

E-2 Investor Visas

This is the second article of a two-part series discussing the E-2 visa, and how it serves as an excellent non-immigrant visa option for many foreign nationals.

Last week, I introduced you to the E-2 Investor Visa, and discussed the basic criteria for this visa. I hope that I began to demystify the E-2 visa, by pointing out how the initial monetary investment can be nominal in certain cases. Specifically, there are instances where an investment of far less than \$50,000.00 can be used to secure the E-2 visa.

Oftentimes, we successfully obtain E-2 visa status for clients who form consulting companies. For example, we recently obtained an E-2 visa for a client who invested barely \$40,000.00 to form his marketing consultancy business in New York City.

Shortly after forming his company, we prepared and filed the necessary petition and supporting documents for his change to E-2 visa status. U.S. Citizenship and Immigration Services (USCIS) approved the E-2 visa petition within several weeks.

Prior to forming the company, our client held a wealth of overseas business experience in the industries of advertising and marketing, and already had two corporate clients wishing to engage his to-be-formed company. Also, the client prepared a solid business plan, submitted in support of the visa petition.

All of these factors helped to strengthen his case before USCIS. Because only approximately \$40,000.00 was invested, USCIS placed even greater importance on the viability of the business venture itself.

U.S. real estate development is also a common industry wherein an E-2 visa may be secured. While USCIS will not permit simple investment in real estate (for example, purchasing vacant plots of land) to satisfy E-2 visa requirements, it frequently approves E-2 visa petitions wherein the applicant can show an actual real estate development venture, and the need for the applicant's U.S. presence.

Certainly, a million-dollar investment to help form and operate a U.S. vacation resort may qualify for the E-2 visa. That is an obvious and easy example. But even lesser investments – for example, a \$20,000.00 down payment to purchase a multiple family home in suburban New Jersey – may also qualify for E-2 visa purposes.

Recently, a foreign national purchased a four-family house in suburban California. He purchased the home with the intention to live in one unit, and to rent out the other units. USCIS deemed this to be sufficient real estate development, and granted the E-2 visa. Presumably, the foreign national was required to remain in the U.S. using his E-2 visa, because he was managing the multi-family home rental units. Interestingly, the foreign national had no experience in the real estate industry prior to this venture.

Of course, the business itself had to be formed, before the foreign national submitted his E-2 visa petition. But it is common practice for a company to be formed (for ownership and liability purposes) whenever a person purchases a multi-family home for rental purposes. Thus, when seeking an E-2 visa through a real estate development venture, oftentimes, the company formation is not even an additional step in the normal business process.

These are two simple, yet creative, strategies to secure E-2 visas. But there are many other strategies available. Most people are surprised to learn how easy it can be to secure an E-2 visa – with the appropriate candidate, business venture, strategy, and supporting documents.

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