

[E-1 and E-2 visa status for Treaty Traders and Treaty Investors](#) allows temporary admission to Foreign Nationals of countries that have a **commerce or investment treaty** with the United States. The visas allow Foreign Nationals to conduct substantial trade in the U.S. or to make investments by either purchasing a controlling interest in an existing U.S. business or establishing a new business venture. Major foreign companies that establish a presence in the United States generally qualify for E-2 status. This status provides an excellent vehicle for easily bringing in foreign workers who have the same nationality as the foreign base company. Also, unlike the L-1 status which requires at least year prior employment with the foreign entity, E beneficiaries can be new hires.

### **E-1 Treaty Trader**

*An application for E-1 Trader status requires a showing that there is or will be a substantial amount of trade which is international in scope principally between the U.S. and the foreign country that the applicant is a citizen of.* Items of “trade” include but not limited to goods, services, international banking, insurance monies, transportation, communications, data processing, advertising, accounting, design and engineering, management consulting, tourism, technology and its transfer, and some news-gathering activities. Goods are “tangible commodities or merchandise having extrinsic value.” Services are “legitimate economic activities which provide other than tangible goods.” Trade must be principally with the treaty country and more than 50% of total volume of international trade.

### **E-2 Treaty Investor**

An application for E-2 Investor status must meet two **primary** requirements: (1) that the company’s investment is substantial (at least 50% of total investment is at risk); and (2) the investment is not marginal (not made solely for the purpose of earning a living, i.e., for individuals who are applying alone).

***The following list of requirements summarizes the information required for an E-1 or E-2 Visa:***

1. The company must have a treaty with the United States and be listed on the [E-1 or E-2 List](#);
2. The company’s investment must be substantial;
3. The company has invested or is actively in the process of investing;
4. The investment must not be solely to support one’s family and generally and should aim to employ U.S. workers;
5. A transferring employee must have the same nationality as the foreign company;
6. A transferring employee must be a manager, executive or highly trained or possesses specialized knowledge.

The E strategy is generally used by larger corporations whose otherwise L-1 qualifying employee has not worked for the foreign company for the required one year period. E-1/2 applicants must apply for their visas at a U.S. consulate.



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If you want to know if the E-1 or E-2 visa is an option for your company's employees to be able to live and work in the U.S., we encourage you to reach out to our office and speak with one of our attorneys.