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Investor visa for the United StatesThe E-1 Treaty Trader Visa allows an individual to enter and work inside of the United States based on commerce he or she will be conducting while inside the United States based on commerce he or she will be conducting while inside the United States based on commerce he or she will be conducting while inside the United States based on commerce he or she will be conducting while inside the United States based on commerce he or she will be conducting while inside the United States.[1] Treaty trader visas are available only to citizens of certain countries based on whether a reciprocal treaty exists with the United States.[2]
and the company performing the trading must be at least 50% owned by citizens of the same country as the trader the visa is granted to. Persons with the treaty country as the trader the visa is granted to. Persons with the treaty country as the trader the visa is granted to.
country.[1]To receive an E-1 visa the following requirements need to be met:(1) Treaty exists between the United States and the applicant must be coming
to the United States solely to engage in substantial trade; (5) Trade is principally between the United States and the treaty country of the applicant, if an employee of a trading firm, will have an executive/supervisory position or possesses skills essential to the firms operations in the United States. [3] Exchange: There must
be a meaningful exchange of goods, money, or services between the U.S. and the treaty country. This exchange should be traceable and involve a transfer of ownership. International in nature, focusing on commercial exchange between the U.S. and the treaty country, rather than solely domestic
activities. Qualifying Activities: The trade must involve activities that are commonly recognized as trade, such as international banking, insurance, transportation, tourism, communications, and newsgathering. This list is not exhaustive, and other service-based industries may also qualify if the service itself is the saleable commodity. Additionally, the
trade must already be established and not merely in the planning stages. This means there should be existing contracts or agreements in place for the immediate exchange of goods or services.[3]The E-1 visa is typically issued for a period of 2 years, although the exact duration can vary depending on the applicants treaty country. As long as the
individual continues to engage in qualifying trade activities, the visa may be renewed indefinitely. Each extension is usually granted in 2-year increments. Extensions can be requested from within the United States through USCIS. In addition, E-1 visa holders may explore potential pathways to adjust their status, such as transitioning to a different visa
category or applying for a green card. These options require careful legal planning and eligibility review.[4]E-1 Approvals at U.S Consulates ('18-'23)YearApprovalsRefusals 20186,5422,12420196,66858420203,27844720214,85129820225,38346520235,806491Source: U.S. Department of State-Bureau of Consular Affairs[5]The above
table does not include USCIS petitions for a change of status to E-1 by applicants who were already located in the United States. Due to limitations in the Department of State data, exact approval and refusal numbers, though trends can be determined. This is because the Department of
State data doesn't distinguish between visa applications filed and adjudicated within the same year and those filed a previous year and adjudicated (either approvals followed initial 221g visa refusals (administrative processing/temporary refusal) within the same year.[5]
221g refusals are counted as refusals.^ a b c Bureau of Consular Affairs. "Treaty Trader & Investor Visas". United States Department of State. Retrieved July 17, 2020.^ a b "9 FAM 402.9 TREATY TRADERS, INVESTORS, AND SPECIALTY
OCCUPATIONS - E VISAS". fam.state.gov. Retrieved July 4, 2024. This article relating to law in the United States or its constituent jurisdictions is a stub. You can help Wikipedia
by expanding it.vteRetrieved from " A nonimmigrant E-1 visa is a temporary visa category for foreign nationals who are coming to the United States solely to engage in international trade on behalf of their home country. This visa is intended for entrepreneurs, business owners, and employees of treaty trader companies from countries with which the
United States has a treaty of commerce and navigation. 2. Who is eligible for an E-1 visa, you must: Be a citizen of a country with which the United States has a treaty of commerce and navigation Have the intent to enter the US solely to engage in international trade Be an executive, manager, or essential employee of the
treaty trading company Conduct at least 50% of your companys trade between the US and your home country Possess specialized skills or knowledge essential to the companys operations 3. How long can I stay in the US on an E-1 visas are typically given for a period of up to 5 years, depending on your specific case and country reciprocity
agreements. You may also be granted extensions of stay as long as you continue to meet the requirements for this visa category.4. Can my dependents accompany me on an E-1 visa? Yes, your spouse and unmarried children under 21 years old may apply for derivative E visas based on their relationship to you. They will have the same period of stay as
in immigration status must be approved by USCIS before you engage in the activities of the new status.6. Can I apply for a green card (permanent residency, such
as employment-based immigration, while still holding an E-1 visa.7. What are the requirements for maintain your E-1 status, you must: Continue to engage in international trade between the US and your home country Only work for the treaty trading company listed on your visa Continue to have specialized skills or
knowledge essential to your companys operations Notify USCIS of any changes in your employment or conditions that would affect your eligibility for the E-1 visa Depart from the US while on an E-1 visa? Yes, you may
travel outside of the US and re-enter as long as your E-1 visa is valid and you continue to meet the requirements for this category.9. What happens if my employment with the treaty trading company ends, you will no longer be eligible for the E-1 visa. You should depart
from the US before or upon expiration of your authorized stay or seek a change of status to another appropriate category.10. Can my employer can file a request with USCIS to extend your stay in order to continue engaging in international trade activities.
The extension request must be filed at least 45 days before your current period of stay expires. To be eligible for an E-1 visa, you must be a citizen of a country with which the United States has a treaty of commerce and navigation The majority ownership or control of your company (at least 50%) must be held by
citizens of your country Your company must engage in substantial trade between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country, with at least 50% of the trade conducted between the United States and your home country home count
you intend to depart the United States once your E-1 status expires and that you have no intention of abandoning your foreign residence. You may also need to provide evidence that you have sufficient funds to support yourself during your foreign residence. You may also need to provide evidence that you have sufficient funds to support yourself during your foreign residence.
following steps: Step 1: Prepare your application: This includes completing Form DS-160, providing necessary supporting documents (such as proof of nationality, ownership/control of company, and trade activities), and paying the required fees. Step 2: Schedule an interview: After submitting your application, you will need to schedule an interview at
a U.S. embassy or consulate in your home country. Step 3: Attend the interview, a consular officer will review your application and ask questions about your qualifications for the visa stamp. If denied, you may be able to reapply or appeal
depending on the reason for denial. Step 5: Enter the United States and receive temporary authorization: With an approved E-1 visa, you can enter the United States and receive temporary authorization to work for your company. 4. How long does an E-1 visa, you can enter the United States and receive temporary authorization to work for your company.
option to apply for extensions in increments of up to two years at a time. 5. Can my family come with me on an E-1 visa? Yes, your spouse and unmarried children under the age of 21 can accompany you to the United States. It is
important to note that children will age out of eligibility for dependent status when they turn 21, at which point they must either obtain their own visa or leave the United States on a different non-immigrant visa, you may be able to
change your status to an E-1 visa. This process typically involves filing a Form I-129 (Petition for Nonimmigrant Worker) with U.S. Citizenship and Immigration Services (USCIS) and meeting all eligibility requirements for an E-1 visa. This process typically involves filing a Form I-129 (Petition for Nonimmigrant Worker) with U.S. Citizenship and Immigration Services (USCIS) and meeting all eligibility requirements for an E-1 visa. This process typically involves filing a Form I-129 (Petition for Nonimmigrant Worker) with U.S. Citizenship and Immigrant Worker (USCIS) and Immigrant Worker) with U.S. Citizenship and Immigrant Worker (USCIS) and Immigrant Worker) with U.S. Citizenship and Immigrant Worker (USCIS) an
may be eligible for E-visas as well. To qualify, these employees must hold executive or supervisory positions or possess essential skills necessary for the efficient operation of your business in the United States on an
E-2 dependent visa?Yes, spouses of primary E-visa holders may apply for employment authorization once they are in the United States, so it
is not meant for individuals looking to permanently relocate their businesses. However, you may be able to apply for a different type of visa that allows for permanent residency if your business qualifies. 10. Can I extend my stay in the United States on an E-1 visa? Yes, you can request an extension of stay in increments of up to two years at a time. To
be eligible, you must provide evidence that your company is still engaging in substantial trade activities with the United States and that you plan to depart once your authorizes you to work only for the specific company listed on your application. If
you wish to change employers, you would need to file a new application and obtain a new E-visa.12. What happens if my countrys treaty with the United States ends during your stay on an E-1 visa, your authorized period of stay will not automatically end. However,
you will need to maintain valid status by seeking another immigration classification or leaving the United States before your current E-visa expires.13. Can I study while on an E-1 visa?Yes, you can participate in educational programs while on an E-1 visa?Yes, you can participate in educational programs while on an E-1 visa?Yes, you can participate in educational programs while on an E-1 visa expires.13.
