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A PROFESSIONAL CORPORATION

E-1 Treaty Trader & E-2 Treaty Investor Visas

Citizens of certain countries may gain entry to the United States for trade or investment using E-2 Treaty Investor and E-1 Treaty Trader visas. Because these visas can be renewed in five-year increments for 10, 20 or even 30 years or longer, they remain excellent options for many foreign businessmen:

The **E-2 Treaty Investor Visa** allows you to: (1) move your entire business to the United States, or (2) start a new business in the U.S. if you are not now in business, or (3) establish or expand a U.S. branch, affiliate or subsidiary of your foreign company, or (4) if you are a foreign owned business, to transfer to the U.S. personnel of the same nationality as the company.

Same Nationality: An E-2 applicant must be of the same nationality as the foreign company or investor, and the nationality must be one of the treaty countries.

No Minimum Investment: There is no minimum required investment for an E-2 investor visa. In the case of small businesses, as a general guideline, an owner investor can usually obtain E-2 status if he will (1) actively manage the small business; (2) put at risk, including borrowed funds secured for personal assets, a substantial investment in capital and/or equipment;¹ and (3) plan to employ at least several U.S. workers. The amount of the investment varies depending upon the nature of each investment. U.S. State Department guidelines suggest that the smaller the business, the greater percentage of its value must be invested to qualify. ***The key is that the business cannot be “marginal,”*** that is, designed just to provide a living for the owner and his family.

¹ Some consulting or service businesses have qualified with even smaller investments, in the range of \$25,000 to \$50,000.

Eligible Countries: The E-2 visa is available to citizens of the following countries under U.S. bilateral treaties or treaties of commerce and navigation:

Albania	Croatia	Kyrgyzstan	Singapore
Argentina	Czech Republic	Latvia	Slovak Republic
Armenia	Ecuador	Liberia	Slovenia
Australia	Egypt	Lithuania	
Austria	Estonia	Luxembourg	Spain
Azerbaijan	Ethiopia	Macedonia	Sri Lanka
Bahrain	Finland	Mexico	Suriname
Bangladesh	France	Moldova	Sweden
Belgium	Georgia	Mongolia	Switzerland
Bolivia	Germany	Morocco	Taiwan
Bosnia & Herzegovina	Grenada	Netherlands	Thailand
Bulgaria	Honduras	Norway	Togo
Cameroon	Iran	Oman	Trinidad & Tobago
Canada	Ireland	Pakistan	Tunisia
Chile	Italy	Panama	Turkey
Colombia	Jamaica	Paraguay	Ukraine
Congo (Brazzaville and Kinshaha)	Japan	Philippines	United Kingdom
Costa Rica	Jordan	Poland	Yugoslavia
	Kazakhstan	Romania	
	Korea (South)	Senegal	

Other Requirements: To qualify for an E-2 visa, the applicant must be entering the U.S. to perform either (a) managerial or executive functions, or (b) functions requiring essential skills. Examples of essential skills functions may include:

- A French technician for a French company coming to the U.S. to maintain specialized equipment for a U.S. subsidiary.
- A German accounting specialist coming to a U.S. branch of a German company to ensure that the books and records are maintained according to German accounting standards.
- A technical translator for a Japanese company coming to the U.S. to translate technical documents regularly sent from the Japanese parent company.

Duration: The E-2 visa is usually issued for an initial period of 2-5 years. There is no limit to the number of renewals.

Family: The spouse and children of an E-2 investor or employee also receive E-2 visas. They can also obtain work authorization in the United States under that category.

STRATEGY TIPS: *The E-2 visa is not limited to businesses involved in international trade. Purely local businesses such as retail sales, construction, service industries, or manufacturing can qualify.*

For larger companies, the E-2 should be a first choice for quickly transferring key managers, executives and persons with essential skills to your U.S. operations. Note: the employee and company must have the same nationality and must be from one of the qualifying treaty investor countries. Nationality of the foreign firm is usually determined by the citizenship of at least fifty- percent (50%) of its stockholders.

No college degree is required to obtain an E-2 visa.

E-1 Treaty Trader Visas.

There is a companion visa to the E-2, *the E-1 Treaty Trader*. To qualify, the following requirements must be met:

- (1) The trader's U.S. office must engage in **substantial trade** with the foreign country of its shareholders. "Substantial trade" is not measured just in dollars. Frequent and continuous trade in goods or services of small dollar value may also qualify for E-1 visa treatment.
- (2) At least 50% of the trade must be between the U.S. business applying for the E-1 visa and the foreign country of which the employee is a citizen.
- (3) The U.S. business must be at least 50% owned by persons holding the same nationality as the visa applicant.

Eligible Countries: Only citizens of the following countries with bilateral treaties with the United States qualify for E-1 visas:

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

Types of Trade:

- Export and import firms can qualify, as do manufacturing companies purchasing most of their equipment and parts from their parent firms.
- ***The trade does not need to be in goods.*** Technical know-how, blueprints, accounting advice or software engineering services, just to name a few, can qualify as trade in services for E-1 visa purposes.

E-1 Examples:

- A Virginia lumber firm which is owned by Israelis and exports at least 51% of its timber products from the U.S.A. to Israel can obtain E-1 visas for its key traders and managers who are Israeli nationals.
- A French employee of the Israeli lumber firm cannot qualify for an E-1 visa because he must have the same nationality as its owners. (Note: Other visas may be available to the French employee).
- A Virginia electronics firm owned by Germans which buys most of its parts from Holland for sale in the U.S.A. cannot qualify for an E-1 because the majority of its trade is not with the country of its shareholders (Germany). (Note: Again, other visa options may be available.)

Duration: The E-1 can usually be obtained in less than thirty (30) days from most U.S. Consulates, will be ***valid for two to five years and can be renewed indefinitely.***

Family: The immediate family members of the holder of an E-1 visa can come to the U.S. Once here, they can apply for work authorization in the United States.

STRATEGY TIPS: *Proper use of E visas requires mastery of a number of technical rules and usually requires expert assistance. Documentation requirements for E-1 and E-2 visas can vary from U.S. consulate to U.S. consulate and can change without notice.*

Joint ventures with established U.S. companies can be used to qualify foreign firms and their employees for E visas as long as the foreign venture partner can exercise veto control over key business decisions.

A small, family-owned business engaging in frequent trade with the country of its foreign owners may qualify for an E-1 even if no U.S. workers are employed.