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## E-1/E-2 Visa

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Submitted by admin on Apr 16th 2009

#### **Treaty Traders and Treaty Investors (E-1 and E-2 Visa)**

The Immigration and Nationality Act provides nonimmigrant visa status for a national of a country with which the United States maintains a treaty of commerce and navigation who is coming to the United States to carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is in the process of investing a substantial amount of capital.

#### **Requirements: Treaty Trader**

- The applicant must be a national of a treaty country.
- The trading firm for which the applicant is coming to the U. S. must have the nationality of the treaty country.
- The international trade must be "substantial" in the sense that there is a sizable and continuing volume of trade.
- The trade must be principally between the U.S. and the treaty country, which is defined to mean that more than 50 percent of the international trade involved must be between the U.S. and the country of the applicant's nationality.
- Trade means the international exchange of goods, services, and technology. Title of the trade items must pass from one party to the other.
- The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the efficient operation of the firm. Ordinary skilled or unskilled workers do not qualify.

#### **Requirements: Treaty Investor**

- The investor, either a real or corporate person, must be a national of a treaty country.
- The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage of investment for a low-cost business

enterprise must be higher than the percentage of investment in a high-cost enterprise.

- The investment must be a real operating enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- The investment may not be marginal. It must generate significantly more income than just to provide a living to the investor and family, or it must have a significant economic impact in the United States.
- The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise are not allowed.
- The investor must be coming to the U.S. to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skill capacity. Ordinary skilled and unskilled workers do not qualify.

## Visa Ineligibility / Waiver

The nonimmigrant visa application Form DS-156 lists classes of persons who are ineligible under U.S. law to receive visas. In some instances an applicant who is ineligible, but who is otherwise properly classifiable as a treaty trader or treaty investor, may apply for a waiver of ineligibility and be issued a visa if the waiver request is approved.

## Applying for the Visa

Applicants for visas should generally apply at the U.S. Embassy or Consulate with jurisdiction over their place of permanent residence. Although visa applicants may apply at any U.S. consular office abroad, it may be more difficult to qualify for the visa outside the country of permanent residence. As part of the visa application process, an interview at the embassy consular section is required for visa applicants from age 14 through 79. Persons age 13 and younger, and age 80 and older, generally do not require an interview, unless requested by embassy or consulate. The waiting time for an interview appointment for applicants can vary, so early visa application is strongly encouraged. Visa wait times for interview appointments and visa processing time information for each U.S. Embassy or Consulate worldwide is available at [Visa Wait Times](#) [2], and on most embassy websites. During the visa application process, usually at the interview, an ink-free, digital fingerprint scan will be quickly taken. Some visa applications require further [administrative processing](#) [3], which takes additional time after the visa applicant's interview by a Consular Officer.

## Required Documentation

- Nonimmigrant Visa Application, Form DS-156, completed and signed. **The DS-156 must be the electronic "e-form application" available by selecting [Nonimmigrant Visa Application Form DS-156](#)** [4].
- Nonimmigrant Treaty Trader/Treaty Investor Application, [Form DS-156E](#) [5], completed and signed.
- A passport valid for travel to the United States and with a validity date at least six months beyond the applicant's intended period of stay in the United States (unless [country-specific agreements](#) [6] provide exemptions). If more than one person is included in the passport, each person must complete a Form DS-156 application.

- One (1) 2x2 photograph. See the required photo format explained in [Nonimmigrant Photograph Requirements](#). <sup>[7]</sup>
- Supplemental Nonimmigrant Visa Application, [Form DS-157](#) <sup>[8]</sup> completed for all male nonimmigrant visa applicants between the ages of 16 and 45, regardless of nationality and regardless of where they apply. It is also required for all applicants from state sponsors of terrorism age 16 and over, irrespective of gender, without exception. Four countries are now designated as state sponsors of terrorism, including Cuba, Syria, Sudan, and Iran. [Select Special Processing Procedures](#) <sup>[9]</sup> to learn more. This form provides additional information about your travel plans. **You should know that a consular officer may require any nonimmigrant visa applicant to complete Form DS-157.**

## Additional Documentation

An applicant for a Treaty Trader (E-1) or Treaty Investor (E-2) visa must first establish that the trading enterprise or investment enterprise meets the requirements of the law, and complies with the many requirements for the E visa classification. The consular officer may provide the applicant with special forms for this purpose. The applicant can expect the consular officer to request additional documentation, to make a determination about eligibility for a treaty trader or treaty investor visa. It is impossible to specify the exact documentation required since circumstances vary greatly by applicant.

