

# E1/E2 Treaty Visa

E-1 and E-2 visas are available to citizens of foreign countries that have a treaty of commerce and navigation, or a bilateral investment treaty providing for nonimmigrant entries, with the United States. The E-1 (“Treaty Trader”) visa is specifically designed for alien business owners, business managers, and employees who are required to stay in the U.S. for prolonged periods of time to oversee or work for an enterprise that is engaged in trade between the U.S. and the treaty country which qualified the treaty trader for the E-1 designation. The E-2 (“Treaty Investors”) visa is available to an alien who is a citizen or national of a treaty country and who wishes to enter the U.S. solely to develop and direct the operation of an enterprise in which he or she has invested, or is in the process of investing a substantial amount of capital. Specific criteria must be met to qualify for either visa.

E-1 and E-2 visas are based on different treaties, however, and depending on which country the beneficiary is from, he or she may not be eligible to apply for both visas. Bilateral Investment Treaties (BIT) allow for E-2 Treaty Investor status only, whereby Free Trade Agreements (including NAFTA/Fast Track) allow for both E-1 and E-2 visas. For example, a beneficiary from Canada or Mexico would be eligible for both an E-1 and E-2 visa due to the North American Free Trade Agreement (NAFTA) between those countries and the United States. A beneficiary from Tunisia, however, would only be eligible for an E-2 visa because the treaty that exists between the U.S. and Tunisia is a BIT. Please refer to the chart below for a list of the specific countries that qualify for each visa.

Both E-1 and E-2 visa holders are initially allowed a maximum stay of two years. Requests for extension of stay can be filed and may be granted for periods of up to two years each. Notably, there is no maximum limit to the number of extensions an E-1 nonimmigrant may be granted, as long as the alien maintains the intention to depart the U.S. when their status expires or is terminated.

There are three main requirements to apply for both E-1 and E-2 visas:

- A treaty must exist between the United States and the foreign country under whose treaty the E status is sought;
- Majority ownership or control of the investing or trading company must be held by nationals of the foreign country under whose treaty the E status is sought;
- Citizenship of the foreign country under whose treaty the status is sought by each employee or principal of the company who is seeking the E status pursuant to the treaty.
- For a current list of countries with which the United States maintains a treaty of commerce and navigation, please see below:

- <http://travel.state.gov/content/visas/english/fees/treaty.html>

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