

E-1 VISA/ STATUS – TREATY TRADER EXECUTIVES AND ESSENTIAL WORKERS

This visa allows a national of a treaty country to be admitted to the United States purely to engage in international trade on his or her own behalf. Employees and executives from nations that have trade treaties may obtain a visa/ status to allow the transaction of vital business. Those individuals or companies of countries with the said Treaties with the United States may obtain a working visa to develop and direct their investment in and trade with the U.S. As long as the foreign national has a professional expertise making his self-essential to the company for whom he's working with and then he is qualified for E-1 Visa/ Status.

Nationals of qualifying Treaty countries who undertake a significant amount of international trade with the United States may qualify for this type of visa. The volume of such trade must be sufficient to justify the trader or his/her employee(s) being in the United States to manage the trade, and must constitute the majority of the trader's international trade (at least 50% of the Trader's exports/imports must be to/from the USA). There is no set minimum level of trade which is considered sufficient, but obviously the lower the volume of trade the less likely one is to qualify as a Treaty Trader.

Note: Trade includes commercial transactions in goods and trade in services and technology like banking, insurance, transportation, tourism, communications, data processing, advertising, accounting, design and engineering, management consulting, technology transfer and other measurable services which may be traded.

Before even thinking of applying note the threshold requirements for such visas. These visas are available for executives and essential workers who are citizens of a country that have a treaty with the United States allowing E-1 Visa/ Status. To qualify, the treaty trader carry on substantial and principal trade between the United States and the treaty country which qualified the treaty or the trader for E-1 classification, the majority interest or control of the business must be a citizen of that country. Moreover, to qualify as an essential worker, the foreign national must be a highly qualified employee who is considered to be important to the invested business. Once the principal applicant has obtained registration as a Treaty Investor or Trader, it is a relatively straightforward task to obtain E visas for qualifying employees. Obtaining the registration usually takes 4 to 6 weeks, and obtaining subsequent employee visas usually takes 10 to 15 working days.

Thus, you may be eligible to apply if: (a) you are an executive, manager or specialist in a treaty nation company operating in the U.S., or you own 50 per cent of the company; (b) the nationals of your country own at least 50 per cent of the stock of the company, i.e., the firm has the nationality of the treaty country; (c) you are a citizen of a treaty trade country, and are involved in international trade; (d) you are the immediate family members of a principle E-1 visa holder.

Most E visas are done through consular processing. The amount of documents required varies to each case. The benefits of obtaining E-1 status include: (a) working legally in the U.S. for a U.S. company where more than 50 per cent of the business is trade between the U.S. and your home country; (b) ability to travel freely in and out of the U.S.; (c) ability to stay in the U.S. on a

prolonged basis with unlimited two year extensions as long as you maintain E-1 qualifications; and (d) ability to bring your dependents to the U.S. Your spouse can also work in the U.S.

With this status, the qualified treaty traders and employees are allowed to stay for a maximum of two years. Extension of stay may be granted in increments of up to two years each. E-1 nonimmigrant may be granted with no maximum limit to the number of extensions. However, the foreign national must also maintain an intention to depart the United States when his status expires or gets terminated.

Moreover, the spouse and the unmarried children who are below 21 years of age may accompany the Treaty traders and employees. Nationalities of the treaty trader or employee need not be the same. Family members may seek E-1 non-immigrant classification as dependents and when approved, family member will be granted the same period of stay as the employee. Likewise, spouses may apply for employment authorization and get a legal job and may also attend schools.

However, there are some limitations: (a) you are restricted to working only for the specific employer or self-owned business that acted as your E-1 visa sponsor; (b) visas are available only to foreign nationals of countries having trade treaties with the U.S.; and (c) authorized stay is granted for two years at a time which makes the application or extension process cumbersome.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!