

This visa a non-immigrant visa that allows a national of a treaty country (a country with which the United States maintains a treaty of commerce and navigation, or with which the United States maintains a qualifying international agreement, or which has been deemed a qualifying country by legislation) to be admitted to the United States when investing a substantial amount of capital in a U.S. business. Certain employees of such a person or of a qualifying organization may also be eligible for this classification. Qualified treaty traders and employees will be allowed a maximum initial stay of two years. Requests for extension of stay in, or changes of status to, E-1 classification may be granted in increments of up to two years each with no limit to the number of extensions. All E-1 nonimmigrants, however, must maintain an intention to depart the United States when their status expires or is terminated. Treaty traders and employees may be accompanied or followed by spouses and unmarried children who are under 21 years of age. Those family members may seek E-1 nonimmigrant classification as dependents and, if approved, generally will be granted the same period of stay as the employee.

To qualify for E-2 classification, the treaty investor must:

- **Be a national of a country with which the United States maintains a treaty of commerce and navigation**
- **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**

An investment is the treaty investor's placing of capital, including funds and/or other assets, at risk in the commercial sense with the objective of generating a profit. The capital must be subject to partial or total loss if the investment fails. The treaty investor must show that the funds have not been obtained, directly or indirectly, from criminal activity.

A substantial amount of capital is:

- **Substantial in relationship to the total cost of either purchasing an established enterprise or establishing a new one**
- **Sufficient to ensure the treaty investor's financial commitment to the successful operation of the enterprise**
- **Of a magnitude to support the likelihood that the treaty investor will successfully develop and direct the enterprise. The lower the cost of the enterprise, the higher, proportionately, the investment must be to be considered substantial.**

A bona fide enterprise refers to a real, active, and operating commercial or entrepreneurial undertaking which produces services or goods for profit. It must meet applicable legal requirements for doing business within its jurisdiction.