

E Visas for Investors & Traders: Your Path to the U.S.

A Guide from Gray Whale Law



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Unlock U.S. Business Opportunities with E Visas

If you are looking to invest or conduct substantial trade in the United States, then the **E-1 Treaty Trader** and **E-2 Treaty Investor visas** might be the right options for you. These visas are available to nationals of countries that have a treaty of commerce and navigation with the United States.

Who are E-1 and E-2 Visas for?

- **E-1 Treaty Trader Visa:** This visa is for individuals coming to the U.S. to engage in **substantial trade**, primarily between the U.S. and their home country.
- **E-2 Treaty Investor Visa:** This visa is for individuals investing a **substantial amount of capital** in a U.S. business they will develop and direct.



The key advantages of E visas are that they do not require an existing overseas business (unlike the L-Visa), and can be renewed indefinitely, as long as you continue to meet their requirements.

Nationality Matters

To qualify for an E visa, both you and your business must have the **nationality of a treaty country**.

- **Individual Nationality:** Usually determined by your citizenship. If you have dual nationality, you can choose which treaty country to apply under (with some exceptions).
- **Company Nationality:** Generally, at least 50% of the company must be owned by nationals of the treaty country. This can get complex if your company has parent companies or multiple owners. Gray Whale Law can help you determine this.

Disclaimer: This document is intended for informational purposes only and does not constitute legal advice. Please [consult with an attorney at Gray Whale Law](#) for advice tailored to your specific situation.

Is My Country on the List?

Many countries have treaties with the U.S. for E-1 and E-2 visas. Here’s a list of countries that currently participate in the E Visa program.

| Country | Visa Type(s) | Typical Visa Validity Period |
|------------------------|--------------|------------------------------|
| Albania | E-2 | 36 months |
| Argentina | E-1, E-2 | 60 months |
| Armenia | E-2 | 60 months |
| Australia | E-1, E-2 | 48 months |
| Austria | E-1, E-2 | 60 months |
| Azerbaijan | E-2 | 3 months |
| Bahrain | E-2 | 3 months |
| Bangladesh | E-2 | 3 months |
| Belgium | E-1, E-2 | 60 months |
| Bolivia | E-1, E-2 | 3 months |
| Bosnia and Herzegovina | E-1, E-2 | 12 months |
| Brunei | E-1 | 41 months |
| Bulgaria | E-2 | 60 months |
| Cameroon | E-2 | 12 months |
| Canada | E-1, E-2 | 60 months |
| Chile | E-1, E-2 | 12 months |
| China (Taiwan) | E-1, E-2 | 60 months |
| Colombia | E-1, E-2 | 60 months |
| Congo (Brazzaville) | E-2 | 3 months |
| Congo (Kinshasa) | E-2 | 3 months |
| Costa Rica | E-1, E-2 | 60 months |
| Croatia | E-1, E-2 | 60 months |
| Czech Republic | E-2 | 60 months |
| Denmark | E-1, E-2 | 18 months |
| Ecuador | E-2 | 3 months |
| Egypt | E-2 | 3 months |
| Estonia | E-1, E-2 | 60 months |
| Ethiopia | E-1, E-2 | 6 months |
| Finland | E-1, E-2 | 24 months |
| France | E-1, E-2 | 25 months |
| Georgia | E-2 | 12 months |

| | | |
|---------------|----------|---------------------------------|
| Germany | E-1, E-2 | 60 months |
| Greece | E-1 | 60 months |
| Grenada | E-2 | 60 months |
| Honduras | E-1, E-2 | 60 months |
| Ireland | E-1, E-2 | 60 months |
| Israel | E-1, E-2 | E-1: 52 months / E-2: 24 months |
| Italy | E-1, E-2 | 50 months |
| Jamaica | E-2 | 60 months |
| Japan | E-1, E-2 | 60 months |
| Jordan | E-1, E-2 | 3 months |
| Kazakhstan | E-2 | 12 months |
| Korea (South) | E-1, E-2 | 60 months |
| Kosovo | E-1, E-2 | 12 months |
| Kyrgyzstan | E-2 | 3 months |
| Latvia | E-1, E-2 | 34 months |
| Liberia | E-1, E-2 | 12 months |
| Lithuania | E-2 | 12 months |
| Luxembourg | E-1, E-2 | 60 months |
| Macedonia | E-1, E-2 | 60 months |
| Mexico | E-1, E-2 | 48 months |
| Moldova | E-2 | 3 months |
| Mongolia | E-2 | 36 months |
| Montenegro | E-1, E-2 | 12 months |
| Morocco | E-2 | 60 months |
| Netherlands | E-1, E-2 | 60 months |
| New Zealand | E-1, E-2 | 60 months |
| Norway | E-1, E-2 | 36 months |
| Oman | E-1, E-2 | 6 months |
| Pakistan | E-1, E-2 | 60 months |
| Panama | E-2 | 60 months |
| Paraguay | E-1, E-2 | 60 months |
| Philippines | E-1, E-2 | 60 months |
| Poland | E-1, E-2 | 60 months |
| Romania | E-1, E-2 | 12 months |
| Senegal | E-2 | 60 months |
| Serbia | E-2 | 12 months |
| Singapore | E-1, E-2 | 12 months |

