

VISA LEVERAGE ANALYSIS — BIAGIO CARUSO

Confidential Legal Strategy Document

Prepared: March 1, 2026 Re: Caruso v. Caruso — Immigration Status & Equitable Distribution Intersection

Section 1: Biagio's Immigration Status — E-2 Treaty Investor

Confirmed Facts

Italy maintains a Treaty of Commerce and Navigation with the United States, making Italian nationals eligible for E-2 Treaty Investor visas. This is confirmed by the U.S. Department of State's official treaty country list (travel.state.gov) and USCIS policy guidance.

Biagio Caruso's profile matches E-2 Treaty Investor criteria exactly:

- **Nationality:** Italian citizen (Passport YB0484079, expires June 2027)
- **Born:** November 9, 1990, Comiso (RG), Sicily, Italy
- **US Enterprise:** American Granite-Florida LLC (FL Registration M09000001636, home state Illinois)
- **Additional Entities:** FD Venture Naples LLC and 20+ other business entities
- **US Address:** 157 S Whitehorse Pike, Audubon, NJ 08106

E-2 Visa Requirements (USCIS)

Per USCIS and the Foreign Affairs Manual (9 FAM 402.9), to qualify for and maintain E-2 status:

1. Must be a national of a treaty country — **Italy qualifies**
2. Must have invested, or be actively investing, a substantial amount of capital in a bona fide enterprise in the United States
3. Must be seeking to enter the United States solely to develop and direct the investment enterprise
4. **The enterprise must be at least 50% owned by persons having the nationality of the treaty country**

Critical Point: If Biagio's ownership drops below 50%, he no longer qualifies for E-2 status. His legal right to remain in the United States is directly tied to his majority ownership of the business.

Section 2: The Divorce Intersection — Why This Changes Everything

The company — American Granite-Florida LLC — simultaneously serves as:

- (a) **A marital asset** subject to equitable distribution under Florida Statute 61.075
- (b) **Biagio's immigration anchor** — the sole basis for his legal presence in the United States

The Strategic Reality

Biagio faces an impossible choice:

Option 1 — Award Ceci 50% of company: Loses E-2 status. Must leave US within 60 days or obtain new visa status.

Option 2 — Pay cash equivalent of 50%: Retains E-2 and company. Must pay Ceci the full fair market value of her equitable share — potentially millions.

Option 3 — Argue company is non-marital: Fails under FL 61.075(6)(a) — company acquired/grown during marriage with marital funds and labor.

Option 4 — Settle generously: Retains visa, avoids public litigation exposing immigration vulnerability. Ceci receives fair settlement reflecting full leverage.

He cannot go to trial on the business assets. Any equitable distribution proceeding that results in Ceci receiving 50% or more of the company terminates his visa status. He must settle — and settle generously — to protect his immigration status.

Section 3: Ceci's Dependent Status — Immigration Abuse and VAWA

E-2 Dependent Spouse (E-2D) Status

If Biagio held E-2 status, Ceci most likely entered and remained in the United States as his E-2 dependent spouse. Under E-2 dependent status:

- Her legal right to remain in the US was **entirely derived from and controlled by Biagio**
- If Biagio's E-2 status ends, her dependent status ends simultaneously
- If the marriage ends, she loses her dependent status
- She had **zero independent immigration standing**

VAWA Implications

If Biagio threatened to “have her deported,” withheld immigration documents, or used her dependent status as a tool of control, this constitutes **immigration-based coercive control** — a recognized form of abuse under the Violence Against Women Act (VAWA).

VAWA Self-Petition (I-360):

- Ceci can self-petition for lawful permanent resident status independent of Biagio
- VAWA protections apply even if the abuser is not a US citizen or LPR — the key is the pattern of abuse
- Immigration-based threats and control are specifically recognized as abuse
- Filing deadline: Within 2 years of divorce if abuse occurred during marriage
- USCIS VAWA Helpline: 1-800-375-5283

This strengthens the overall case: Biagio’s control over Ceci’s immigration status demonstrates a pattern of coercive control consistent with the broader abuse allegations.

