

Business, Employment and Investor Visas

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Visa Types - Nonimmigrant Visas (NIVs)

- Based on different purposes of travel
- More than 20 different categories of visas:
 - Categories: A to V





Visa Waiver Program (VWP)

- Allows travel without a visa to citizens of the 38 VWP participants for:
 - Visitor (B) visa travel purposes only
 - Stays of 90 days or less
- VWP travelers must:
 - Meet passport requirements
 - Have valid ESTA authorization - <http://cbp.gov/esta>
 - Meet all other VWP requirements to seek admission to
 - the United States – <http://cbp.gov>
- Otherwise, the traveler must have a visa.
 - VWP information - <http://travel.state.gov>



Immigrant Visas (IVs)

- Immediate Relatives (No Numerical Limits - Shorter wait)
 - Spouse, Minor Child, or Parent of a U.S. Citizen
- Family Preference (Numerical Limits - Longer wait)
- **Employment Based** (Numerical Limits)
- Visa Bulletin: Priority Dates and Cut-Off Dates
- Diversity Visa Program -
- <http://travel.state.gov/content/visas/english/immigrate/diversity-visa.html>



B-1 Business Visitor

**You may be eligible for a B-1 visa
if you are coming to the United States
as a business visitor in order to:**

- secure funding or office space;
- negotiate a contract;
- attend certain business meetings in connection with opening a new business in this country.

(not a complete list of all allowable B visa travel purposes)



Employment Visas

- **H-1B:** Person in Specialty Occupation
- **H-2B:** Temporary Non-agricultural Worker
- **L:** Intracompany Transferee
- **O:** Individual with Extraordinary Ability or Achievement (includes Arts, Science, Business)

(Not a complete list of employment visa categories)

E-1/E-2 Treaty Trader/Investor

The E1/E2 visa is appropriate for individuals seeking entry to the United States to:

- engage in substantial trade, including trade in services or technology, in qualifying activities, principally between the United States and the treaty country; or
- develop and direct the operations of an enterprise in which you have invested a substantial amount of capital (E2: this treaty exists with Slovakia).
- The prerequisite for E1/E2 visas is the existence of a qualifying treaty or specific legislation.





E2 Visas: Requirements

- **Qualifying Treaty or Equivalent**
- **Nationality**
 - **Place of Incorporation**
 - **Fifty Percent Rule:** nationals of the treaty country must own at least 50 percent of the business
 - **Dual Nationality of Trader or Investor:** Enterprise can be owned and controlled equally (50/50) by nationals of two treaty countries, or a business for which E visa status is sought may have only one nationality.



E2 Visas: Requirements

- **Intent to Depart Upon Termination of Status**
- **E-2 Applicant Must Have Invested or Be in Process of Investing**
 - **Possession and Control of Funds**
 - **Investment Connotes Risk:** placing of funds or other capital assets at risk, in the commercial sense, in the hope of generating a financial return.
 - **Personal Assets Only**



E2 Visas: Requirements

- **Commercial Enterprise Must Be Real and Active**
- **Investment Must Be Substantial**
 - In relationship to the total cost;
 - Sufficient to ensure the treaty investor's financial commitment successful operation; and
 - Of a magnitude to support the likelihood that the treaty investor will successfully develop and direct the enterprise. No set dollar figure.



E2 Visas: Requirements

- **Enterprise Must Be More Than Marginal:**
projected future capacity should generally be realizable within five years from the date normal business activity of the enterprise commences.



E2 Visas: Requirements

- **Applicant is in a Position to Develop and Direct the Enterprise**
- **Visa Holder to be Employee of U.S. Enterprise:** In instances in which treaty country ownership may be too diffuse, owners of treaty country nationality must:
 - Show that together they own 50 percent of the U.S. enterprise; and
 - Demonstrate, that at least collectively, they have the ability to develop and direct the U.S. enterprise.



Employee Entitled to E1/E2 Visa

- **Executive and Supervisory Employee Responsibility**
- **Essential Employees**



Spouse/Children of E Visa-Holders

- **Entitled to derivative status:** nationality is not material
- **Spouses may work in the United States**



Questions?

A stylized, light gray map of the United States is centered on the slide. The word "Questions?" is written in a large, black, sans-serif font across the middle of the map. The background of the slide is white, with a decorative blue and white wavy border at the top.