| | | |
|-------------------|----------|-----------|
| Slovak Republic | E-1, E-2 | 24 months |
| Slovenia | E-1, E-2 | 24 months |
| Spain | E-1, E-2 | 60 months |
| Sri Lanka | E-1, E-2 | 60 months |
| Suriname | E-2 | 36 months |
| Sweden | E-1, E-2 | 60 months |
| Switzerland | E-1, E-2 | 24 months |
| Thailand | E-1, E-2 | 48 months |
| Togo | E-2 | 6 months |
| Trinidad & Tobago | E-2 | 36 months |
| Tunisia | E-2 | 60 months |
| Turkey | E-1, E-2 | 60 months |
| Ukraine | E-2 | 3 months |
| United Kingdom | E-1, E-2 | 60 months |
| Yugoslavia | E-1, E-2 | 12 months |



Bolivia and **Ecuador** have specific conditions and limitations regarding E-2 visas based on the date of investments. Contact us for details if you are a national of these countries.

Key Requirements for E Visas

- **Nationality:** Both you and your business must have the nationality of a treaty country.
- **Intent to Depart:** You must intend to leave the U.S. when your E Visa status ends. However, if you have other reasons (like marrying a U.S. citizen or qualifying through an immigrant investor program like EB-5), you may be able to apply for a green card. Because this process can be complex, it’s a good idea to work with an immigration lawyer to plan your long-term strategy.

Key Requirements: E-1 Visa (Treaty Trader)



To qualify for an E-1 visa, you must demonstrate:

1. **A treaty exists** between the U.S. and your country.
2. **You and/or your business** have the nationality of the treaty country.
3. Your activities constitute **“trade”**: this means an exchange of goods, money or services between the U.S. and the treaty country. This can be anything from selling products to providing services.
4. The trade is **“substantial”**: this is evaluated based on the volume and value of transactions. More frequent and valuable transactions are viewed more favorably, but even smaller businesses may qualify if the trade they conduct is significant relative to their size.
5. The trade is **“principally”** between the U.S. and the treaty country. This generally means that *more than 50%* of your international trade is between the U.S. and your treaty country.
6. If you are an employee, you will be in an **executive, supervisory, or essential skills** position in the U.S.
7. You intend to leave the U.S. when your E-1 status ends.

Key Requirements: E-2 Visa (Treaty Investor)



To qualify for an E-2 visa, you must demonstrate:

1. **A treaty exists** between the U.S. and your country.
2. **You and/or your business** have the nationality of the treaty country.
3. You have **invested or are actively investing** in a U.S. enterprise.
4. The enterprise is a **real and operating commercial business**, not just a “paper company” or passive investment. It should produce a service or commodity for profit. Startups are welcome!
5. Your investment is **“substantial”**, as assessed using a “proportionality test”: the amount invested should be significant in relation to the total cost of the business. A higher percentage of investment is needed for lower-cost businesses. While there’s no fixed minimum amount, the investment does need to be enough to make the business successful.
6. The investment is **“more than marginal”**: the business must be able to generate enough income to support you and your family beyond just a basic living, ideally within five years. A solid business plan with financial projections is key here.

7. You are in a position to **“develop and direct”** the business. If you’re the investor, your role should be active in managing and guiding the company
8. If you are an employee, you will be in an **executive, supervisory, or essential skills** position within the company.
9. You **intend to leave** the U.S. when your E-2 status ends.

What counts as an E-2 Investment?

Your investment can be more than just cash! It may include:

- Cash transferred from your personal accounts
- Equipment
- Inventory
- Intellectual Property



Important Points Regarding Your Investment

Source of Funds: You must prove the funds are lawfully obtained (e.g., savings, proceeds from sales of property).

“At Risk”: The investment must be subject to potential loss if the business fails.

“Irrevocably Committed”: The funds should be actively used by the business or very close to being used for business operations.

Business Plan for E-2 Visa

A strong business plan is a crucial component of an E-2 visa application, especially for new businesses. Your business plan should include:

- Business model
- Market analysis
- Marketing plan
- Operational details
- Hiring projections
- Job descriptions for key roles
- 5-year financial projections

Who can be an E Visa Employee?

E visas are not just for investors and traders! Your company can also bring in employees of the same nationality in the following roles:

- **Executives:** High-level managers with ultimate control and responsibility.
- **Supervisors:** Managers overseeing significant parts of the business or other employees.
- **Essential Employees:** Employees with specialized skills crucial to the company’s operations. “Essential skills” go beyond just language or cultural knowledge and relate to unique expertise necessary for the business.

Family Members

Spouses and unmarried children under 21 of E visa holders are eligible for dependent visas. They do not need to have the same nationality as the primary visa holder. Spouses can work in the U.S. without requiring a separate work permit, and children may study in the U.S.

Ready to Explore Your E Visa Options?

Immigration laws are often archaic, complex, and difficult to understand. Eligibility grounds are far from clear, while changes are frequent and difficult to keep up with. Government officials do not process each case consistently or without error.

At Gray Whale Law we help creative and other professionals, investors, small businesses and families navigate the needless and endless complexity of immigration law.

Contact Us Today for a Consultation



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