company 14. Can I apply for a green card through other means, such as employment residence (a green card through other means, such as employment sponsorship 15. Are there
any restrictions on the types of trade activities I can engage in with an E-1 visa. As long as the majority of your companys trade is between the United States and your home country and it meets other eligibility requirements, you can engage in a variety of
country. The initial period of stay with an E-1 visa is usually up to 2 years. However, extensions can be granted in increments for the E-1 visa and maintains their nonimmigrant status. Yes, in order to apply for an E-
1 visa, you must have a job offer from a U.S. company that is engaged in substantial trade with your country of nationality. The company must also be a bona fide employer and not just a vehicle for obtaining an E-1 visa. Being engaged in substantial trade means actively participating in commercial activities that are significant or considerable in terms
of scale, scope, and impact. This can include buying and selling goods or services, conducting business operations, generating revenue, entering into contracts and agreements, and establishing partnerships or networks with other businesses. It also involves regular and ongoing business activities rather than occasional transactions or one-time
events. The determination of whether a trade is substantial can vary depending on the specific context and industry. There is no specific minimum amount of money required for substantial trade to qualify for an E-1 visa. The United States Citizenship and Immigration Services (USCIS) evaluates each case individually and considers various factors
when determining if the trade is substantial enough to qualify for the visa. These factors include the amount of capital invested, the volume of trade, and the number of trade applicants home country. It is recommended
to consult with an immigration lawyer for specific guidance on your particular situation. To prove eligibility for an E-1 visa, you will need to provide the following documentation: 1. Form DS-160: Online Nonimmigrant Visa Application 2. Valid passport: Your passport must be valid for at least six months beyond your intended period of stay in the United
States.3. Photograph: One color photograph that meets the requirements detailed on the U.S. Department of State website.4. Business documents: You will need to provide documents that demonstrate your business is engaged in substantial trade with the United States or is a qualifying international organization. This may include articles of
incorporation, partnership agreements, and other relevant business contracts and financial statements. Froof of nationality: You will need to provide evidence of nationality: You will need to provide proof of citizenship documentation: If you are a treaty investor, you will need to provide evidence of
ownership in the U.S.-based business, such as stock certificates or membership certificates. Personal bank statements: You may be asked to provide personal bank statements to show financial stability and ability to support yourself during your stay in the United States. Business plan: This should outline your business operations in detail,
including current revenue, future projections, and how you plan to contribute significantly to the U.S. economy.9. Trade statistics: Documents showing current trade and justify your need for an E-1 visa.10. Additional evidence: Any other relevant
evidence that supports your eligibility for an E-1 visa may also be requested by the consular officer, so its important to bring all relevant documentation with you to your visa interview. Yes, there is a limit on the number of E-1 visas issued each year (October 1 September 30)
However, this cap does not apply to dependent family members (spouses and unmarried children under 21 years old) of E-1 visa holders. Yes, your spouse and children under the age of 21 may accompany you on an E-1 visa as dependents. They will also be eligible to apply for work authorization once in the United States. No, dependents of E-1 visa
holders are not eligible for work authorization in the US. They may accompany the E-1 visa holder and may attend school or engage in voluntary activities, but they are not allowed to work unless they have their own employment-based visa. Yes, holders of E-1 visas can travel outside of the US and re-enter as long as their visa remains valid. However,
they must continue to comply with the terms and conditions of their visa and may be subject to additional inspections and questioning by immigration officials upon re-entry. It is important to keep all necessary documents, such as a valid passport, E-1 visa, and proof of ongoing business in the US, when traveling in and out of the country while on an
E-1 visa. As an E-1 visa holder, you can apply for a green card at any time. However, you must meet all of the requirements and eligibility criteria for the green card based on your individual
circumstances. Yes, the business must have a qualifying treaty with the United States and engage in substantial trade or have a significant amount of international exchange of goods, services, or technology between the U.S. and the treaty country. Yes, you are
required to maintain strong ties to your home country while on an E-1 visa. This includes maintaining a permanent residence in your home country may result in the denial of a
visa extension or future visa applications. Yes, you are allowed to change must still be within the scope of your employer or business activities once you have obtained an E-1 visa. However, the change must still be within the scope of your employer or business activities once you have obtained an E-1 visa. However, the change must still be within the scope of your employer or business activities once you have obtained an E-1 visa.
may need to apply for a new E-1 visa if there are significant changes in your employment or business activities. It is recommended to consult with E-1 visa regulations. It is possible that previous immigration violations could affect your changes to ensure that you are compliant with E-1 visa regulations. It is possible that previous immigration violations could affect your changes to ensure that you are compliant with E-1 visa regulations.
visa. Immigration officials may view these violations as evidence that you have not followed the rules and regulations of the U.S. immigration system in the past, which could raise concerns about your potential compliance with E-1 visa requirements. However, each case is evaluated on its own merits and having previous violations does not
automatically disqualify you from getting an E-1 visa. It is important to disclose any previous immigration violations and provide a strong explanation for the E-visa terminates operations, you will no longer have a valid basis for your visa and you will need to leave the
country. It is important to communicate with your employer and immigration authorities if this situation arises to ensure prompt resolution of your visa status. Citizens of countries that have treaties of commerce and navigation with the United States are eligible for treaty trader status required for an E-visa. Some examples include Canada, Mexico
Japan, South Korea, Germany, and the United Kingdom. A full list of eligible countries can be found on the US Department of States website. The processing time for an E-visa application can vary depending on the destination country and the workload of the immigration department. It can take anywhere from a few days to a few weeks to receive
approval for an E-visa application. Some countries may offer expedited processing for an additional fee. It is best to check with the embassy or consulate of the destination country for more accurate processing times. 9 FAM 402.9 Treaty Traders, Investors, and Specialty Occupations - E Visas (CT:VISA-2076; 09-20-2024) (Office of Origin: CA/VO) 9
 FAM 402.9-1 STATUTORY AND REGULATORY Authorities 9 FAM 402.9-1(A) Immigration and Nationality Act (CT:VISA-1; 11-18-2015) INA 214(e)(6) (8 U.S.C. 1184(e)(6)); INA 214(g)(11) (8 U.S.C. 1184(g)(11)); INA 214(g)(11)); INA 214(g)(11) (8 U.S.C. 1184(g)(11)); INA 214(g)(11) (9 U.S.C. 1184(g)(11)); INA 214(g)(11) (9 U.S.C. 1184(g)(11)); INA 214
U.S.C. 1184(j)). 9 FAM 402.9-1(B) Code of Federal Regulations (CT:VISA-1; 11-18-2015) 22 CFR 41.51. 9 FAM 402.9-2 Overview of e visas (CT:VISA-1; 11-18-2015) Public Law 107-124. 9 FAM 402.9-2 Overview of e visas are for citizens of countries with which the United
States maintains treaties of commerce and navigation. The applicant must be coming to the United States solely to engage in substantial trade, including trade in services or technology, in qualifying activities, principally between the United States and the treaty country (E-1), or to develop and direct the operations of an enterprise in which the
applicant has invested a substantial amount of capital (E-2), or to work in the enterprise as an executive, supervisor, or essentially skilled employee. b. Although this classification mandates compliance with a lengthy list of requirements, many of these standards are subject to the exercise of a great amount of judgment and discretion. You should seek
to be flexible, fair, and uniform in adjudicating E visa applications. You must also remember that the basis of this classification lies in treaties which were entered, at least in part, to enhance or facilitate economic and commercial interaction between the United States and the treaty country. It is with this spirit in mind that cases under INA 101(a)(15)
(E) should be adjudicated. c. As in the case of any visa application for E-1 or E-2 classification for E-1 or E-2 classification tools, refer to the E
Visa Portal on CAWeb. 9 FAM 402.9-3 Classification Codes (CT:VISA-1828; 09-12-2023) 22 CFR 41.12 identifies the following visa classification symbols for treaty trader, Spouse or Child E2 Treaty Investor, Spouse or Child E3 Australian Treaty.
National Coming to the United States Solely to Perform Services in a Specialty Occupation E3D Spouse or Child of E3 E3R Returning E3 9 FAM 402.9-4(A) Qualifying Treaty of commerce of a qualif
and navigation between the United States and a foreign State for E visa classification to be accorded to nationals may be accorded nonimmigrant classification under INA 101(a)(15)
(E) pursuant to a qualifying treaty, or pursuant to legislation enacted to extend that same privilege, are listed in 9 FAM 402.9-10 below. 9 FAM 402.9-10 below. 9 FAM 402.9-16 to extend that same privilege, are listed in 9 FAM 402.9-16 below. 9 FAM 402.9-16 below. 9 FAM 402.9-16 to extend that same privilege, are listed in 9 FAM 402.9-16 below. 9 FAM
determined by the nationality of the individual owners of that business. b. Country of incorporation is irrelevant to the nationality of incorporation is irrelevant to the nationality of the
corporation is that of the location of the exchange. The applicant should still provide the best evidence available to support such a presumption. In the case of a multinational corporation whose stock is exchanged in more than one country, the applicant must satisfy you that the business possesses the nationality of the treaty country. In view of the
complex corporate structures in these cases, seek Departmental guidance when necessary, by submitting an AO request to L/CA. c. Fifty Percent Rule: Pursuant to 22 CFR 41.51(b)(2)(ii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(ii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(ii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant to 22 CFR 41.51(b)(2)(iii), nationals of the treaty country must own at least 50 percent Rule: Pursuant Rule: Pursua
corporate structures one looks to the nationality of the owners of the stock. If a business in turn owns another business structure to determine whether the parent organization possesses the requisite 50 percent nationality of the treaty country. Pursuant to 22 CFR 41.51(b)(11), if the applicant is the
investor who is coming solely to develop and direct the enterprise, then the applicant must show that they control or will control to enterprise. Normally such control is shown through a managerial position or other corporate device)
or by other means. Merely occupying a managerial position, however, is not sufficient to meet this requirement if the applicant does not and will not controlled equally (50/50) by nationals of two treaty countries, a business for
which E visa status is sought may have only one qualifying nationality. In the case of dual national owner(s), a choice must be made by the owner and all E visa employees of the company must possess the nationality of the single E visa qualifying country and hold themselves as nationals of that
country for all E visa purposes involving that company, regardless of whether they also possess the nationality of another E visas to work for that company, e. U.S. LPR Status of Trader or Investors
A trader or investor with the nationality of a treaty country but who holds U.S. LPR status does not qualify to bring in employees under INA 101(a)(15)(E). Moreover, stock shares owned by U.S. LPRs cannot be considered in determining the nationality of the business. 9 FAM 402.9-4(C) Intent to Depart Upon Termination of Status (CT:VISA-1845; 10-1845).
