

TREATY INVESTOR (E-2 Visa)

While the United States President and Congress are engaged in a bitter dispute over the question of reforming the American immigration laws, the process of authorizing citizens of Treaty Countries, such as Korea, Japan, Philippines, or Mexico to enter the U.S. to establish businesses there, has continued without the least interruption.

The U.S. and such Treaty Countries signed a “Treaty of Commerce,” which allowed the citizens of each country, to enter the other, and establish a business there. Since that time, there has been a steady flow of citizens from the Treaty Countries going to the U.S. using the so called Treaty Investor Visas, also known as E-2 Visas, as provided for by the agreement between the two nations.

The basic requirements for an E-2 Visa is that the investors are going to the U.S. solely to develop and direct business enterprises, and that they are citizens of countries, such as Korea, Japan, Philippines, or Mexico which are signatories of a “Treaty of Commerce” with the U.S. Initially the visa is valid for one year, but can be extended indefinitely in five year increments. So long as the business enterprise meets the E-2 requirements, there is no limitation on how long the visa holder can remain in the U.S. And the Treaty Investor’s spouse and unmarried minor children, also would be included.

The amount of the investment and number of employees required to qualify for the E-2 visa is not stated by the U.S. Government. However, the investment must be “substantial,” but here again, it is not specified as to just what constitutes “substantial.” Some immigration experts say that such investments must total at least \$200,000 (US) to qualify for Treaty Investor status, while others assert that the figure must be higher. In all cases, the final decision in such matters rests in the hands of at the U.S. Consulate where the E-2 applications are filed.

A large proportion of E-2 enterprises are what could be described as medium sized businesses such as restaurants or service stations. There are a number of advantages to utilizing the Treaty Investor procedure, particularly that there are no quota restrictions. In addition, the E-2 visa applicants do not have to have an outside party petition for them, such as is required in most immigration cases.

The E-2 process can be expedited and the chances of success increased if the immigration attorney handling the case works with a real estate agent in the U.S. who is familiar with such matters.

The key to success in these cases is documentation, which is why working with a real estate agent who is knowledgeable in such matters is so essential in gaining approval of treaty investor visa applications.

Further information regarding Treaty Investor Visas can be obtained contacting Attorney Anna Oh at anna@annaohlawfirm.com, (916) 922-6987.