## U.S. Port of Entry

A visa allows a foreign citizen coming from abroad, to travel to the United States port-of entry and request permission to enter the U.S. Applicants should be aware that a visa does not guarantee entry into the United States. The Department of Homeland Security, U.S. Customs and Border Protection (CBP) officials have authority to permit or deny admission to the United States. If you are allowed to enter the U.S., the CBP official will determine the length of your visit on the Arrival-Departure Record (Form I-94). Since Form I-94 documents your authorized stay in the U.S., it's very important to keep in your passport. In advance of travel, prospective travelers should review important information about [Admissions/Entry](#) <sup>[10]</sup> requirements, as well as information related to restrictions about [bringing food](#) <sup>[11]</sup>, [agricultural products](#) <sup>[12]</sup> or other [restricted/prohibited goods](#) <sup>[13]</sup> explained on the Department of Homeland Security, Customs and Border Protection website. Upon arrival (at an international airport, seaport or land border crossing), you will be enrolled in the [US-VISIT](#) <sup>[14]</sup> entry-exit program. In addition, some travelers will also need to register their entry into and their departure from the U.S. with the [Special Registration](#) <sup>[15]</sup> program. The Department of Homeland Security, Customs and Border Protection internet site offers additional information on [Admissions/Entry](#) <sup>[16]</sup> requirements.

## Family Members

Spouses and unmarried children under 21 years of age, regardless of nationality, may receive derivative E visas in order to accompany the principal alien. The spouse of an E visa holder may apply to DHS for employment authorization. Dependent children of an E visa holder are not authorized to work in the United States.

## Time Limits

Holders of E visas may reside in the United States as long as they continue to maintain their status with the enterprise.

## Nonimmigrant Visas:

E-1 Visa <sup>[17]</sup>

E-2 Visa <sup>[18]</sup>

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### Links:

- [1] <https://immigration.com/visa/e-1-visa/e-1e-2-visa>
- [2] [http://travel.state.gov/visa/temp/wait/wait\\_4638.html](http://travel.state.gov/visa/temp/wait/wait_4638.html)
- [3] [http://travel.state.gov/visa/a\\_zindex/a\\_zindex\\_4353.html](http://travel.state.gov/visa/a_zindex/a_zindex_4353.html)
- [4] <http://evisaforms.state.gov/>
- [5] <http://www.state.gov/m/a/dir/forms/>
- [6] <http://www.state.gov/documents/organization/104770.pdf>
- [7] [http://www.travel.state.gov/visa/temp/info/info\\_1287.html](http://www.travel.state.gov/visa/temp/info/info_1287.html)
- [8] [http://travel.state.gov/visa/frvi/forms/forms\\_1342.html](http://travel.state.gov/visa/frvi/forms/forms_1342.html)
- [9] [http://travel.state.gov/visa/temp/info/info\\_1300.html](http://travel.state.gov/visa/temp/info/info_1300.html)
- [10] [http://cbp.gov/xp/cgov/travel/id\\_visa/study\\_exchange/](http://cbp.gov/xp/cgov/travel/id_visa/study_exchange/)
- [11] [http://cbp.gov/xp/cgov/travel/id\\_visa/](http://cbp.gov/xp/cgov/travel/id_visa/)
- [12] [http://cbp.gov/xp/cgov/travel/clearing/agri\\_prod\\_inus.xml](http://cbp.gov/xp/cgov/travel/clearing/agri_prod_inus.xml)
- [13] <http://cbp.gov/xp/cgov/travel/clearing/>
- [14] [http://www.dhs.gov/dhspublic/interapp/content\\_multi\\_image/content\\_multi\\_image\\_0006.xml](http://www.dhs.gov/dhspublic/interapp/content_multi_image/content_multi_image_0006.xml)
- [15] <http://www.ice.gov/pi/specialregistration/index.htm>
- [16] [http://www.cbp.gov/xp/cgov/travel/id\\_visa/legally\\_admitted\\_to\\_the\\_u\\_s.xml](http://www.cbp.gov/xp/cgov/travel/id_visa/legally_admitted_to_the_u_s.xml)
- [17] <https://immigration.com/visa/nonimmigrant-visas/e-visa/e-1-visa>
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