05-2023) An applicant for an E visa need to the United States for a specific temporary period, nor does an applicant for an E visa need to have a residence and move all household effects to the United States. The
applicants expression of an unequivocal intent to depart the United States upon termination of E status is normally sufficient. An applicant who is the beneficiary of an IV petition will need to satisfy you that their intent is to depart the United States at the end of their authorized stay, and not stay in the United States to adjust status or otherwise
remain in the United States. 9 FAM 402.9-4(D) Physical Office space (CT:VISA-1111; 07-17-2020) An applicant does not necessarily need a physical office space to qualify for an E visa. Although having physical office space may be relevant in determining whether the requirements for an E visa have been met, it is not a requirement to qualify for the
visa. 9 FAM 402.9-5 Requirements for E-1 Treaty Trader Visas 9 FAM 402.9-5(A) Evaluating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-1 Treaty Trader Applications (
the nationality of the treaty country (see 9 FAM 402.9-4(B) above); (3) Activities constitute trade within the meaning of INA 101(a)(15)(E) (see 9 FAM 402.9-5(B) below); (4) Applicant must be coming to the United States and the
treaty country of the applicant's nationality (see 9 FAM 402.9-5(D) below); and 9 FAM 402.9-7(B) and 9 FAM 402.9-7
status terminates (see 9 FAM 402.9-4(C) above). b. All E-1 principal visa applicants must also submit the Form DS-156-E. The Form DS-156-E. 9 FAM 402.9-5(B) Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade: Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade: Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade: Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022) a. Elements of Trade for E-1 Purposes (CT:VISA-1641; 10-18-2022
purposes has three requirements: (1) Trade must constitute an exchange; (2) Trade must be international in scope; and (3) Trade must be an actual exchange in a meaningful sense, of qualifying commodities such as goods, moneys, or services to create transactions considered trade
 within the meaning of INA 101(a)(15)(E)(i). An exchange of a good or service for consideration must flow between the two treaty countries and must be traceable or identifiable. However, the fact that proceeds from services performed in the United States may be placed in a bank account in a treaty country does not necessarily indicate that
meaningful exchange has occurred if the proceeds do not support any business activity in the treaty country. Title to the trade item must pass from one treaty party to the other. c. Trade Must be International: The purpose of these treaties is to develop international commercial trade between the two countries. Development of the domestic market
without international exchange does not constitute trade in the E-1 visa context. Thus, engaging in purely domestic trade is not contemplated under this classification. The traceable exchange in goods or services must be between the United States and the other treaty country. d. Trade Must be in Existence: An applicant cannot qualify for E-1
classification to search for a trading relationship. Trade between the treaty country and the United States must already be in progress on behalf of the immediate exchange of qualifying items of trade. e. In the rapidly changing
business climate with an increasing trend toward service industries, many more service-based business models, whether listed below or not, might benefit from E-1 visa classification. f. To constitute trade in a service for E-1 purposes, the provision of that service by an enterprise must be the purpose of that business and, most importantly, must itself
be the saleable commodity which the enterprise sells to clients. The term trade as used in this statute has been interpreted to include international banking, insurance, transportation, tourism, communications, and newsgathering activities, however, should usually be classified under INA 101(a)(15)(I)).
These activities do not constitute an all-inclusive list but are merely examples of the types of services that have been found to be legitimate types of E-1 trade. Essentially, any service item commonly traded in international commerce would qualify. 9 FAM 402.9-5(C) Substantial Trade (CT:VISA-1641; 10-18-2022) a. The word substantial is intended to
describe the flow of the goods or services that are being exchanged between the treaty countries. The trade must be a continuous flow that should involve numerous transactions over time. You should focus primarily on the volume of trade conducted but you may also consider the monetary value of the transactions as well. Although the number of
transactions and the value of each transaction will vary, greater weight should be accorded to cases involving more numerous transactions of larger value. Thus, proof of numerous transactions, although each may be relatively small in value, might
establish the requisite continuing course of international trade. Income derived from the international trade that is sufficient to support the treaty trader and family should be considered favorably when assessing the substantiality of trade in a case. c. The word "solely" is often understood as "only" or "not involving anything else;" however, as
intended in the usage of the requirement for an E-1 visa it is more interchangeable with "principally," "mostly," or "overall." The predominant reason for travel does not preclude an applicant from being able to establish eligibility for the
E-1 visa. 9 FAM 402.9-5(D) Trade Must Be Principally Between United States and Country of Applicants Nationality (CT:VISA-1845; 10-05-2023) a. The general rule requires that over 50 percent of the total volume of the international trade conducted by the treaty country
of the applicants nationality. The remainder of the trade in which the applicant is engaged may be international trade with other countries or domestic trade. The application of this rule requires a clear understanding of the distinctions in business entities described below. b. To measure the requires a clear understanding of the distinctions in business entities described below.
the legal person who is the treaty trader. Such a trader might be an individual, a partnership, a joint venture, a corporation (whether a parent or subsidiary corporation), etc. A branch is not a separate legal person but, rather, is part of another entity. To measure trade in the case of a branch, you must look to the trade conducted by the entire entity.
of which it is a part, usually a foreign-based business (individual, corporation, etc.). In contrast, a subsidiary is a separate legal person/entity. c. If the trader, whether foreign-based or U.S.-based, meets this 50 percent requirement, the duties of an employee need not be similarly apportioned to qualify for an E-1 visa. For an example, if a U.S.
subsidiary of a foreign firm is engaged principally in trade between the United States and the treaty country, it is not material that the E-1 employee is also engaged in third-country or intra-U.S. trade or that the parent firms headquarters abroad is engaged primarily in trade between the United States and the treaty country, it is not material that the E-1 employee is also engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters abroad is engaged primarily in trade or that the parent firms headquarters above, and the parent firms headquarters above, and the parent firms headquarters above firms headquarters above.
branch of a foreign firm. 9 FAM 402.9-5(E) E-1 Classification for Taipei Economic and Cultural Representative Office (TECRO) Employees (CT:VISA-1; 11-18-2015) See 9 FAM 402.9-5(E) E-1 Classification for Taipei Economic and Cultural Representative Office (TECRO) Employees (CT:VISA-1; 11-18-2015) See 9 FAM 402.9-6(A) Evaluating E-2
Treaty Investor Applications (CT:VISA-1641; 10-18-2022) a. In adjudicating E-2 visa applications, you must determine whether the: (1) Requisite treaty country (see 9 FAM 402.9-4(B) above); (3) Applicant has invested or
is actively in the process of investing (see 9 FAM 402.9-6(B) below); (4) Enterprise is a real and operating commercial enterprise is more than a marginal one solely for earning a living (see 9 FAM 402.9-6(E) below); (7) Applicant is in a
position to "develop and direct" the enterprise - (see 9 FAM 402.9-7(B) and 9 FAM 402.9-7(B) 
(see 9 FAM 402.9-4(C) above). b. E-2 investor applicants and E-2 derivatives do not need to submit a Form DS-156-E. All E-2 essential employees and managers are required to submit a Form DS-156-E, together with the Form DS-156-E. All E-2 essential employees and managers are required to submit a Form DS-156-E. All E-2 essential employees and managers are required to submit a Form DS-160. The Form DS-160 in the Form DS-156-E must be scanned into each applicant's record. 9 FAM 402.9-6(B) E-2 Applicant Must Have
Invested or Be in Process of Investing (CT:VISA-1765; 05-01-2023) a. Concept of Investment and In Process of Investment transaction to determine whether a financial arrangement may be considered an investment within the meaning of INA 101(a)(15)(E)(ii). The core factors relevant to your analysis of
other legitimate sources. The source of the funds need not be outside the United States. The source of the investment must not, however, be the result of illicit activities. You may request whatever documentation is needed to properly assess the source of the funds. The applicant must demonstrate possession and control of the invested capital assets
and funds. Inheritance of a business itself does not constitute an investment, c. Investment connotes Risk: The concept of investment connotes the placing of funds or other capital assets at risk, in the commercial sense, in the hope of generating a financial return. E-2 investor status must not, therefore, be extended to non-profit organizations. See 9
enterprise cannot count toward the investment, as there is no requisite element of risk. For example, if the business in which the applicant is investing is used as collateral. (2) Only indebtedness collateral funds from the resulting loan or mortgage are not at risk, even if some personal assets are also used as collateral.
personal assets, such as a second mortgage on a home or unsecured loan, such as a loan on the applicant risks the funds in the event of business failure. d. Funds Must be Irrevocably Committed: To be in the process of investing for E-2 purposes, the funds or assets to be invested must be
committed to the investment, and the commitment must be real and irrevocable investment. Despite the condition, the purchase would constitute a solid commitment if the assets to be used are held in escrow for release or transfer once
the condition is met. The point of the example is that to be in the process of investing, the investor must have entered into an agreement and have committed funds. e. Moreover, for the applicant to be in the process of investing, the applicant to be in the process of investing, the applicant must be close to the start of actual business operations, not simply in the stage of signing contracts (which
may be broken) or scouting for suitable locations and property. Mere intent to invest, or possession of uncommitted funds in a bank account, or even prospective investments: Payments in the form of leases or rents for property or
equipment may be calculated toward the investment in an amount limited to the funds devoted to that item in any one month. However, the market value of the leased equipment is not representative of the investment, and neither is the annual rental cost (unless it has been paid in advance) as these rents are generally paid from the current earnings
of the business, g. Value of Goods or Equipment as Investment total. The amount spent for purchase of equipment and for inventory on hand may be calculated in the investment total. The value of goods or equipment transferred to the United States (such as factory machinery shipped to the United States to start or enlarge a plant) may be considered an
investment. However, the applicant must demonstrate that the goods or machinery will be or are currently being used in an ongoing commercial enterprise. The applicant must demonstrate that the purchased goods or equipment are for investment and not personal purposes. h. Intangible Property: Rights to intangible or intellectual property may also be
considered capital assets to the extent to which their value can reasonably be determined. Where no market value is available for a copyright or patent, the applicant may submit opinions regarding market value from experts in the field in
question for consideration. 9 FAM 402.9-6(C) Commercial Enterprise Must Be Real and Active (CT:VISA-1523; 04-01-2022) The enterprise must be a real and active commercial or enterprise, then you must be convinced that it will be a real and
active commercial or entrepreneurial undertaking that will produce some service or commodity if the visa is issued. It cannot be a paper organization or an idle speculative investment held for potential appreciation in value, such as undeveloped land or stocks held by an investor without the intent to direct the enterprise. The investment must be a
commercial enterprise; it must be for profit, eliminating non-profit organizations from consideration. 9 FAM 402.9-6(D) Investment Must Be Substantial (CT:VISA-1765; 05-01-2023) a. General: The purpose of the requirement is to ensure to a reasonable extent that the business invested in is not speculative but is, or soon will be, a successful
enterprise. The rules regarding the amount of funds committed to the commercial enterprise and the character of the funds, primarily personal funds or loans based on personal collateral, are intended to weed out risky undertakings and ensure that the investor is unquestionably committed to the success of the business. Consequently, you must view
the proportionate amount of funds invested, as evidenced by the proportionality test, considering the nature of the business and the projected success of the business and the projected success of the business. Once you determine that an applicant has invested a substantial sum, the applicant generally does not need to be evaluated under this criterion again unless there has been a change in
ownership usually through a business acquisition. Business acquisitions normally occur when Company A buys most or all of the shares in Company B to assume control of its assets and operations and potentially leads to a consolidation or merger. b. Interpretations of Substantial: No set dollar figure constitutes a minimum amount of investment to be
considered "substantial" for E-2 visa purposes. Investment of a substantial in a proportional sense, as determined through the application of the proportional sense, as determined through the application of the proportional sense, as determined through the successful
operation of the enterprise; and (3) Of a magnitude to support the likelihood that the treaty investor will successfully develop and direct the enterprise. c. Proportionality Test: The proportionality test determines whether an investment is substantial by weighing the amount of qualifying funds invested against the cost of the business. If the two figures
are the same, then the investor has invested 100 percent of the heigher a percentage of investment is substantial. Most cases involve lesser percentages. The proportionality test can best be understood as a sort of investment is required. On the other
hand, a highly expensive business would require a lower percentage of qualifying investment. There are no bright line percentages that exist for an investment to be considered substantial. Thus, investment to be considered substantial. Thus, investment to be considered substantial.
