

E-2 Treaty Investor, Spouse or Child Visa Application Instructions Employed with a company

The Government of Bolivia gave notice of termination, effective June 10, 2012, for the bilateral investment treaty between the United States and Bolivia. As of 2012, the consular section no longer accepts E-2 applications except for renewing applicants.

The provisions of the treaty will continue to apply for an additional 10 years to covered investments existing at the time of termination. This means that Bolivian nationals with qualifying investments in place in the United States by June 10, 2012, will continue to be entitled to E-2 classification until June 10, 2022. **As such, the consular section will only accept applications for renewals.**

Send your application and supporting documentation to the Consular Section in La Paz **via DHL courier**. Please follow the below instructions carefully. If the application is incomplete, a Visa Unit team member will contact the principal applicant and/or legal representative for resubmission of documents.

Submission in hard copy is required for E visa applications.

Documents may be submitted in English or Spanish and should be relevant to the E Visa application. Documents in English are preferred.

Submission of the E Visa application must be sent in the following order:

Tab A: Table of Contents

Tab B: Forms

- DS-160 barcode confirmation pages for the principal applicant **and** each accompanying family member
- Completed [DS-156E](#) for principal applicant only
- 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.

Tab C: Applicant Information

- Photocopy of the principal applicant’s biographical data page of a valid passport
- Passport with previous E visa
- Principal applicant’s resume or curriculum vitae

- If the applicant is not the business owner but an employee, please include an introductory letter from the company. This letter should describe:
 - Business name and description of the business
 - The job the applicant will do
 - The applicant’s qualifications for that job
- Signed statement from the principal applicant **of intent to depart the U.S.** upon termination of E status
- If the principal applicant is accompanied by family members, copies of the official marriage certificate and/or children’s official birth certificates showing relationship to the principal applicant
- If applicable, please provide copies of any changes or extensions of status granted by USCIS (Form I-797).

Tab D: Control over Assets

The application must demonstrate that nationals of Bolivia have possession and control over the capital assets, including the investment. The assets must be personal. U.S. dual citizens or Legal Permanent Residents who hold Bolivian nationality do not qualify for this determination.

Photocopies of the biographical data page of the owners’ passports and the ownership percentage of each unit holder of the definitive parent company must be included.

Tab E: Investment (Maximum submission for this tab is 40 single-sided pages)

- Provide a cover letter describing how the business and applicant qualify for E-2 status. The letter must address all the requirements for E-2 visa eligibility described in depth in the U.S. Department of State Foreign Affairs Manual, 9 FAM 402.9-6(A). Address the following points in detail:
 - The investor has made or is in the process of making an “at risk”, irrevocably committed investment. Please note that funds in a bank account **do not qualify** as at risk.
 - The business is currently operational or will commence operations imminently.
 - The investment is substantial.
 - The investment is more than a marginal one solely for earning a living for the owner/applicant. The business has the present or future capacity to generate more than simply enough income for a minimal living for the treaty investor and his or her family. (The projected future capacity should be realized within 5 years after business start-up.)
 - The applicant is in a position to develop or direct the enterprise.
- Investment spreadsheet. Evidence of investment is required, as in cancelled checks, copies of debits from bank accounts, wire transfers, and/or matching invoices.

- Complete documentation of the funds invested, including:
 - Evidence 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
 - Use of these funds for qualifying business expenses (Please include invoices, cancelled checks, and bank statements showing/highlighting matching debits.)

If buying an existing business, please provide all of the following that apply:

- A signed, dated, valid purchase agreement
- A binding escrow agreement, signed and dated by all parties, that explicitly states where the money goes if the visa is issued and what happens if it is not (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:

- 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 and evidence of payment of the franchise fee.

Tab F: Real and Operating (maximum submission for this tab is 20 single-sided pages)

- Relevant local, state, and/or federal licenses
- Monthly bank statements for current calendar year
- Sample of invoices or receipts from paying customers
- Pictures showing the premises and/or active operations

Tab G: Marginality (Maximum submission for this tab is 20 single-sided pages)

- U.S. tax returns for business for the past five years. These must be copies of the signed and dated forms actually submitted to the IRS.
- W-2s and/or 1099s for all employees for the last five tax years
- Profit and loss (P&L) statements for the current and previous calendar years
- Start-up businesses should also provide:

A concise business plan that analyzes the local market and competition and gives a 5-year projection of profit and loss. Projections should be backed up by external sources

A concise breakdown of start-up costs necessary for the business to become operational

Please assemble your package according to these guidelines. Do not include brochures or business plans that contribute little or nothing to the value of your case. Please think lean, and demonstrate your business prowess.