

CUEVAS, ORTIZ & CUBAS P.A.

ATTORNEYS AT LAW

RE: Visa E-1

Dear Client:

Through the present letter I will explain the Visa E-1 and its requirements. The Visa E-1 of Business Agreement is available to people who enter the United States only with substantial commerce, including business service or technology, particularly in the United States and the Country of Nationality of the individual. The United States and the merchant's country should have a ratified agreement of "friendship, business, and shipping" or have a diplomatic agreement which allows for a business agreement state. At least 50% of the property of the merchant's firm must be controlled by the individual's country of nationality. To be eligible for the E-1 Visa, the individual must be owner, manager, or executive or have an "essential" position in the company. The applicant must also be of the nationality of the country which has the agreement with the United States. Some of the more important requirements for the E-1 Visa are the following:

- The business company must be making "business". "Business" may include changes, purchase, or sales of goods or services, as long as the goal of the business is to develop international business between the United States and the country which has the agreement with the United States.
- The business must involve an actual change of qualified merchandise (including property, services, and money) and the consideration must be easy to follow and identifiable. One title transfer must pass between a merchant of one nationality to a merchant of another nationality.
- The business between the company of another country and the United States must already exist. The applicant of the visa must prepare the existing documentation and the Business Contract relations of the past.
- The company must be committed to a "substantial" business with the United States. The applicant of the visa must show numerous transactions in a large period of time and a significant monetary value of business. There is no statutory minimum amount of negotiation, but the applicant of the visa must at least be available to show that the volume of business is sufficient to maintain not only the business, but also the applicant and his or her family. The Consulates are cautious, anyhow, they cannot deny visas to small businesses as long as there is continuous business between the United States and the country in the agreement.
- More than fifty percent of the total volume of the company's business must be between the United States and the country in the agreement.

The following countries have a business agreement with the United States and its citizens are legible to apply for the E-1 Visa.

Argentina, Australia, Austria, Belgium, Bolivia, Bosnia & Herzegovina, Brunei, Canada, Chile, China, (Taiwan), Colombia, Costa Rica, Croatia, Denmark, Estonia, Ethiopia, Finland, France, Germany, Greece, Honduras, Iran, Ireland, Israel, Italy, Japan, Jordan, South Korea, Latvia, Liberia, Luxembourg, Macedonia, Mexico, Netherlands, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Serbia-Montenegro, Singapore, Slovenia, Spain, Suriname, Sweden, Switzerland, Thailand, Togo, Turkey, United Kingdom, Yugoslavia.

The following is a list of documents and information necessary to obtain the visa:

1. Name of the company in the United States.
2. Address in the United States.
3. Copy of the Incorporation Articles of the company in the United States.
4. Office Lease Contract. Must specify the monthly rent, the location, and the contract duration.
5. Occupational License for the City and County.
6. Letter from the bank where the company has its business account, specifying the total balance and deposits.
7. Federal Identification Number.
8. Proof of Telephone: Telephone number and telephone receipt.
9. Letter explaining the basic plans of the company, plans of expansion and any new project that the company may be involved with, number of employees and the projected annual income.
10. Last tax declaration or extension, if it hasn't been filed.
11. Receipts, purchase orders, important correspondence and/or contracts that prove the commercial activity.
12. Property distribution. Provide copies of the shares of the company in the United States. Indicate in percentages, the company's property in the United States as well as the documents that verify the property.
 - a. Percent owned by the foreign firm, in which the company in the United States is the branch, affiliate or subsidiary of: _____%
 - b. Percent owned by citizens of the country of origin _____%
 - c. Percent owned by the foreign citizens which are residents of the United States. _____%
 - d. Percent owned by firms or individuals of other nationalities. _____%
13. If the United States company was established by a foreign firm and not by private individuals, the following information will be needed:
 - a. Name and address of the foreigner:
 - b. Total assets.
 - c. Place and Date of incorporation (copy of the contract of the corporation, if any)

- d. Percentage of the firm owned by foreign citizens (copy of the shares, if any)
 - e. Nature of the foreign company.
14. If the company was established by investors, private or by partnership, please provide names, nationalities, and percentage of property owned by each one.
15. A description of the businesses supplied by the company in the United States.
16. For treaty purposes, the business is referred to as “transactions” or an exchange of property and money in the international commerce flow which benefits both parties. The United States Law requires that to qualify for an E-1 Visa the United States company must have substantial commerce, particularly between the United States and country of origin. In order to establish that your firm complies with the requirements, the following information is needed. Please support your answer with the appropriate documents, for example: Sales registry, orders, sending forms, U.S. taxes, etc.
- a. Total annual sales of the company in the United States including local and foreign sales.
 - b. The total volume of annual company business in the United States including business between the United States and the country of origin.
 - c. The percentage of the total annual business volume between the United States and the country of origin.
 - d. The number of commercial transactions involved in generating commerce between the United States and the country of origin.
 - e. The amount of dollars and the number of commercial transactions for the following:
 - i. Annual U.S. imports.
 - ii. Annual U.S. exports.
17. The amount of employees you currently have in the U.S. company. Provide payroll receipts, if any. Please attach a list of all employees that indicates the nationalities of each employee and their legal situation of the non-U.S. citizens.
 Citizens of the country of origin.
 American citizens.
 Others (specify)
18. How many employees are planned for the end of the next year of operations?
 Citizens of the country of origin.
 American citizens.
 Other (specify)
19. List of the positions and titles of the employees:
20. Name and relation of the family members. Please provide passports, birth certificates, marriage certificates, divorce certificates(if any) of each one.
21. Please provide the title of the position and a detailed description of the position’s duties.
22. The salary of the position
23. Describe the number, type and nationality of the employees over which the applicant will be responsible for supervising or training. (Distinguish between employees that will be trained and those that will be supervised)

24. Please attach an organizational chart that shows the relative position of the applicant in the organization. (Note: all the positions within the organization must be included along with the nationality and the employee's legal situation.)
25. Copy of the applicant's resume.

I hope that the previous list is of help. As I previously mentioned, this letter is solely a general introduction of the E-1 Visa and the listed requirements in this letter may vary depending on the circumstances.

If you have any questions regarding this matter, please contact my office.

Sincerely,
CUEVAS, ORTIZ, & CUBAS, P.A.

Roberto J. Ortiz
Roberto J. Ortiz, Esq.