, and submit supporting documentation.

## Tab B

Table of Contents: Identify the documents provided and their location in the binder.

## Tab C

Completed Application: Form DS-156E Part I- Business Profile, and Part II -Staff. Please complete every question and do not write "see attached" in response to any question.

## Tab D

Evidence that the company meets the ownership requirements:

- For public companies: a translated copy of the \_\_\_\_\_ from the Israeli Ministry of Justice, detailing the shareholders' names and percentage of stock ownership, and a statement from a CPA stating the amount of stock that is traded on any stock exchange.
- For privately owned companies: documentation of ownership.
- For companies that are ultimately owned by other Israeli companies or by a consortium: documentation identifying the ultimate shareholders by nationality (Note: To the extent that a certain percentage of a company's stock is traded on the TASE, the nationality of the shareholders of that stock may be assumed to be Israeli.)
- For companies that have been incorporated in the U.S.: certificate/articles of incorporation, certificate of shares issued to shareholders, business license, and lease contracts.

In all cases, please submit a formal CPA letter indicating the nature of the enterprise (branch, subsidiary, or partnership), its structure, the ownership distribution, and nationality of shareholders.

## Tab E

Evidence of nationality of the treaty country: The nationality of an enterprise is determined by the nationality of its individual owners. Documents to prove nationality may include a valid passport of the owners of the ultimate parent company.

#### Tab F

Evidence of investment: A check or a bank transaction evidencing investment of funds into the business by the individual or the entity requesting treaty investor status. Funds must be shown to have changed hands directly between the investor and the business.

#### Tab G

Evidence that the commercial enterprise is real and operating:

- 5-year business plan
- Contracts with suppliers/contractors/clients
- Most recent audited financial statements
- Accounts receivable and accounts payable ledgers
- Most recent annual report
- Most recent U.S. tax return
- Bank records
- Catalogs
- News articles
- Receipts for the purchases of business equipment or inventory
- Office lease
- Other evidence that the enterprise is producing a service or commodity

#### Tab H

Evidence that the investment is substantial and proportionate to the value of the enterprise: New businesses may present start-up costs along with evidence that they represent reasonable and actual costs necessary to establish a similarly situated business to the point of being operational.

#### Tab I

Evidence that the investment meets the marginality requirement: An applicant is not entitled to E-2 classification if the investment, even if substantial, will return sufficient income only to provide a living for the applicant and family. You may wish to submit evidence, such as W-2's or 1099 forms, that the company employs lawful workers. Start-ups should include a copy of the company's most recent audited annual financial report and balance sheet.

## Tab J

The file MUST include an Employee's visa application:

- Completed DS-160
- Evidence of payment of the MRV application fee (payable on the Visa Information Service website)
- One photograph that meets the specifications
- Form DS-156E
- Employee's Curriculum Vitae
- Letter on company letterhead explaining the reasons why the employee must be in the U.S. and a description of his/her responsibilities
- Photocopy of the bio page of the employee's passport

## Tab K

Visa application for dependents: for each family member:

- Completed DS-160
- Evidence of payment of the MRV application fee (payable on the Visa Information Service website)
- One photograph that meets the specifications
- Photocopy of the bio page of the applicant's passport
- Evidence of relationship to the principal applicant (marriage or birth certificate)

