



E-2 Visa Treaty Investor and Treaty Investment Employee

Treaty Investment Visa

The E-2 nonimmigrant visa authorizes a citizen of a treaty country to oversee their investment in the U.S. *or* work with a U.S. business which is at least 50% owned by citizens of the treaty country. The initial E visa may be granted for up to 5 years, depending on the country. The visa can be extended every two (2) years without limitation on the total period of stay. The spouse and minor children may accompany or follow to join the E-2 principal. Employees from the treaty country, including executives, managers and essential employees are eligible for the E-2 visa.

The E-2 may be applied for in the U.S. with the U.S. Citizenship and Immigration Services (CIS) if the individual is in legal status and the law permits a change in status. However, once the individual leaves the U.S., the individual must apply for an E-2 visa at an American Embassy or consulate. In addition, the E visa is one of the few visas that may be applied for directly at an American Embassy or consulate without prior approval from CIS.

E-2 Treaty Investor Visa Requirements

The E-2 visa requires **(1)** a treaty allowing investment in the U.S between the U.S. and the country of which the person is a national; **(2)** the investor is a treaty national or a qualifying organization (50% or more owned by treaty nationals); **(3)** the applicant is actively in the process of investing a substantial amount of capital; **(4)** entering the U.S. to develop and direct the investment, or entering the U.S. to work in an executive, managerial or “essential employee” capacity; and **(5)** the U.S. investment is fifty percent (50%) owned by a treaty national or qualifying organization.

Sample Treaty Countries

The following countries have investment treaties with the United States that qualify for the E-2 visa. Many other countries qualify for the treaty investment visa.

Argentina; Australia; Austria; Bangladesh; Canada; Colombia, Ecuador; Finland; France; Germany; Greece; Ireland; Italy; Jamaica; Japan; Jordan; Korea; Mexico; the Netherlands; Norway; Pakistan; the Philippines; Romania; Taiwan; Sweden; Switzerland; Thailand; Turkey and the United Kingdom

Premium Processing

The CIS has a business service called Premium Processing where the CIS responds within 15 working days from the date of the receipt of the application. There is \$1,000 CIS filing fee for this service. This fee is an addition to other filing fees that the applicant must pay.

Approval of the Visa

U.S. Citizenship and Immigration Services has jurisdiction to approve change of status to E-2 visa classification and the U.S. Department of State, through U.S. Consulates, have jurisdiction to approve E-2 visa issuance.

The CIS issues an approval notice as evidence of the principal investor or key employee's E-2 status. The approval notice allows the employee to work for the petitioning company only. Dependents are issued approval notices as evidence of their E-2 status. The U.S. Consulate issues the E-2 visa in the passport as evidence of the principal investor or key employee's E-2 status. The visa in the passport is annotated with the name of the petitioning company.

Work Authorization for Spouse

The spouses of E visa holders are allowed work authorization in the U.S. Spouses of E visa holders file for work authorization with the CIS Service Center and pay the applicable filing fees. The investor, employees and dependents must have E-2 visas in their passports for travel back to the U.S. This application is made at U.S. Consulates and is referred to as visa consular processing.

E-2 Nonimmigrant Visa Document List

E-2 Applicant (Petitioner/Beneficiary)

- Resume (with detailed description of job duties and dates of employment)
- Diplomas, degrees, and certificates
- Evidence of nonimmigrant status if present in the U.S. (visa, I-94, approval notices)
- Passports of E-2 Applicant and all dependents (passports valid for at least 6 months)

U.S. Company or Business Enterprise (Petitioner)

- Certificate of Incorporation and Articles of Incorporation
- Stock certificates (showing total ownership of the company)
- Business sale agreement or stock purchase agreement

- Business information (history, facilities, products, number of employees, clients)
- Business appraisal, business valuation or prospectus
- Business registration, business license, business permits, DBA's
- Commercial lease
- Brochures, catalogs, promotional and product literature, and advertisements
- Invoices, contracts, bills of lading, and other business documentation
- Photographs of the business (if applicable)
- Corporate tax returns (IRS 1120, IRS 941, TWC C-3)
- Financial statements (balance sheet, income statement, asset & deficit, payroll)
- Bank account statements
- Bank wire transfers; certified checks or other documentation of investment in the U.S.

Foreign Company (if applicable)

- Certificate of Incorporation and Articles of Incorporation
- Business information (history, facilities, products, number of employees, clients)
- Business registration, business license, business permits
- Commercial lease
- Brochures, catalogs, promotional and product literature, and advertisements
- Invoices, contracts, bills of lading and other business documentation
- Photographs of the business (if applicable)
- Corporate tax returns
- Financial statements (balance sheet, income Statement, asset & deficit, payroll)
- Bank account statements