

# An entrepreneur's guide to U.S. visas

As a business owner, your “ticket to ride” will usually depend on relationships or residency, but you can qualify in other ways.

## TYPICAL MEANS OF GETTING A VISA

### RELATIONSHIPS

- Employment
- Family

### PERMANENT RESIDENCE

- Green Card through marriage
- Green Card through employment (e.g. multi-national manager)
- Self-sponsored or extraordinary ability

### EXCEPTIONS

- Humanitarian relief
- Diversity lottery
- Wealthy investors and entrepreneurs

## THE E-VISA CATEGORY

### E-1 VISA Treaty Trader

To qualify for E-1 classification, a treaty trader must:

- ✓ Carry on a substantial trade
- ✓ Carry on a principal trade between the US and the treaty country which qualified the treaty trader for E-1 classification

### E-2 VISA Treaty Investor

**For investors** to qualify for E-2 classification, they must:

- ✓ Have invested or be actively in the process of investing a substantial amount of capital in a bona fide enterprise in the United States
- ✓ Be seeking to enter the United States solely to develop and direct the investment enterprise. This is established by showing at least 50% ownership of the enterprise or possession of operational control through a managerial position or other corporate device.

**For employees** to qualify for E-2 classification, they must:

- ✓ Be the same nationality of the principal alien employer (who must have the nationality of the treaty country)
- ✓ Meet the definition of “employee” under relevant law
- ✓ Either be engaging in duties of an executive or supervisory character, or if employed in a lesser capacity, have special qualifications

*Need more assistance in understanding U.S. visas?*

We're here to help. Email us at [james@oury.law](mailto:james@oury.law) or visit our website for more ways to get in touch.