



Bernstein Osberg-Braun, LLC
immigration attorneys

TREATY TREATOR

INVESTOR VISA

E-1/E-2 VISA

Who Qualifies for an E-1 Treaty Trader Visa?

A person may be issued an **E-1 Treaty Trader Visa** if:

- The individual or the firm has the nationality of the treaty country (at least national of the treaty country must own half of the company).
- There must be substantial trade (more than 50 percent) between the U.S. and the country of nationality. Trade includes the exchange, purchase or sale of the goods or services or the transfer of technology.
- The individual is either the principal trader who is coming to the U.S. to engage in substantial trade, or an executive, manager or employee with special skill essential to the company.

Who Qualifies for an E-2 Treaty Investor Visa?

A person may be issued an **E-2 Treaty Investor visa** if:

- The individual or firm has the nationality of the treaty country (at least nationals of the treaty country must own half of the company).
- The individual or the company has made or is in the process of making a substantial investment (generally in excess of \$100,000 at risk) in a business in the United States.

- The individual is either the principal investor who will direct and develop the enterprise, or an executive, manager or employee with special skills essential to the company.
- The investment is not the individual's sole income source.

How Long Can E Visa Holder remain in the United States?

E visa are generally issued for five years. Extensions of stay in the United States may be granted as long as eligibility continues and the treaty remains in force.

At the border, E visa holders who are admitted to the United States may be granted for up to two years at a time from the appropriate Immigration Regional Service Center.

The State Department Visa Office in Washington, DC, can reissue an E visa for an additional five years before the termination of the original E visa without the need to return to the home country.

Countries with Treaties for E-1 Visa

Argentina, Australia, Austria, Belgium, Bolivia, Bosnia, Brunei, Canada, China (Taiwan), Colombia, Costa Rica, Croatia, Denmark, Estonia, Ethiopia, Finland, France, Germany, Greece, Honduras, Iran, Ireland, Israel, Italy, Mexico, Netherlands, Norway, Oman, Pakistan, Paraguay, Philippines, Slovenia, Spain, Suriname,

Sweden, Switzerland, Thailand, Togo,
Turkey and United Kingdom.

Countries with Treaty for E-2 Visas.

Argentina, Austria, Australia, Bangladesh,
Belgium, Bosnia, Bulgaria, Cameroon,
Canada, China(Taiwan), Colombia, Congo,
Costa Rica, Ceotia, Czech Republic, Egypt,
Ethiopia, Finland, France, Germany,
Grenada, Hondura, Iran, Ireland, Italy,
Japan, Kazakhstan, Korea, Kyrgyzstan,
Liberia, Luxembourg, Macedonia, Mexico,
Morocco, Netherlands, Poland, Romania,
Senegal, Slovakia, Spain, Shrilanka,
Suriname, Sweden, Switzerland, Thailand,
Togo, Tunisia, United Kingdom and Zaire.

Countries with Pending Treaties for E-2 Visa

Armenia, Belarus, Ecuador, Estonia,
Georgia, Haiti, Jamaica, Moldavia, Russia,
Trinidad & Tobago, and Ukraine. Treaties
between the United States and many
countries allow foreign nationals to come to
the United States to conduct trade or to
manage substantial investments. Unlike the
one million-dollar threshold for the
permanent resident investor visa, there is no
fixed dollar amount for treaty investment.
Those qualifying for the E-1 (trader) or E-2
(investor) visas can pursue long-term
business objectives using these practical
visas.

E VISA CHECKLIST

INFORMATION ABOUT U.S. OPERATIONS

- Copies of passports of majority shareholders from treaty country
- Articles of Incorporation and certificate from state
- Bylaws
- Stock Certificates
- Certificate of Officers
- Business License
- Certificate of Qualification of Foreign Business
- Partnership Agreement or Joint Venture Agreement
- Receipts for equipment, supplies
- Bank account statements showing capitalization
- Loan agreements, if any
- Copies of advertisements, press releases, etc. about new office
- Marketing brochures/firm resume
- Trade references
- Licenses, if required for type of business or profession
- Copies of telephone bills re international calls to treaty country
- Sample contracts with customers/clients; invoices re transactions
- Letters of credit
- Business plan re projected revenues, costs, staffing
- Letters from chambers of commerce, trade commissioners, home office re amount of initial investment as "substantial" and reasonable for start up of this type of business
- Lease or deed to office/facility space
- Trade or professional association memberships
- Awards, certificates
- PR releases
- Photos of facilities, products, etc.
- Organizational chart re employees; projected organization
- Customer/supplier list
- Relevant patents, trademarks, copyrights, if any
- Statistics re volume and amount of trade between US and treaty country (past performance and projected)

INFORMATION ABOUT RELATED OPERATIONS ABROAD

same as above

- Recent annual report, and/or tax return

INFORMATION ABOUT PROPOSED POSITION

- Job description: highlight managerial or executive functions or special or unique duties or those functions that are required to "direct and develop" the investment.
- Minimum requirements to perform the job.
- Why could an American not do this position?

INFORMATION ABOUT ALIEN

- Resume
- Copies of diplomas, degrees and relevant transcripts
- Verification of relevant employment in US and abroad: Exact dates of hire; job title, job duties, location within organization, number, type of employees supervised. Optional: info about employer, recommendation about alien's performance.
- Membership in trade or professional societies
- Articles written about or by alien
- Awards or commendations received.
- Number and type of employees supervised before and in future.

GENERAL INFORMATION

All documents in a foreign language must be translated verbatim. The Translator must certify under oath that the translator is competent to translate into English. Notarized translations are preferred.

Original documents are preferred, but may not be ultimately submitted to the government. Attorneys may certify copies of originals.