extreme, an investment of $10 million in a $100 million in a $100 million business may be considered substantial, based on the sheer magnitude of the investment itself. (1) See 9 FAM 402.9-6(B) above for guidance regarding qualifying funds. (2) The cost of an established business is generally its purchase price, which is normally the fair market value. (3) The cost of an established business is generally its purchase price, which is normally the fair market value.
newly created business is the actual cost needed to establish such a business to the point of being operational. The actual cost can usually be determined by combining the cost of the assets the investor has already purchased with the cost estimates for the procurement of additional assets needed to run the business. For example, cost may be
established through invoices or contracts for substantial purchases of equipment and inventory; appraisals of the market value of land, buildings, equipment, and machinery; accounting audits; and records submissions to various governmental authorities. (4) The value (cost) of the business is clearly dependent on the nature of the enterprise. Any
manufacturing business, such as an automobile manufacturer, might easily cost many millions of dollars to either purchase or establish and operate the business, such as a consulting firm, may be relatively low. If all the other
requirements for E-2 status are met as described in 9 FAM 402.9-6, the cost of the business per se is not independently relevant or determinative of qualification for E-2 status. d. Investor's Commitment: You may request whatever documentation is needed to properly assess the nature and extent of commitment to a business venture. Such evidence
may include letters from chambers of commerce or statistics from trade associations. Unverified and unaudited financial statements based exclusively on information supplied by an applicant normally are insufficient to establish the nature and status of an enterprise. 9 FAM 402.9-6(E) Enterprise Must Be More Than Marginal (CT:VISA-1523; 04-01-
2022) A marginal enterprise is an enterprise is an enterprise that does not have the present or future capacity to generate enough income to provide more than a minimal living for the treaty investor and their family. An enterprise that does not have the present or future capacity to generate enough income to provide more than a minimal living for the treaty investor and their family.
contribution is not a marginal enterprise. The projected future capacity should generally be realizable within five years from the date the applicant is in a Position to Develop and Direct the Enterprise (CT:VISA-1641; 10-18-2022) a. In all treaty investor cases, it must
be shown that nationals of a treaty country own at least 50 percent of an enterprise. It must also be shown, in accordance with INA 101(a)(15)(E)(ii), that a national (or nationals) of the treaty country, through ownership or by other means, develops and directs the activities of the enterprise. The type of enterprise being sought will determine how this
requirement is applied. b. Controlling Interest: An equal share of the investment in a joint venture or an equal partnership of two parties, generally gives controlling interest, if the joint venture and partner each retain full management rights and responsibilities. This arrangement is often called "Negative Control." With each of the two parties
possessing equal responsibilities, they each have the capacity of making decisions that are binding on the other party. The Department of State has determined, however, that an equal partnership with more than two partners would not give any of the parties control based on ownership, as the element of control would be too remote even under the
negative control theory. c. Owner to Demonstrate Development and Direction of Enterprise: In instances in which a sole proprietor or an individual who is a majority owner wishes to enter the United States as an "investor," or send an employee of the U.S. enterprise, the
owner must demonstrate that they personally develop and direct the enterprise. Likewise, if a foreign corporation owns at least 50 percent of a U.S. business, the foreign corporation must demonstrate it develops
and directs the U.S. enterprise, d. Visa Holder to be Employee of U.S. Enterprise; In instances in which treaty country ownership may be too diffuse to permit one individual or company to demonstrate the ability to direct and develop the U.S. enterprise, the owners of treaty country nationality must: (1) Show that together they own 50 percent of the
U.S. enterprise; and (2) Demonstrate, that at least collectively, they have the ability to develop and direct the U.S. enterprise. e. In these cases, an owner may not receive an 'E' visa as the "investor," nor may an employee of the U.S.
enterprise coming to the United States to fulfill the duties of an executive, supervisor, or essentially skilled employee. f. Control by Management: As indicated, a joint venture or an equal partnership involving two parties, could constitute control for E-2 purposes. However, modern business practices constantly introduce new business structures.
Thus, it is difficult to list all the qualifying structures. If an investor (individual or business) has control of the business through managerial control, the requirement is met. The owner will have to satisfy you that the investor is developing and directing the business. 9 FAM 402.9-6(G) The Walsh/Pollard Case (CT:VISA-1641; 10-18-2022) a. This
precedent decision by the Board of Immigration Appeals warrants separate discussion because it emphasizes established rules and has led to some confusion and misinterpretation. b. The thrust of the fact pattern involved the contractual arrangement between a foreign entity and a U.S. business to provide services. (1) The foreign company promised
to provide certain engineering design services which the U.S. business did not have the capacity to perform. (2) The design services were specific project-oriented services. (3) The employees of the foreign company furnished under the contract, the foreign
business created a subsidiary in the U.S. to ensure fulfillment of the contract and to service their employees. This subsidiary constituted their E-2 investment. (5) The employees who came to the U.S. to ensure fulfillment of the contract and to service their employees. This subsidiary constituted their E-2 investment.
United States to fill employee vacancies of the U.S. business. It is, therefore, irrelevant that the design activities could have been performed either at the facility of the foreign entity abroad or in the United States at the job site of the U.S. business. It is, therefore, irrelevant that the design activities could have been performed either at the facility of the foreign entity abroad or in the U.S. business. It is, therefore, irrelevant that the design activities could have been performed either at the facility of the foreign entity abroad or in the U.S. business. It is, therefore, irrelevant that the design activities could have been performed either at the facility of the foreign entity abroad or in the U.S. business.
are: (1) When applying the substantiality test, one must focus on the nature of the business. Thus, as in this case, sometimes an investment of only a small amount of money might meet the requirement. (2) The test of develop and direct applies only to the investor(s), not to the individual employees. (3) The test of essential skills as set forth in 9 FAM
402.9-7(C) below won clear acceptance. d. Job Shop: The greatest area of confusion surrounding Walsh/Pollard initially concerned the issue of the job shop usually involves the providing of workers needed by an employer to perform pre-designated duties. The employer often has position descriptions prepared for such workers. The
positions to be filled by the workers are often positions which the employer cannot fill for a variety of reasons, such as unavailability of that type of workers, etc. For example, a manufacturer needs 100 tool and die workers, etc. For example, a manufacturer needs 100 tool and die workers, etc. For example, a manufacturer needs 100 tool and die workers, etc.
fill the other positions. e. The fact pattern of this decision is not that of a job shop, nor does it in any way facilitate the creation of job shop, in which a business creating a new model required design-engineering services that the business neither had the capacity to perform
nor had any positions to fill in that regard. It is expectable, in such circumstances, that the business might contract with another to provide the needed design for the model. The contracted design for the design anywhere,
even on the sites of contracting business, does not alter the nature of the transaction. f. Since the distinction might be clouded in some circumstances, you should exercise care in adjudicating such cases and not hesitate to submit any questionable cases for an AO. 9 FAM 402.9-7 Employee Entitled to E-1 or E-2 Visa 9 FAM 402.9-7(A) Employer
Qualifications (CT:VISA-1845; 10-05-2023) To qualify to bring an employee into the United States under INA 101(a)(15)(E) the following criteria must be met: (1) Prospective employer must meet the nationality of the treaty country or, if a corporation or other business organization, at least 50 percent
of the ownership must have the nationality of the treaty country (see 9 FAM 402.9-4(B) above). (2) Employee must have the same nationality; and, (3) Employee must have the same nationality; and, (3) Employee must have the same nationality; and, (3) Employee must have the same nationality of the treaty country (see 9 FAM 402.9-4(B) above).
569; 04-06-2018) In evaluating the executive and/or supervisory element, you should consider the following factors: (1) The title of the position, the degree to which the applicant will have ultimate control and responsibility for the firms overall
operations or a major component thereof, the number and skill levels of the employees the applicant will supervise, the level of pay, and whether the executive or supervisory element of the position is a principal and primary function and not an incidental or collateral
function. For example, if the position principally requires management skills or entails key supervisory responsibility for a large portion of a firms operations and only incidentally involves routine work and secondarily entails
supervision of low-level employees, the position would not be termed executive or supervisory; and (3) The weight to be accorded a given factor, which may vary from case to case. For example, the position if the applicant were coming to a major
operation having numerous employees. However, if the applicant were coming to a small two-person office, such a title in and of itself would be of little significance. 9 FAM 402.9-7(C) Essential Employees (CT:VISA-1845; 10-05-2023) a. The regulations provide E visa classification for employees who have special qualifications that make the service to
be rendered essential to the efficient operation of the enterprise. The burden of proof to establish that the applicant has special qualifications essential to the effectiveness of the firms United States operations falls on the company and
the applicant. b. The determination of whether an employee is an essential employee in this context requires the exercise of judgment. It cannot be decided by the mechanical application of a bright-line test. By its very nature, essentiality must be assessed on the facts in each case. c. Specialized Skills: (1) Once the business has established the need
for a specific skillset, you must determine whether the skills are specialized. If so, the visa applicant must satisfy you that they possess these skills, consider the following: (a) The experience and training necessary to achieve such skill(s); (b) The
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uniqueness of such skills; (c) The availability of U.S. workers with such skills; (d) The salary such special expertise can command; (e) The degree of proven expertise of the applicant in the area of specialization; and (f) The function of the job to which the applicant is destined. (2) In some cases, ordinarily skilled workers can qualify as essential
employees, and this almost always involves workers needed for start-up or training purposes. A new business expanding into a new field in the United States might need employees who are ordinarily skilled workers for a short time. Such employees derive their essentiality from their familiarity with the overseas operations
rather than the nature of their skills. The specialization of skills lies in the knowledge of the peculiarities of the operation of the employers enterprise rather than in the rote skill held by the applicant. (3) Previous Employment with E Visa Firm: Apart from an ordinarily skilled worker who is relying on their familiarity with the overseas operation to
qualify as specialized knowledge, there is no requirement that an essential employee have any previous employees have any previous employees have employees there is no requirement that an essential employee have any previous employees there is no requirement that an essential employee have any previous employees have employees and of the applicants possession of such. Firms may need skills to operate their business, even though they don't have employees
 with such skills currently on their employment rolls. (4) You may request whatever documentation is needed to address the specialized nature of the skillset sought including requesting statements from such sources as to the unavailability of U.S.
