



The E Visa - Benefiting International Companies and Investors

Ryan E. Lamb

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The United States is a party to a number of trade treaties with foreign countries. The E Visa category was created to give effect to those treaties by providing reciprocal benefits to nationals of a treaty country.

The E Visa category can be utilized by business owners, managers, and employees who need to remain in the U.S. for extended periods of time in order to oversee or work in an enterprise (i) engaged in trade between the U.S. and the foreign treaty country (E-1 Visa), or (ii) that represents a significant investment in the U.S. by an individual or entity from a foreign treaty country (E-2 Visa).

If the subject foreign country has the requisite treaty status, the E visa category may have significant advantages over other nonimmigrant visa options (L-1, H-1B, or B-1 Visas being the most common alternatives). Some countries qualify as both E-1 and E-2 treaty countries; some only qualify in one or the other category, while others do not have the requisite treaty and do not qualify at all.

A company engaged in substantial trade, principally with the U.S., may potentially qualify as an E-1 Treaty Trader Company. Two types of employees of a Treaty Trader Company may qualify for the E-1 Visa to enter the U.S. and perform services for the company: (i) an employee performing supervisory or executive duties, and (ii) an employee who has skills which are essential to the company's successful operation.

An individual or company that has made a substantial investment in a U.S. enterprise may potentially qualify as an E-2 Treaty Investor. Both the principal investor and certain employees may qualify for an E-2 Visa. In order for a principal investor to obtain an E-2 Visa, the principal investor must be responsible for the development and direction of the investment. In addition, two classes of employees may qualify for the E-2 Visa to enter the U.S. to perform services for the enterprise: (i) an employee serving in a managerial capacity, and (ii) an employee who has skills which are essential to the enterprise's start-up activities or successful operation.

AUTHORS/ CONTRIBUTORS

Ryan E. Lamb

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As a "substantial" investment may be much less than the minimum investment required to obtain an EB-5 Immigrant Visa (being a minimum investment of \$500K or \$1M and the creation of 10 jobs within 2 years), the E-2 Visa may be a useful alternative for qualifying investors.

If your international company is doing business in the U.S., or you are seeking to make an investment in a U.S. enterprise, the E visas may grant you or your employees the ability to live and work in the U.S. and contribute to the success of the business.
