



Foreign Affairs Manual

VOLUME 9 – Visas

Change Transmittal: VISA-1451

Date: July 20, 2010

9 FAM 41.51 NOTES

1. Changes:

- 9 FAM 41.51 N1 Treaty Traders and Investors
- 9 FAM 41.51 N1.1 Requirements for (E-1) Treaty Trader
- 9 FAM 41.51 N1.2 Requirements for E-2 Treaty Investor
- 9 FAM 41.51 N3.1 50 Percent Rule
- 9 FAM 41.51 N3.2 Place of Incorporation
- 9 FAM 41.51 N6 Substantial Trade
- 9 FAM 41.51 N7.1 Measurement of Trade
- 9 FAM 41.51 N8.1 Concept of “Investment” and “In Process of Investing”
- 9 FAM 41.51 N10.1 General
- 9 FAM 41.51 N10.2 Interpretations of “Substantial” Investment
- 9 FAM 41.51 N12.4 Control by Management
- 9 FAM 41.51 N13.1 Job Shop
- 9 FAM 41.51 N14.2 Executive and Supervisory Employee Responsibility
- 9 FAM 41.51 N14.3-1 Duration of Essentiality
- 9 FAM 41.51 N14.3-2 General Factors To Be Considered
- 9 FAM 41.51 N14.3-3 Concept of Training
- 9 FAM 41.51 N15 Intent to Depart Upon Termination of Status
- 9 FAM 41.51 N16.2-1 Principals
- 9 FAM 41.51 N16.3-1 Filing of Form ETA-9035, Labor Condition Application for Nonimmigrant Workers

- 9 FAM 41.51 N16.3-2 Acceptance of Form ETA-9035, Labor Condition Application (LCA) for Nonimmigrant Workers by Posts
 - 9 FAM 41.51 N16.3-3 Verifying Authenticity of the E-3 LCA
 - 9 FAM 41.51 N16.3-4 No Petition Filing with DHS Required
 - 9 FAM 41.51 N16.8 Numerical Limitation on E-3 Visas
2. **Change Transmittal** has replaced the term, Transmittal Letter. Change Transmittal was selected as being more appropriate in this age of electronic information transmission. The FAM volume's transmittal acronym and numerical series remains in place.
 3. Revisions since the last update appear in *italic* and *dark magenta*. Other than formal titles, the italic will be removed the next time the material is updated. Only current changes will appear in italic. Italic provides a historical record of changes.
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2. After inserting the material in the binder, insert this change transmittal letter immediately following the CT Checklist, then fill in the entry line for the appropriate CT, and initial.

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(CA/VO/L/R)