 workers in the skill areas concerned. d. Duration of Essentiality: The application not only that they possess the requisite specialized skills but, also, the length of time that such skills will be needed. Some skills may be essential for as long as the business is
operating. Others, however, may be necessary for a shorter time, such as in start-up cases, and it is reasonable that after a short time the enterprise will be able to train American employees with the specialized skills needed to onboard
 the employee and time to perform the contemplated duties. What is highly specialized and unique today might not be in a few years. Although there is a broad spectrum between the extremes set forth below, you may draw some perspective on this issue from these examples: (1) Long-term need - The employer may show a need for the skill(s) on an
on-going basis when the employee(s) will be engaged in functions such as continuous development of product improvement, quality control, or provision of a service otherwise unavailable (as in Walsh & Pollard). (2) Short-term need - The employer may need the skills for only a relatively short (e.g., one or two years) period when the purpose of the
employee(s) relate(s) to start-up operations (of either the business or a new activity by the business) or to training and supervision of technicians employed in manufacturing, maintenance and repair functions. 9 FAM 402.9-7(D) E-Visa Company Registration Programs/Databases (CT:VISA-1845; 10-05-2023) a. The utility and efficiency added to the
 adjudication of cases for E visa applicants by a consular section that has an E-visa company registration program may prove useful for all consular sections that decide to create such a program. The use of a program/database that serves as a repository for registered companies (those businesses that have previously been determined to meet E-visa
standards on a prior E-visa application and who have been issued an E-visa for its principal investor or employee and who maintain valid registration with a U.S. Embassy or Consulate) that regularly or continuously employ E visa applicants may be useful in the adjudication of future E visa applicants while the company employing the E visa applicant
has not experienced any substantive changes. Some basic information should be used in the formulation of applicants from the same company. Any trends may also be expressed in this database; however officers are encouraged to
consider the bona fides of each applicant and not to use the presence or absence of a company in a program/database as an endorsement or disqualification of visa eligibility. Examples of information that should be used in the registration program include company name, date of most recent review of company registration, number of U.S. staff
 volume/number of trades between treaty country and U.S.(E-1), amount of investment (E-2), operating/net income, nationality of company, most recent adjudication decision on enterprise, etc. b. To be in good standing as a company that is registered or seeking registration there usually must: (1) be an employee that is in E status
 and/or who holds valid E visa; (2) be a review of the registration every 5 years, at a minimum, to ensure that the employer/employees are in the appropriate visa category or status and that the enterprise in the united States remains qualified (i.e. more than marginal, requisite nationality, substantial trade etc.) Consular sections with large E visa
applicant pools may find it difficult to review has been conducted within the past 5 years so a company's registration should not be terminated solely because no review has been conducted within the past 5 years. c. There is no minimum number of employees that must be in E status for a company to be accepted into a consular section's registration program
Even consular sections that do not process a large number of E visa applicants should consider creating a registration program to improve efficiency. 9 FAM 402.9-8 Requirements for E-3 Visas 9 FAM 402.
 Law 109-13, entitled "The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (May 11, 2005). The new law added paragraph (iii) to INA 101(a)(15)(E), establishing a visa classification for Australians in specialty occupations. b. The law allows for the temporary entry of Australian
professionals to perform services in a specialty occupation for a United States employer. The temporary entry of nonimmigrants in specialty occupations is provided for at Section 501 of Public Law 109-13. The law establishes a new category of temporary entry for nonimmigrant professionals, the E-3 category. Unlike the current E-1 and E-2 visas, the
 E-3 visa is not limited to employment that is directly related to international trade and investment. Subject to the requirements discussed herein, E-3 visa holders are eligible for temporary entry. c. To qualify for an E-3
visa, an Australian must: (1) Present a Labor Condition Application (LCA) certified by DOL; (2) Demonstrate that the prospective employment (see 9 FAM 402.9-8(E) below); (3) Demonstrate the necessary academic and occupations for the job have been met (see 9 FAM 402.9-8(E) below);
402.9-8(H) below); (4) Convince you that the proposed stay in the United States will be temporary (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition for the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition for the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition for the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition for the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition for the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission to practice in the specialty occupation if required as a condition of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of a license or other official permission of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (5) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (6) Provide evidence of the employment sought (see 9 FAM 402.9-4(C) above); and (6) Provide evidence of the employment sought (see 
 license or other official permission is not required immediately, an applicant must demonstrate that they will obtain such licensure or permission within a reasonable period following admission to the United States. d. A maximum of 10,500 E-3 visas can be issued annually. 9 FAM 402.9-8(B) What is Needed to Qualify for a Specialty Occupation Visa
(CT:VISA-1641; 10-18-2022) Principals: A treaty applicant in a specialty occupation must meet the general academic and occupation for an E-3 visa: (1) A completed
 Form ETA-9035E, Labor Condition Application for Nonimmigrant Workers (formerly, Labor Condition Application for H-1B Nonimmigrants), certified by DOL. (2) Evidence of academic or other qualifying credentials as required under INA 214(i)(1) and a job offer letter or other documentation from the employer establishing that upon entry into the
 United States the applicant will be engaged in qualifying work in a specialty occupation and that the applicant will be paid the actual or prevailing wage referred to in INA 212(t)(1). A certified copy of the foreign degree and evidence that it is equivalent to the required U.S. degree could be used to satisfy the qualifying credentials requirement.
Likewise, a certified copy of a U.S. baccalaureate or higher degree, as required by the specialty occupation, would meet the minimum evidentiary standard. (3) In the absence of an academic or other qualifying credential(s), evidence of education and experience that is equivalent to the required U.S. degree. (4) Evidence establishing that the
applicants stay in the United States will be temporary. See 9 FAM 402.9-4(C) above and 9 FAM 402.9-8(G) below. (5) A certified copy of any required license or other official permission to practice the occupation in the state of intended specialty
occupation employment upon admission, evidence of payment of the Machine Readable Visa (MRV) fee. 9 FAM 402.9-8(C) Form ETA-9035 Labor Condition Application (LCA) from the Department of Labor (DOL) Required (CT:VISA-1845; 10
05-2023) a. Filing Form ETA-9035E: For all prospective E-3 hires, employers must submit a Labor Conditions. b. LCAs for E-3 cases must be submitted electronically via the iCERT Portal System available at: . The only two exceptions for electronic filing are
physical disability and lack of internet access preventing the employer from filing electronic applications may submit a written request for special permission to file their LCAs via U.S. mail. Such requests MUST be made before applying by mail
 and should be addressed to: Administrator, Office of Foreign Labor Certification Employment Training Administration U.S. Department of Labor Room C-4312 200 Constitution Avenue, NW Washington, DC 20210 c. The Form ETA-9035 used for requests by mail and Form ETA-9035E used for electronic submissions are the same form. The current
ETA-9035/9035E is six to seven page 1 of 1) includes three attestations for the employer to complete in the electronic filing system. Page 2 of 5) contain Sections A through O, and the 7th page is optional for any Addendum to Section G to list additional worksite details. d. All E-3
LCAs will contain case numbers in the following format: I-203-xxxxx-xxxxxx. All LCAs that were submitted online will display the case number, case status and period of employer signature, the LCA is not valid for processing, and
you should refuse the case under 221(g) until a signed copy of the LCA has been submitted. In section M of the LCA, the signature block will contain the validity dates of the certification, DOLs signature as Certified. A mailed LCA likely
 would not have a computer-generated footer at the bottom of the form with the case number, case status, and period of employment. A mailed-in LCA would likely also be completed in a different computer font or contain handwritten information. e. Acceptance of Form ETA-9035 by Consular Sections: For mailed-in applications, DOL faxes the LCA
back to the employer after approval. Applications approved online are presented on-screen to the employer at the completion of the filing process in the form of a PDF/.pdf document, or a copy of either of these; there will be no original document
that will be presented. You must check to make sure the approval date of the LCA is later than September 2, 2005 (the effective date of the LCA certification is discretionary. If you are not satisfied that the LCA being presented is authentic, you
 should suspend action on the case (INA 221(g)) and verify the LCA with DOL. g. DOL posts html versions of all certified E-3 LCAs on the Labor Certification Registry website. For additional questions concerning the authenticity of a LCA, you should send requests to the LCA Help Desk at LCA. Chicago@dol.gov, or by mail to U.S. Department of Labor,
Employment and Training Administration, Office of Foreign Labor Certification, Chicago National Processing Center, 11 West Quincy Court, Chicago National Processing Center, 11 West Quincy Center, 11 West Quincy Center, 11 West Quincy Center, 11 West Quincy Center, 12 West Quincy Center, 12 West Quincy Center, 13 West Quincy Center, 14 West Quincy Center, 14 West Quincy Center, 15 West Quin
present evidence for classification, including the approved Form ETA-9035E, to you at the time of visa application. 9 FAM 402.9-8(D) Definition of Specialty Occupation (CT:VISA-1641; 10-18-2022) The E-3 category provides for the issuance of visas solely to E-3 qualifying nationals performing employment within a specialty occupation. The definition
of specialty occupation is one that requires: (1) A theoretical and practical application of a body of specialty (or its equivalent) as a minimum for entry into the occupation in the United States. In determining whether an occupation qualifies as a "specialty occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation in the United States. In determining whether an occupation qualifies as a "specialty occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent) as a minimum for entry into the occupation of a body of specialty (or its equivalent).
occupation, Follow the definition contained at INA 214(i)(1) for H-1B nonimmigrants and applicable standards and criteria determining Specialty Occupation Qualification (CT:VISA-1641; 10-18-2022) Although the term specialty occupation is specifically defined at INA 214(i)(1), and
further elaborated upon in DHSs regulations (8 CFR 214.2(h)(4)(iii)(A)), consular determinations of what qualifies as a specialty occupation will often come down to your judgment. You must determine whether the job itself falls within the definition of specialty occupation, and examine the applicants qualifications, including their education and
experience. You should consider the available offer of employment and the information obtained during the interview, and then based on this information, evaluate whether the applicant has the required degree, or equivalency of experience and education, to
 adequately perform the stipulated job duties. 9 FAM 402.9-8(F) Referring Questionable Cases to Office of the Legal Adviser for Consular Affairs (L/CA) and/or the Kentucky Consular Center (KCC) (CT:VISA-1641; 10-18-2022) a. Seek Departmental guidance by submitting an AO request to L/CA when necessary to determine whether the E-3 applicants
 work experience, or proposed employment meets the specialty occupation requirements as described above in 9 FAM 402.9-8(E) above. b. If you have concerns about information regarding or provided by the employer (e.g., you doubt that the employer can pay the prevailing wage, or you do not believe the business is large enough to support
 additional employees), email KCC at FPMKCC@state.gov with your concerns, providing as much factual detail as possible. KCC will review the information, investigate, and attempt to provide you with additional research to address those concerns. 9 FAM 402.9-8(G) Intent to Depart Upon Termination of Status (CT:VISA-1845; 10-05-2023) a.
