

E Visas

What you need to know

to file a successful E visa application !



GENERAL REQUIREMENTS FOR E1 TREATY TRADERS AND E2 TREATY INVESTORS

NATIONALITY

- Your company must possess the nationality of the treaty country (Switzerland is a treaty country).
- Your company's nationality is determined by the nationality of its owners (ex. if you are the 100% owner and you are Swiss, your company is considered Swiss).
- In order for your company to have the nationality of the treaty country, at least 50% of the company must be owned by people with the treaty country's nationality.
- Your company cannot be owned by foreign nationals with U.S. legal permanent resident status (i.e. green-card holders).
- The country of incorporation is irrelevant to the nationality of the business.
- If a company is owned by a dual national, the owner may decide which nationality to use for the business. When a company is equally owned by nationals of two treaty countries (50%-50%), employees of either nationality may obtain E visas to work for the company.

SOME PROOFS OF NATIONALITY AND OWNERSHIP

- PHOTOCOPY OF PASSPORT
- CITIZENSHIP CERTIFICATE
- OTHER NATIONALITY DOCUMENTS
- SHARES/STOCK CERTIFICATES
- SHARES REGISTRATION INDICATING TOTAL AND OUTSTANDING SHARES ISSUED
- SHARES/STOCK CERTIFICATES INDICATING DISTRIBUTION OF OWNERSHIP

EMPLOYEES OF E-1 AND E-2 COMPANIES

- The employee must be going to the U.S. to occupy executive/supervisory positions and possess skills essential to the firm's operations in the United States; the employee must provide evidence that proves their qualifications for the visa. Possible evidence includes organizational charts, resumes or CVs, diplomas or training certificates, and letters from previous employers.
- Employee and employer (i.e. the owner(s) of the company) must have the same nationality.
- Employer (i.e. the owner(s) of the company), if not a resident abroad, must be maintaining E1 Treaty Trader or E2 Treaty Investor status in the United States.
- A permanent resident alien (LPR) is NOT qualified to bring in employees.

For further information:

- See 9 FAM 402.9 (Foreign Affairs Manual): <https://fam.state.gov/fam/09FAM/09FAM040209.html>
- Visit our website: <http://www.ustraveldocs.com/ch/ch-niv-typee.asp>
- Contact: <http://travel.state.gov/content/visas/en/business/business-visa-center.html>
- Note: Embassy personnel are not permitted to dispense advice on individual applications prior to adjudication; applicants are responsible for being aware of the applicable rules and regulations for obtaining an E visa, and should submit their applications accordingly; applications for E visas that do not meet the requirements stipulated by U.S. Immigration Law will be refused at the time of adjudication.



TREATY TRADERS

E 1

For you and your company to qualify for E1 status:

- **Activities of the company must constitute trade within the meaning of U.S. immigration law.** Trade must constitute an exchange, it must be international in scope, and it must involve "qualifying activities."
- **The international trade must be "substantial."** There must be a sizeable and continuing volume of trade (trade means the international exchange of goods, services, and technology). Title of the trade items must pass from one party to the other.
- **The trade of the U.S. enterprise must be principally between the U.S. and the treaty country.** More than 50 percent of the international trade involved must be between the U.S. and the country of the applicant's nationality.

For your employees to qualify:

- **The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skill essential to the efficient operation of the firm.** For more information, please see "Employees of E-1 and E-2 Companies," opposite side.

EVIDENCE OF TRADE

- Purchase orders
- Bills of lading
- Warehouse/custom declarations
- Letters of credit
- Carrier inventories
- Client lists
- Other documents showing international trade is substantial and that 51% of trade is between US and treaty country



TREATY INVESTORS

E 2

For you and your company to qualify for E2 status:

- **The investment must be made in a real and active enterprise, and the funds must be irrevocably committed.** "Active" means the business is up and running, or has been set up such that it is imminently operational. Speculative or idle investment, such as ownership of undeveloped property, does not qualify. You also cannot simply be in the stage of signing contracts (which can be broken) or scouting for suitable locations and property. If the funds are not subject to partial or total loss if business fortunes reverse, then the investment does not qualify. Uncommitted funds in a bank account and loans secured with assets of the investment do not count towards the investment amount for purposes of this visa type.
- **The investment must be substantial.** The investment must be sufficient to ensure the successful operation of the enterprise, as determined by a Consular Officer.
- **The investment may not be marginal.** The enterprise must show a financial return that enables the employment of those beyond the investor's immediate family.
- **You must be coming to the United States to develop and direct the enterprise.** If you are not the principal investor, you must be employed in a supervisory, executive, or highly specialized skill capacity. See "Employees of E-1 and E-2 Companies."

For your employees to qualify:

- **The employee must be employed in a supervisory or executive capacity, or possess highly specialized skill essential to the efficient operation of the firm.** For more information, please see "Employees of E-1 and E-2 Companies."

EVIDENCE of INVESTMENT and of REAL OPERATING ENTERPRISE

- U.S. tax returns
- A legitimate and sophisticated web presence, catalogs, pictures
- Contracts
- Leases
- Purchase orders
- Bank statements that include proofs of payment
- Financial statements
- Business invoice summaries and corresponding bank receipts
- W-2s/W-3s showing total employees.