

Treaty Trader (E-1) & Treaty Investor (E-2)

The Treaty Trader (E-1) or Treaty Investor (E-2) visa is [for a national of a country with which the United States \(U.S.\) maintains a treaty of friendship, commerce and navigation](#) who is coming to the U.S. to carry on substantial trade, including trade in services or technology, principally between the U.S. and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is in the process of investing a substantial amount of capital.

Requirements: Treaty Trader

Treaty trader applicants must meet specific requirements to qualify for a treaty trader (E-1) visa under immigration law. The consular officer will determine whether a treaty trader applicant qualifies for a visa.

- The applicant must be a [national of a treaty country](#).
- The trading firm for which the applicant is coming to the U. S. must have the nationality of the treaty country. (generally, the principal visa applicant needs to show ownership/control over the E-Visa company by owning at least 50% share)
- The international trade must be “substantial” in the sense that there is a sizable and continuing volume of trade.
- The trade must be principally between the U.S. and the treaty country, which is defined to mean that more than 50 percent of the international trade involved must be between the U.S. and the country of the applicant’s nationality.
- Trade means the international exchange of goods, services, and technology. Title of the trade items must pass from one party to the other.
- The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the efficient operation of the firm. Ordinary skilled or unskilled workers do not qualify.

Requirements: Treaty Investor

Treaty investor applicants must meet specific requirements to qualify for a treaty investor (E-2) visa under immigration law. The consular officer will determine whether a treaty investor applicant qualifies for a visa.

- The investor, either a real or corporate person, must be a national of a treaty country.
- Generally, the principal visa applicant needs to show ownership/control over the E-Visa company by owning at least 50% share.
- The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage of investment for a low-cost business enterprise must be higher than the percentage of investment in a high-cost enterprise.
- The investment must be a real operating enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- The investment may not be “marginal”. It must generate significantly more income than just to provide a living to the investor and family, or it must have a significant positive economic impact in the U.S.
- The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise itself are not allowed. However, other financing arrangements may be permissible.
- The investor must be coming to the U.S. to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skill capacity. Ordinary skilled and unskilled workers may not qualify.

An applicant for a Treaty Trader (E-1) or Treaty Investor (E-2) visa must first establish that the trading enterprise or investment enterprise meets the requirements of the law, and complies with the many requirements for the E-visa classification.