Temporary entry for treaty applicants in specialty occupations is the same standard used for treaty traders/investors. b. An applicant for an E visa need to have a residence in a foreign country which the applicant does not intend to
abandon. The applicant may sell their residence and move all household effects to the United States upon termination of E status is normally sufficient. An applicant who is the beneficiary of an IV petition will need to satisfy you that their intent is to depart the
United States at the end of their authorized stay and not stay in the United States to adjust status or otherwise remain in the United States to adjust status. The standards for applying INA 214(b) described in 9
FAM 302.1-2(B) apply to E visa applicants. 9 FAM 402.9-8(H) E-3 Licensing Requirements (CT:VISA-1641; 10-18-2022) a. An E-3 applicant must meet academic and occupation. If the job requires licensure or other official permission
to perform the specialty occupation, the applicant must submit proof of the requisite license or permission is not immediately required to perform the duties described in the visa applicant must show that they will obtain such licensure
 within a reasonable period following admission to the United States. However, as illustrated in the example in paragraph b(4) below, in other instances, an applicant will be required to present proof of actual licensure or permission to practice before visa issuance. In all cases, an applicant must show that they meet the minimum eligibility
requirements to obtain such licensure or sit for such licensure examination (e.g., the applicant must have the requisite degree and/or experience). Even when not required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment specified in the employment specified in the visa applicant must have the required to engage in the employment specified in the visa applicant must have the required to engage in the employment of the employment in the employme
offer letter, or other documentation, in support of an applicant is seeking an E-3 visa to work as a law clerk at a U.S.-based law firm. The applicant may, if otherwise eligible, be granted an E-3 visa if it can be shown that the position of unlicensed law clerk is a specialty
occupation, even if they have not been admitted to the bar. (2) An applicant has a job offer from a law firm promising them a position in question meets the definition of a specialty occupation. The applicant may apply for an E-3 visa even if they will not be
 immediately employed in the position offered but will be studying for the bar examination upon admission to the United States. You may issue the visa if you are satisfied that the applicant will be taking steps to obtain bar admission within a reasonable period following admission to the United States. What constitutes a reasonable period will depend
on the specific facts presented, such as licensure examination schedules and bar preparation course schedules and bar preparation course schedules and bar preparation to the United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding a position at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a United States with the hope of finding at a Un
 since they would not be coming to work in a specialty occupation. This person would be required to obtain another type of visa, such as a B-1, to study for the bar in this country. (4) An applicant has an offer for employment with a law firm as a litigator and is to begin working within two weeks of entry into the United States. The applicant must
demonstrate that they have been admitted to the appropriate bar, or otherwise has obtained permission from the respective jurisdiction or juri
the first time, or who are otherwise obtaining E-3 status (in the United States) for the first time, are subject to the 10,500 annual numerical limitation provisions of INA 214(g)(11)(B). Consequently, spouses and children of E-3 principals, as well as returning E-3 principals who are being issued new E-3 visas for continuing employment with the original
employer, are exempt from the annual numerical limit (see b. and c. immediately below). b. An E-3 principal who is applying for a visa after initially obtaining E-3 status in the United States, is not subject to the annual E-3 numerical limit, if it is established to your
 satisfaction that there has been uninterrupted continuity of employment. Uninterrupted continuity of employment means that the applicant has worked, and offer of employment. To ensure that such applicants are not counted against any
 subsequent numerical limit, returning E-3 principals will be identified by the visa code E-3R (with R representing the status of dependent). d. At the end of
 each fiscal year, any unused E-3 numbers are forfeited; such visa numbers do not carry over to the next fiscal year. e. The Department will keep count of the number of E-3 visas issued, and of changes of status to E-3 in the United States as reported by DHS. If it appears that the 10,500 annual numerical limit will be reached in any fiscal year, the
Department will instruct consular sections to cease E-3 issuances for that fiscal year. 9 FAM 402.9-8(J) Part-Time Employment by E-3 Applicants (CT:VISA-569; 04-06-2018) An E-3 worker may work full or part-time and remain in status based upon the attestations made on the LCA. Section B.4 on the LCA provides the option to request part-time
employment and DOL approves LCAs for part-time employment. You will need to evaluate potential public charge concerns for any E-3 applicant planning on coming to the United States as a part-time employee. 9 FAM 402.9-8(K) Applicants with Multiple LCAs (CT:VISA-1297; 06-04-2021) a. If an applicant presents more than one valid LCA, you
should evaluate each LCA on its own merits. The applicant will have to qualify for each LCA separately, and each proposed employment situation must overcome public charge concerns on its own. Clearly indicate in the case remarks which LCAs and positions the applicant qualifies for. b. Multiple annotate the visa with thee case remarks which LCAs and positions the applicant qualifies for. b. Multiple annotate the visa with the case remarks which LCAs and positions the applicant qualifies for. b. Multiple annotate the visa with the case remarks which LCAs and positions the applicant qualifies for each LCA separately, and each proposed employment situation must overcome public charge concerns on its own.
employer's name, LCA case number and LCA's expiration date for each employer. You may need to use abbreviations to make more than one set of annotations, contact VO/F for additional guidance regarding the possibility of providing a letter for
employers. c. If an applicant presents multiple LCAs for E-3 and E-3R (returning E-3) positions at the same time, and is approved for multiple positions, only one visa should be issued for an E-3 position to ensure that the visa is counted towards the annual numerical limit. The visa should be annotated with the employer's
 name, LCA case number and LCA's expiration date for each E-3 position. If there is not enough room on the visa foils to add all the required annotations, contact VO/F for additional guidance. 9 FAM 402.9-8(L) Considerations in Processing E-3 Visas
(CT:VISA-1845; 10-05-2023) a. Validity of Issued Visa: The validity of the visa should not exceed the validity period of the LCA. The Department and DHS have agreed to a 24-month maximum validity period for E-3 visas. b. Initial Authorized Period of Stay for E-3 Applicants: E-3 applicants are admitted for a two-year period renewable indefinitely,
the applicant can demonstrate that they do not intend to remain or work permanently in the United States. c. Fees: Other than the normal visa-related Machine Readable Visa (MRV) fees, there is no other fee associated with the issuance of an E-3 visas: In the event an E-3 visas: In the event an E-3 visas is cancelled or revoked
 before the applicants entry into the United States, a report must be sent to CA/VO/DO/I explaining the circumstances attendant to the non-use of the E-3 number. In cases where the E-3 number for that fiscal year. e. Annotation of E-3 Visas: Annotate E-3 visas
of the principal applicant with the name of the employer, the ETA case number (found at the bottom of each page of the Form ETA-9035), and the LCA's expiration date. So the principal applicant with the name of the employer, the ETA case number and the LCA's expiration date.
 FAM 402.9-8(M) Special Note about E-3 and H-1B Petitions (CT:VISA-1523: 04-01-2022) When the H-1B numerical limit is reached before the end of the fiscal vear, it is likely that there will be numerous Australian H-1B applicants who will have approved Labor Condition Applications (LCA) but whose petitions for H-1B status are returned unapproved.
by the DHS for lack of an available H-1B visa number. Currently, you are not permitted to accept LCAs approved based upon H-1B-related offers of employee must submit a new LCA request to DOL and receive a separate E-3-based LCA approval for any employee possessing a previously
approved H-1B-based LCA. 9 FAM 402.9-9 Spouse and Children of E Visa Applicants (CT:VISA-1765; 05-01-2023) a. Entitled to Derivative Status: The spouse and children of E Visa applicant who are accompanying or following to join the principal E visa applicant are entitled to derivative status in the same classification as the principal. The
 nationality of the spouse and children of an E visa principal may not be material - see guidance below on derivatives of treaty countries and non-treaty countries. Like principal E visa applicants, the spouse or child of an E principal applicant, you
 possess the nationality of a treaty country should be issued visas valid for the maximum validity authorized by the reciprocity schedule of the derivative applicant's nationality, or for the length of the principal's visa and/or authorized by the reciprocity schedule for fees of the derivative's
 nationality. (2) Derivatives of non-treaty countries: Non-treaty country passport. However, since only treaty country reciprocity schedules provide data for E visas, the number of entries, fees and validity for non-treaty country
c. Employment by Spouse of E Visa Applicants: INA 214(e)(6) permits the spouse (but not dependent children) of a principal E-3 nonimmigrant to engage in employment authorization document, which an employer could use to verify the
date or the visa expiration date of the principal depending on whether the principal applied for a visa or changed status. For example: Spouse of (or Child of): P.A.: JOHN DOE Company's Name: ABC Professor Principal's PET #: EAC2020202020 and EXP. DATE: 04 MAY 2023 or Visa expiration date: 04 May 2023 9 FAM 402.9-10 Treaties and Laws
 05/26/1852 Costa Rica E-2 05/26/1852 Croatia11 E-1 11/15/1982 Croatia11 E-1 11/15/1982 Croatia11 E-2 11/15/1982 Croatia11 E-2 11/15/1982 Croatia11 E-2 01/01/1993 Denmark E-2 05/21/1992 Estonia E-2 05/21/1993 Estonia E-2 05/21/1993 Estonia E-2 05/21/1993 Estonia E-1 05/22/1994 Estonia E-2 05/21/1993 Estonia E-2 05/21/199
Pursuant to Section 6 of the Taiwan Relations Act, Public Law 96-8, 93 Stat, 14, this agreement, which was concluded with the Taiwan authorities before January 1, 1979, is administered on a nongovernmental basis by the American Institute in Taiwan, a nonprofit District of Columbia corporation, and constitutes neither recognition of the Taiwan
authorities nor the continuation of any official relationship with Taiwan. 2Czech Republic and Slovak Repu
1953, was made applicable to the Bonin Islands on June 26, 1968, and to the Ryukyu Islands on May 15, 1972. 6Netherlands Antilles. 7Norway. The Treaty, which entered into force on September 13, 1932, does not apply to Svalbard (Spitzbergen and
 certain lesser islands). 8Spain. The Treaty, which entered into force on April 14, 1903, is applicable to all territories. 9Suriname on February 10, 1963. 10United Kingdom. The Convention, which entered into force on July 3, 1815, applies
under this treaty, the applicant must be a national of the United Kingdom do not qualify for treaty trader or treaty investor status under this treaty. 11Yugoslavia. The U.S. view is that the Socialist Federal Republic of Yugoslavia (SFRY) has dissolved
the United States to perform services in a "specialty occupation." The term "specialty occupation that requires theoretical and practical application of a body of highly specialty occupation." The term "specialty occupation that requires theoretical and practical application of a body of highly specialty occupation." The term "specialty occupation that requires theoretical and practical application of a body of highly specialty occupation." The term "specialty occupation in the term "specialty occupation that requires theoretical application of a body of highly specialty occupation." The term "specialty occupation that requires theoretical application of a body of highly specialty occupation."
