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How Large Does An Investment Have To Be For an E-2 Visa

An E-2 Visa is a Visa that is available for entrepreneurs, investors and business owners 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 in order to qualify for the Visa, applicants must meet specific requirements. The full set of requirements for an E-2 Visa are outlined in an [article you can access by clicking here](#).

One of the requirements is that the Investment amount must be “substantial,” and the question often arises of “How much money has to be spent to qualify for the visa.” The not so simple answer is that the U.S. Government does not have a predetermined amount that they consider substantial. This means that there is no minimum and no maximum amount.

In order to assess whether the E-2 applicant has invested enough money, the government uses a proportionality test. This test looks at the total amount that is required to start up a business and then applies the standard of “substantial” investment by looking at how much was spent in relation to the total expenditure needed to set up the business. As such, 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). I have received approvals for investments as low as \$50,000 where only \$13,000 was spent for equipment, furniture, lease and other items and cash of around \$35,000 was deposited in a business bank account. Needless to say though the more money spent the better. Also, for businesses that have a low start-up amount, you are expected to spend 100% of the amount to set up the business.

A few things to consider regarding the investment amount:

- Only a “small” reasonable amount of cash can be included in the investment amount and this is designated as working capital. As such, you cannot just put hundreds of thousands of dollars in an account and expect an approval.
- Expenditures should generally be money spent in the U.S..
- You can generally only apply one month of rent/lease amounts that you have spent in your investment amount.
- Intangible assets can be included in the investment amount as long as you can substantiate the value.

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- Investment amounts that are secured by assets from the business cannot be included in the investment amount. The amounts must be at risk.
- You should ensure that you keep records of all of your expenditures as the government will want to see them.

While a low investment amount of \$50,000 can be approved, this amount does present difficulties and are risky petitions. This is especially the case if you are applying at a consulate that imposes a stricter standard regarding the investment amounts. For example, some immigration practitioners and applicants have reported denials from petitions that insist that investment amounts should be over \$200,000. Investments under \$50,000 are very difficult petitions to get approved. I have seen approvals for as low as \$35,000 (with USCIS but not ever with a Consulate) but you would have to have a compelling case to get an approval.

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 including a substantial investment amount. 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.

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.

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