

# SCOTT LEGAL SERVICES, P.C.

The Law Firm For Entrepreneurs, Business Owners & Investors

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## **E-2 Treaty Investor Visa**

### **A Great Visa Option For Those Who Wish To Start A Small Business In The United States**

#### **Top E-2 Visa Questions & Answers**

An E-2 Visa is a Visa Classification that is available for foreign nationals who wish to live in the U.S. to develop and direct the operations of a business. The business can be large or small and an E-2 Visa is a great Visa option for those who want to start a business. In order to qualify for the Visa, applicants must meet specific requirements and these requirements are outlined in a [blog post you can access by clicking here](#). This article focuses on the top E-2 Visa questions asked by our clients. The answers are short answers to complicated questions and should only be used as a basis for a discussion with a qualified immigration attorney. Here are the top E-2 Visa questions.

##### **1. Does an E-2 Visa Lead to A Green Card?**

No. An E-2 Visa is a non-immigrant Visa and does NOT lead to a Green Card. While it does not lead to a green card, it is often approved for a 5-year period and as long as the business is still in operation you can renew the Visa indefinitely. If you qualify for another green card category (eg. EB-5) you should consult an immigration attorney to explore the best way to apply for the green card. This can be a tricky area as the temporary intent aspect of the E-2 Visa makes applying for a green card difficult.

##### **2. Do I have to hire U.S. employees in Order to Get an E-2 Visa?**

There is no required number of U.S. workers that have to be hired to work in the business but usually the business should employ at least some employees in the U.S. as reasonably necessary for the business to operate. If no workers are hired, the investment may be considered as a business that is set up only to support the E-2 applicant and his/her family. (The legal term for this is “Marginal” and it is not permitted). You do not have to hire the workers immediately and your 5-year business plan should detail exactly when you plan to hire the employees.

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**3. Is an E-2 Visa the Visa where I have to Invest 1 Million dollars (\$1,000,000) and hire 10 employees?**

No. The E-2 Visa is often confused with an EB-5 Visa. The EB-5 Visa is a completely different Immigrant (Green Card) Visa and you can read more about and [EB-5 Visa by clicking here](#). In contrast to an EB-5 Visa, an E-2 Visa does not require a specific amount of Investment and does not have a specific number of employees that you have to hire.

**4. Can I get an E-2 Visa with a low amount of Investment? Is there a minimum amount of an Investment?**

There is no required Investment dollar amount. A common myth is that a minimum of \$100,000 is the required but Scott Legal Services, P.C. has obtained approval for investments with as little as \$15,000 spent and \$35,000 in a bank account as working capital. If your business is a service business (eg. a consulting business) the investment that is required will be much lower than if your business is a capital-intensive business (eg. car manufacturing plant).

**5. Can I borrow money to start the business?**

Yes. Unlike the EB-5 Visa, borrowing money is fine for this Visa as long as the business is not overly leveraged.

**6. Is there a particular type of business that I have to start or buy?**

No. Any for profit active business type is fine. (eg. drug store, law firm, consulting agency, car dealership, hair salon, etc.).

**7. Do I have to Make a Business Plan to Get an E-2 Visa?**

Yes. A 5-year business plan is required and the business plan is a key element that immigration officials consider when they review your Visa petition. To find out more about how to make an effective [business plan click here](#).

**8. Does an Investment in Real-Estate Qualify for an E-2 Visa? Can I buy a Home and get an E-2 Visa?**

No. The E-2 Visa can be obtained by either purchasing an existing business or creating a new business in

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the United States and the business must be an “active” business. This excludes passive investments like real-estate or owning stock. Your business must also make money and as such not-for-profit enterprises are excluded.

#### **9. Can I bring my family and can they work in the U.S.?**

Your husband or wife and Children (under age 21) can also get an E-2 visas and are eligible to apply for an “Employment Authorization Document” (referred to as an EAD) to work in the United States after obtaining E-2 status. They can work in any field and this is a significant advantage of an E-2 Visa as many other non-immigrant visas, like a TN Visa and an H-1B Visa, do not allow a spouse to work in the U.S..

#### **10. Which countries are eligible to get an E-2 Visa?**

The E-2 Investor Trader Visa is only to people from the countries that the U.S. has a Treaty with. Many Western countries are on the list but there are also countries from Africa, Asia and the Middle East on the list. Israel was just recently added to the list. A complete list of the countries on the list can be found [here](#).

#### **11. How long does it take to get an E-2 Visa?**

An E-2 Visa is a very document intensive petition. In addition to a number of government forms, the Visa requires the submission of a binder full of documentation that is often quite lengthy. Once the documentation is prepared, the processing time depends on the processing time at the consulate that is located in the applicant’s country. This could range from 3 weeks to 3 months (or longer).

#### **12. How much does it cost?**

Legal fees for an E-2 Visa will run between \$5,000-\$8,000 (or more) depending on the complexity of a case. Filing fees usually will not exceed \$500.

#### **13. Do I need a lawyer?**

Yes. Like most Immigration law, the E-2 regulations are complicated and you must demonstrate to immigration officials that you have met all of the legal elements. In addition, the documentation requirements for an E-2 Visa are quite extensive and a legal brief must be written linking all of the elements of the Statute to your case.

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If you are considering an E-2 Visa, contact Scott Legal Services, P.C.. For more information on this and other immigration Visas click [here](#). You can also call us at 212-223-2964 or email us at [iscott@legalservicesincorporated.com](mailto:iscott@legalservicesincorporated.com).

Also, click [here](#) for your free **White Paper** that summarizes the top 10 Immigration Questions and Answers.