the United States. The definition is the same as the Immigration and Nationality Act definition of an H-1B specialty occupation. 13Bolivia. Bolivia (other than those qualifying investments in place in the United States by June 10, 2012 continue to be entitled to E-2 classification until June 10, 2022. The only nationals of Bolivia (other than those qualifying investments)
in the United States by May 18, 2018 continue to be entitled to E-2 classification until May 18, 2028. The only nationals of Ecuador (other than those qualifying for E-2 visas at this time are those applicants who are coming to the United States to engage
in E-2 activity in furtherance of covered investments established or acquired before May 18, 2018. 15 Israel that entered into force on April 3, 1954 entitled nationals of Israel to E-1 status for treaty trader purposes. Nationals of Israel are not entitled
treatment to U.S. nationals and E-2 visa may be issued to nationals of Israel beginning on May 1, 2019. 16 New Zealand: Public Law 115-226, enacted on August 1, 2018, accorded nationals of New Zealand to E-1 and E-2 status for treaty trader/treaty investor purposes if the Government of New Zealand provides similar nonimmigrant status to
 nationals of the United States. The Department has confirmed that New Zealand offers similar nonimmigrant status to U.S. nationals and E visas may be issued to nationals of Portugal to E-1 and E-2 status for treaty
application for an e-1 or E-2 visa 9 FAM 402.9-11(A) Application Forms (CT:VISA-1523; 04-01-2022) All E-1/E-2 visa applicants must submit a completed Form DS-156-E, except the E-2 principal investor (DS-156-E questions for E-2 investor principals are integrated into
their Form DS-160). The Form DS-156-E must be scanned into the applicant's record. Derivatives do not need to submit Form DS-156-E. 9 FAM 402.9-11(B) Suggested E-1/E-2 Visa Applicants eligibility an applicants eligibility.
for an E-1 or E-2 visa. This is meant as a guide only and is not a list of required documentation and evidence may be submitted by the visa applicant to satisfy you that the applicant to satisfy you that the applicant meets the criteria described in 9 FAM 402.9-6(A) above. Please tab and index your supporting documentation and note the
corresponding tab number on this form. To facilitate and expedite adjudication of your case, please highlight corroborating figures in annual reports, financial statements, etc. I. Proof of Nationality of Investor or Applicant Tab No. Birth Certificate Citizenship certificate Photocopy of passport Evidence of legal status in home country Other nationality
documents II. Ownership Documents: (either A, B or C) A. Sole Proprietorship: Tab No. Shares/stock certificates indicating total shares issued Minutes of annual shareholders meeting Other Evidence B. Partnership: Tab No. Partnership or Joint Venture Agreement Shares/stock certificates indicating total shares issued
and outstanding shares Other evidence C. Corporation: Tab No. Shares/stock certificates indicating distribution of ownership, i.e., shares held by individual owners corporate matrix If publicly traded on the principal stock exchange of a treaty country, enclose a sample of recently published stock quotations Public
announcement of corporate acquisition corporate acquisition corporate chart showing head office and other subsidiary/branch locations in the U.S. Other evidence of ownership III. Trade: Tab No. Purchase orders Warehouse/custom declarations Bills of lading Sales contracts/contracts for services Letters of credit Carrier inventories Trade brochures Insurance papers
documenting commodities imported into the U.S. Accounts receivable & accounts payable ledgers Client lists Other documents showing international trade is between U.S. and the treaty country IV. Investment: Tab No. A. For an existing enterprise: (show purchase price) Tax Valuation Market Appraisal B. For
a New Enterprise: (show estimated start-up cost) Trade Association Statistics Chamber of Commerce Estimates Market Surveys C. Source of Investment: Tab No. Personal statement of net worth prepared by a certified accountant Transactions showing payment of sold property or business (proof of property ownership and promissory notes) and
rental income (lease agreements) Voided investment certificates or internal bank vouchers and appropriate bank statement credit advances for personal and/or business account withdrawals Audited financial statement credit in proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and Credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and Credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and Credit advances for personal and/or business account withdrawals Audited financial statement crediting proceeds Debit and Credit advances for personal advances for per
 Evidence of Investment: 1. Existing Enterprise: Tab No. Escrow account statement in the U.S. Escrow receipt Signed purchase agreement Closing and settlement papers Mortgage documents Promissory notes Financial reports Tax returns Security agreements Assumption of lease agreement Business account statement for
routine operations Other evidence 2. New Enterprise: Tab No. Inventory listing, shipment invoices of inventory purchases Canceled checks or official payment receipts for expenditures Canceled checks or official payment and the company of the comp
orders Improvement expenses Initial business account statements Wire transfer receipts V. Marginality: A. For Existing Business: Tab No. U.S. corporate tax returns Latest audited financial statements or non-review statements and/or corresponding payroll
 account B. For New Business: Tab No. Payroll register, records of salaries paid to employees (if any), employee data, including names, rates of pay, copies of W-2's Financial projections for next 5 years, supported by a thorough business income and corporate tax returns (proof of registration, ownership, audited financial and review
 engagements) VI. Real & Operating Commercial Enterprise: Tab No. Occupational license Business permits Sales tax receipt Utility/telephone bills Business transaction records Current/commercial account statements Letters of credit Invoices from suppliers Advertising leaflets Business brochures/promotional literature Newspaper
clippings VII. Executive/Managerial/Supervisory/Essential Skills: Tab No. Letter from E-2 enterprise providing specific information on the applicant and the reasons for their assignment to the U.S. The letter must explain the employee's role in the U.S. company (job title and duties), the applicant's executive or supervisory responsibilities or, if not a
official at U.S. company or office identifying the need for assigned employee. Organizational chart showing current staffing pattern at U.S. company Evidence of executive, supervisory or specialized knowledge, education, experience, skills or training, such as certificates, diplomas or transcripts. The E1 visa is for individuals, companies, or employee.
engaged in international trade with countries having a trading treaty with the US. It allows traders to conduct trade activities and grants a stay of up to 2 years, with possible extensions, covering immediate family members. Applicants need to meet specific criteria, agree to depart the US when the visa expires, and provide required documents
including forms, proof of trading activity, CV/resume, and evidence of establishment and trade. The visa can be extended, and dependents can work and study while on the E1 visa. Its also possible to apply for a Green Card. When you are not a native of the United States, it might be relatively difficult for you to remain in the country if you do not have a not visa. Its also possible to apply for a Green Card. When you are not a native of the United States, it might be relatively difficult for you to remain in the country if you do not have a native of the United States.
the necessary paperwork to keep you there. So, you will need a visa or an E1 visa is and what are the requirements to get one. From eligibility to how you can get such a visa, this guide will teach you everything that you should know. The E1 visa is the kind of visa
that you apply for as an individual, company, or employee in order to enter the US and conduct international trade. In other words, if you want to trade in the US while living there, you will need this visa. What kind of trade it is, that can be debatable. For example, trade may refer to services, goods, all the way up to banking. There is no actual limit
on how much trade should happen in order for the visa to take effect but they do place great emphasis on the number of transactions. In other words, the more transactions you make, the better value your visa will also cover the immediate family (e.g. the spouse or any unmarried children that are
under the age of 21). Any international trader or their senior employee who wishes to enter the United States with the purpose of trading may opt for an E1 visa. In order to qualify for this classification, the treaty trader will have to: Be a national citizen from a country with which the US has regular trading and commerce. Carry substantial trade to
and from the United States. Have principal trade between the US and the treaty country which gave the potential visa beneficiary their qualification. Be an immediate family member of the main E1 visa holder. Finally, but very importantly, the applicant needs to agree to the fact that they have to depart the United States if their E-1 status comes to
an end. This visa is only temporary, and it must be regarded as such. In order to keep hold of your E1 visa, there is a certain set of terms will place restrictions. The E1 visa will allow its holder to remain in the United States for as much as 2 years. If they meet
the conditions, their length of stay may go even beyond 2 years provided they apply for an extension. There isnt any limit on the number of extension is not automatically get a 1-year extension. However, this extension is not automatically
granted to family members which is why you should closely follow the E1 visa procedure. The E1 employee or trader is only permitted for working in the activity that they have been approved for under the visa. Still, if the employee also features a parent company, they have the possibility of working for that organization. When applying for the visa,
you must have the following documents: Form DS-160 for nonimmigrant visa applicants Form DS-156E for nonimmigrant investor applications A copy of your passport (should be valid 6 months beyond your stay) Color ID photograph showing your full face Proof of one years worth of trading activity Your CV/resume Evidence of skill and/or
employment Evidence of US remittance (bank loans, transfer exchange permits, etc.) Evidence of establishment in the US Evidence of nationality Evidenc
you have to work with an attorney during this process. In order to apply for the E1 visa, you must take the required documents, complete them, and then submit them. This may be done either by mail using the address provided by USCIS or it may be done online. Once your application has been accepted, you will be granted an interview to obtain
 your visa. The general application fee for the E1 visa is $205. Aside from that, you may be required to pay extra fees such as reciprocity fees or insurance fees but this will depend on the country that you are originally from. Ideally, you should use a fee calculator from USCIS. Once the application has been sent to USCIS, the processing time may take
 up to 6 months. If you are already in the US, your status will be changed automatically to E1. However, if you are not inside the US, then you might be required to undergo consular processing. If you are in a rush, you may also opt for premium processing. Yes, you can extend your visa. In order to apply for an extension, you need to submit form I-129
 along with I-539 together with the required documents that prove an extension is necessary. When it comes to E1 visas, there are bound to be a few questions. Here are bound to be a few questions, you may opt for two years extensions (for unlimited
 times). If trading is maintained, you may remain in the US for as long as needed. No, you cant apply for revalidation of your E1 visa (online or mail) without first leaving the United States. You may change your status while you are on an E-1 visa. You
just have to download Form I-129 (Petition for Non-Immigrant Workers) or Form I-539 (Application to Extend/Change a Non-Immigrant Status), indicating that you want to change your status by bringing the appropriate documentation. No, there arent any travel restrictions when it comes to the E1 visa. You may come and go from the US as many
may bring your spouse or unmarried children aged under 21 years old with you on your E1 visa. They will be able to remain with you for as long as you can demonstrate that they are not abandoning their residence abroad and have been working for you for at least one year.
