

Investor Visas

The initial stay under an E visa is two years, and extensions are granted in increments of two years. There is no maximum limit on the number of extensions. However, one must maintain an intent to depart the U.S. once he or she is no longer under an E visa. If one travels abroad, he or she is granted an automatic two-year readmission upon returning to the U.S. E visa applicants can bring their spouses and unmarried children who are under 21 years of age. Spouses may apply for work authorizations, and children may attend school (but not work). Additionally, E visa applicants can bring employees to work with them while in the U.S.

The **Immigration Law Office of Los Angeles, P.C.** is prepared to assist you in filing an E visa. Although an E visa offers many advantages, it is also complicated and requires the knowledge of an immigration attorney with experience in this areas of immigration law. Therefore, we encourage you to contact our office in order to avoid unnecessary delays, frustration and complications with your case.



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E-1 AND E-2 CATEGORIES



E Visa Category

The E visa category includes the E-1 visa for traders and the E-2 visa for investors. The E nonimmigrant category is ideal for individuals looking to trade or invest while living in the U.S., because it allows for:

- (a) long visa validity periods;
- (b) unlimited renewals;
- (c) the ability to be self-employed; and
- (d) work authorization for spouses.

E-1 TREATY TRADERS MUST:

- be a national of a country with which the U.S. maintains a treaty of commerce;
- carry on substantial trade; and
- carry on principal trade between the U.S. and the treaty country which qualified the treaty trader for E-1 classification.

Substantial trade requires the continuous flow of goods, meaning numerous transactions over time. There is not a minimum amount of money or goods that have to be traded, but immigration officials require that the trade be continuous. More than 50% of the trade has to occur between the U.S. and the treaty country.

AN E-2 TREATY INVESTOR MUST:

- be a national of a country with which the U.S. maintains a treaty of commerce;
- have invested, or be actively in the process of investing, a substantial amount of capital in a legitimate enterprise in the U.S.; and,
- be seeking to enter the U.S. only to develop and direct the investment enterprise. This is established by showing at least 50% ownership in the business.

The investment money must be placed at risk with the goal of generating a profit. The funds have to come from legitimate sources (not criminal activities). There is no minimum amount one must invest, but it has to be enough to purchase the business and operate the business. In the past, Embassies used \$50,000 as a minimum investment requirement, although because this amount is not in the regulations, it is no longer used as a threshold. Immigration now looks at the type of business one is investing in to determine the amount needed before granting the visa.

An E visa beneficiary may only work in the activity for which he or she was approved at the time the classification was granted. USCIS must approve any *substantive change* in the terms or conditions of E status.