



The E-2 Treaty Investor Visa

The E-2 visa is intended for foreign investors who are starting a business in the United States and who need to exercise some control over or supervision of their investment. There is no minimum investment amount, rather, the applicant must demonstrate that the investment is sufficient to start a business of the type contemplated and that the money invested has been made immediately available to the United States company, i.e., at risk. The E-visa does not have a maximum duration, however, it is likely that immigration officials will begin to question whether the visa holder intends to remain in the United States permanently after some period of time.

Requirements

The requirements are as follows:

- Treaty of Friendship and Commerce;
- Non-immigrant intent;
- Investment, as described above;
- Planned employment of US nationals and contribution to the United States economy;
- The applicant must be sent to the United States to supervise or otherwise ensure the success of the investment in the United States;
- The applicant must be of the same nationality as the parent company;
- The applicant must be qualified for the position in the United States;
- The applicant must return to his or her home country at least once every two years to renew his or her visa.

This visa is suitable for both new and well-established US businesses. The employee may be new to the company and there is no requirement that he or she have worked for the company abroad. The E-visa is quite practical for those who will be travelling frequently to the United States over a long period of time. The primary advantage of the E-visa is that there is no limitation on the total duration of the visa. The streamlined immigrant visa application process available to L-visa holders may not be available to E-visa holders, and any application for an immigrant visa renders the E-visa invalid.

Documentation

In order to apply for the E-2 visa we would require copies of the following documents (please do not send original documents, as the INS accepts photocopies):

- Passport
- Complete resume, providing detail as to the applicant's qualifications for a position supervising or managing the investment and details as to the applicant's responsibilities in his or her current position.
- Educational credentials
- Documentation showing the amount and nature of the investment, including a breakdown of any expenses advanced to the US company, capital or other contributions, and any other investment in the US company.
- Documentation showing that the total investment amount is appropriate for the nature of the business entered into
- List of stockholders in the parent company and their percentage holdings, along with their nationality.
- Documentation about the parent company, showing that it has been and remains a viable and active business;
- List of all current and planned employees for the company for the next two years, including position, citizenship, and visa status for any employees who are not US citizens or permanent residents.
- A copy of the stock certificate or other proof that showing that the parent company owns more than 50% of the US corporation.
- Financial statements and any other documentation showing that the US company is a viable, operating business and any information as to revenue, staffing, and future plans which is available

The E-visa application is submitted directly to the consulate abroad, and processing times vary widely.