Yes, your dependents can work while they are on the E1 visa. They simply to your spouse, because your children cannot work while under the E1 visa. While your children cannot work under the E1 visa, they may attend school, college, or
with your attorney on how to perform your form visa stamping so that everything goes flawlessly. E3 Visa: The Complete Guide The E1 visa is a very efficient method to temporarily keep you in the US while conducting trade. Unlike other visas, this does not limit your travel which means that you can go to your home country or a holiday any time you
want. It is a fairly flexible kind of visa that will allow for many opportunities. Hopefully, we have managed to provide some insight on how to get an E1 visa. The E-1 nonimmigrant classification allows a national of a treaty country (a country with which the United States
maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States solely to engage in international trade on his or her own behalf. Certain employees of such a person or of a qualifying organization may also be eligible for this classification. (For dependent family
members, see Family of E-1 Treaty Traders and Employees below.) SeeU.S. Department of States in a lawful nonimmigrant status, they may file Form I-129 to request a change
 of status to E-1 classification. If the desired employee is currently in the United States in a lawful nonimmigrant status, the gualifying employer may file Form I-129 if you arephysically outside the United States. Interested parties should refer to the U.S.
Department of State website for further information about applying for an E-1 nonimmigrant visa abroad. Upon issuance of a visa, the person mayseek admission at a United States maintains a treaty of
commerce and navigation or with which the United States and the treaty country by legislation; Carry on substantial trade; and Carry on principal trade between the United States and the treaty country which gualifying country by legislation; Carry on substantial trade; and Carry on principal trade between the United States and the treaty country by legislation; Carry on substantial trade; and Carry on principal trade between the United States and the treaty country by legislation; Carry on substantial trade; and Carry on principal trade between the United States and the treaty country by legislation; Carry on substantial trade; and Carry on principal trade between the United States and the treaty country by legislation; Carry on substantial trade; and Carr
international exchange of items of trade for consideration between the United States and the treaty country. Items of trade include but are not limited to:GoodsServicesInternational bankingInsuranceTransportationTourismTechnology and its transferSome news-gathering activities. See 8 CFR 214.2(e)(9) for additional examples and
discussion. Substantial trade generally refers to an amount of trade sufficient to ensure a continuous flow contemplates numerous transactions over time. There is no minimum requirement regarding the monetary value or volume of each
transaction. While monetary value of transactions is a relevant factor in considering substantiality, greater weight is given to more numerous exchanges of greater value. For smaller businesses, the income derived from the value of numerous exchanges of greater value.
214.2(e)(10) for further details. Principal trade of the treaty country exists when over 50% of the volume of international trade of the treaty trader is between the United States and the treaty country exists when over 50% of the volume of international trade of the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and the treaty trader is between the United States and U
must: Be the same nationality of the principal alien employee (who must have the nationality of the treaty country) Meet the definition of employee underrelevant law Either be engaging in duties of an executive or supervisory character, or if employee underrelevant law Either be engaging in duties of an executive or supervisory character, or if employee underrelevant law Either be engaging in duties of an executive or supervisory character.
efficient operation of the treaty enterprise. If the principal alien employer is not an individual, it must be an enterprise or organization at least 50% owned by persons in the United States who have the nationality of the treaty country. These owners must either: (a) be maintaining nonimmigrant treaty trader status or (b) if the owners are not in the
United States, they must be, if they were to seek admission to this country, classifiable as nonimmigrant treaty traders. See 8 CFR 214.2(e)(3)(ii). Duties which are of an executive or supervisory character are those that primarily provide the employee ultimate control and responsibility for the treaty enterprises overall operation, or a major component
of it. See 8 CFR 214.2(e)(17) for a more complete definition. Special qualifications are skills and/or aptitudes which make the employees services essential to the efficient operation of the treaty enterprise. There are several qualities or circumstances that could, depending on the facts, meet this requirement. These include, but are not limited to: The
degree of proven expertise in the employees area of operations. Whether others possess the employees specific skills. The salary that the special qualifications can command. Note that in
some cases a skill that is essential at one point in time may become commonplace, and therefore no longer qualifying, at a later date. See 8 CFR 214.2(e)(18) for a more complete definition. Qualified treaty traders and employees will be allowed a maximum initial stay of two years. Requests for extension of stay in, or changes of status to, E-1
classification may be granted in increments of up to two years each. There is no limit to the number of extensions an E-1 nonimmigrant who travels abroad may generally be granted, and increments of up to two years each. There is no limit to the number of extensions an E-1 nonimmigrant who travels abroad may generally be granted, and increments of up to two years each. There is no limit to the number of extensions an E-1 nonimmigrant who travels abroad may generally be granted.
if determined admissible by a U.S. Customs and Border Patrol Officer, an automatic two-year period of readmission when returning to the United States. A treaty trader or employee may only work in the activity for which he or she was approved at the time the classification was granted. An E-1 employee, however, may also work for the treaty
organizations parent company or one of its subsidiaries as long as the:Relationship between the organizations is established;Subsidiary employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms and conditions of employment requires executive, supervisory, or essential skills; and Terms are supervisory, or essential skills; and Terms are supervisory, or essential skills; and the supervisory executive exe
in the terms or conditions of E-1 status. A substantive change is defined as a fundamental change in the employers basic characteristics that would affect the aliens eligibility for E classification, such as, but not limited to a merger; Acquisition; sale of the division where the lien is employed; orother event that affects the treaty trader or employees
previously approved relationship with the treaty enterprise. Where there has been such a substantive change, the treaty trader or enterprise, if it wishes to continue to employ the alien in E-1 status, must notify USCIS by filing a new Form I-129 with fee, and may simultaneously request an extension of stay for the treaty trader or affected
employee. The petition must include evidence to show that the treaty trader or affected employee continues to qualify for E-1 classification. An employee who no longer employee an E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination of the E-1 nonimmigrant is urged to inform USCIS of this upon termination upon termination upon termination upon termination upon termination upon termination upon termina
USCIS about non-substantive changes. A treaty trader or E-1 employee enterprise may seek advice from USCIS, however, to determine whether a change is considered substantive. To request advice, the treaty trader or enterprise must file Form I-129 with fee and a complete description of the change. See 8 CFR 214.2(e)(8) for more information on
terms and conditions of E-1 treaty trader or employees ability to obtain E-1 status. See 8 CFR 214.2(e)(22) for details. Treaty traders and employees may be accompanied or followed by spouses and
unmarried children who are under 21 years of age. Their nationalities need not be the same as the treaty trader or employee. Spouses and children may seek E-1 nonimmigrant classification as dependents and, if approved, generally will be granted the same period of stay as the employee. If the family members are already in the United States and
seeking changes of status to or extensions of status to or extensions of status are considered employment authorized incident to status, except for spouses of employees of the Taipei
Economic and Cultural Representative Office (TECRO) and Taipei Economic and Cultural Offices (TECO), who continue to be required to apply for employment authorization, particularly that may be presented to employers for completion of Form I-9, Employment
Eligibility Verification, include: An unexpired Form I-94 with a new admission code for certain spouses of E-1 workers: E-1S. An unexpired Form I-94 reflecting this new code is acceptable as evidence of employment authorization under
List C of Form I-9; An unexpired Form I-94 with a notation reflecting E-1 nonimmigrant status, together with a notation reflecting E-1 nonimmigrant status and who are employed incident to status, together with a notation reflecting E-1 nonimmigrant status and who are employed incident to status, together with a notation reflecting E-1 nonimmigrant status and who are employed incident to status, together with a notation reflecting E-1 nonimmigrant status and together with a notation reflecting E-1 nonimmigrant status.
a notice regarding the new admission code that, together with an unexpired Form I-94 reflecting E-1 nonimmigrant status, serves as evidence of employment authorization Document (EAD). E spouses who are employment
authorized incident to status are not required to request employment authorization by filing Form I-765, Application for Employment Authorization, but may still file Form I-765, with fee, in order to obtain an Employment Authorization Document (Form I-766 or EAD).
under List A of Form I-9; or A facially expired EAD with additional documentation to show the EAD is automatic exployment Authorization Document (EAD) Extension page for more information on this automatic exployment Authorization Document (EAD) is automatic exploration and will generally be
granted an automatic two-year period of admission when returning to the United States, or the family members are accompanying the E-1 treaty trader or employee at the time the latter seeks admission to the United States within the new readmission period, the
new readmission period will not apply to the family members. To remain lawfully in the United States, family members must carefully note the period of stay they have been granted in E status and apply for an extension of stay before their own validity expires.
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