

# E-2 Treaty Investor Visa

E-2 Treaty Investor Visa is a non-immigrant visa that enables individuals of a treaty country who have invested significant funds into the U.S. for purposes of setting up a business to come to the U.S. and direct their business.



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## QUALIFICATIONS

### TREATY INVESTOR'S NATIONALITY

- ▶ Treaty Investor must possess ***nationality of a treaty country***, with which the U.S. maintains a treaty of commerce and navigation

### INVESTMENT ENTERPRISE

- ▶ Enterprise must be more than a marginal business solely for earning the Treaty Investor's and his/her family's living
- ▶ Business must be a real and operating enterprise

### INVESTMENT FUNDS

- ▶ Treaty Investor has invested or is actively in the process of investing in a bona fide business in the U.S.
- ▶ Treaty Investor must have control of the funds, where the investment is committed and at risk
- ▶ Investment must be substantial in proportion to cost of creating or purchasing the investment enterprise, where funds are sufficient to ensure the treaty investor's financial commitment to the successful operation of the enterprise
- ▶ Investment should be large enough to support the likelihood that the Treaty Investor will successfully direct and develop the business

### INVESTMENT FUNDS

- ▶ Established by showing at least 50% ownership of the enterprise or possession of operational control through a managerial position. The Treaty Investor must be coming to the U.S. to hold a position to develop, direct and control the enterprise, and to earn a salary that corresponds to such position.

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# THE PROCESS

## CREATE COMPREHENSIVE BUSINESS PLAN

- ▶ Description of company's products and/or services; Market and industry analysis; Competitive analysis; Marketing and sales plan; Management and organization plan; Financial discussion and staffing plan with 5-year forecast

## LAW FIRM TO PREPARE E-2 APPLICATION

- ▶ Attorney will draft support letter and assemble E-2 application to submit to USCIS. This process generally takes a couple of weeks to prepare.

## APPROVAL OF APPLICATION

- ▶ Direct and develop the E-2 enterprise in the U.S.
- ▶ Consular post-issued E-2 visa is valid for up to 5 years; Applicant is authorized to stay up to 2 years per entry (can be extended with USCIS in increments of up to 2 years).

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## INVEST IN AND SET-UP COMPANY

- ▶ Start new, or purchase existing, business (See incorporation pamphlet for more details)

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## COLLECT DOCUMENTS

- ▶ Documents on enterprise ownership, type of business, source and path of investment funds, nature of investment, investment prospects, and applicant's eligibility for the E-2 visa.

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## SUBMIT APPLICATION

- ▶ Let the attorney know if you want to apply from within the U.S. or from abroad. Processing time varies depending on where application is filed.

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