Section 4: Immediate Legal Actions

Motion to Supplement Asset Freeze

American Granite-Florida LLC and FD Venture Naples LLC must be specifically identified as visa investment vehicles in any asset protection motion. The court should order:

- No transfer, sale, encumbrance, or dissolution of these entities without prior court approval
- No changes to ownership structure, operating agreements, or member interests
- No withdrawal of capital that would reduce the “substantial investment” required for E-2 maintenance

Discovery Requests — Immigration Documents

Demand immediate production of:

1. All US visa applications, petitions, and approvals for Biagio Caruso (including but not limited to Forms I-129, DS-160, DS-156E)
2. All E-2 Treaty Investor visa documentation
3. All immigration attorney correspondence

4. Current immigration status documentation (I-94, visa stamps, approval notices)
5. All USCIS receipt notices and approval notices
6. All dependent visa filings for Ceci Caruso (would confirm her E-2D status)
7. All I-539 Change of Status or Extension of Stay applications
8. Business plans submitted to USCIS as part of E-2 applications (these contain sworn financial representations about the company's value and revenue)

Settlement Framework

Prior leverage: “We have identified 22 entities and \$23.8M in assets subject to equitable distribution.”

Enhanced leverage: “Proceeding with equitable distribution of American Granite-Florida LLC — the enterprise upon which your USCIS nonimmigrant status depends — will require the court to determine and distribute ownership interests. We are prepared to proceed. Alternatively, a fair settlement reflecting the full value of all marital assets would resolve this matter efficiently.”

Section 5: Enhanced Flight Risk Assessment

The immigration analysis dramatically escalates the flight risk profile:

- Italian passport valid through June 2027 — can travel freely
- No US voter registration — not pursuing US citizenship
- Italian domicile registered (Comiso, Sicily) — maintains Italian residency
- US presence is VISA-BASED, not permanent — no green card, no citizenship path visible
- FC Marmi winding down in Italy — clearing Italian business ties or consolidating for return
- 20+ US entities with complex structure — assets can be moved or hidden quickly

If Biagio loses his E-2 status — voluntarily or through equitable distribution — he returns to Italy. Once outside US jurisdiction, enforcement of any divorce judgment becomes exponentially more difficult and expensive, requiring international legal proceedings.

This is why the passport surrender motion and comprehensive asset freeze are urgent and time-sensitive.

Section 6: Summary of Strategic Position

What We Now Know

1. Biagio Caruso is almost certainly in the United States on an E-2 Treaty Investor visa based on his ownership of American Granite-Florida LLC
2. He must maintain at least 50% ownership to keep his visa
3. The company is a marital asset subject to equitable distribution
4. Equitable distribution of the company threatens his legal right to remain in the US
5. Ceci was likely an E-2 dependent whose immigration status was entirely controlled by Biagio
6. Any threats regarding her immigration status constitute VAWA-qualifying abuse
7. He has strong incentive to flee jurisdiction if he believes he will lose the company

What This Means

Biagio cannot go to trial on the business assets. The risk of losing majority ownership — and therefore his visa — is too great. He must settle, and he must settle at a level that reflects the full value of the marital estate.

Recommended Next Steps

1. File supplemental asset freeze motion identifying visa investment vehicles
2. Serve immigration document discovery requests immediately
3. Consult immigration attorney to confirm E-2 analysis and explore VAWA I-360 for Ceci
4. File passport surrender motion citing enhanced flight risk
5. Frame settlement discussions around the immigration leverage
6. Prepare VAWA I-360 self-petition for Ceci's independent immigration status

This analysis is based on publicly available immigration law, USCIS policy guidance, and confirmed facts about Biagio Caruso's nationality, business ownership, and US presence. Formal confirmation of his specific visa type should be obtained through discovery.