



# Business, Employment and Investor Visas

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# Objectives

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- Understand the types of visas available for business travelers
- Understand when each type of business visa is appropriate for use





# Types of Visas

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- Visa Waiver Program (VWP)
- Business or Tourism (B Visa)
- H, L, and O Visas
- E-2 Treaty Investor





# ESTA vs. B Visa

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## Visa Waiver Program

- Fast
- No need for in-person interview
- Cost = US \$21
- Stay up to 90 Days

## B Visa

- Wait Times Vary
- In-person interview required
- Cost = US \$185
- Stay up to 6 months





# H-1B Visa: Specialty Occupation

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- Requirements:
  - Petition approved by USCIS
  - Must have U.S. employer sponsor





# L Visa: Intracompany Transferee

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- Requirements:
  - Petition approved by USCIS
  - Must have U.S. branch of company (legally registered)
  - Employee must have worked at company for at least one year
  - Limit 5-7 years depending on petition





# E-2: Treaty Investor Visa

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- **Purpose:** To develop, direct the operations of an enterprise, or provide specialized skills to an enterprise in which the owner has invested or is in the process of investing a substantial amount of capital.





# E-2 Visa: Requirements

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- Requisite treaty exists
- The investor must have the citizenship of a treaty country
- Ownership of over 50%
- Applicant intends to depart the United States when the E visa status ends







# E-2 Visa: Requirements (con.)

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- Applicant has invested or is actively in the process of investing.
- Enterprise is a real and operating commercial enterprise, not just speculative.
- The investment must be **substantial**, with investment funds or assets committed and irrevocable. It must be sufficient to ensure the successful operation of the enterprise.





# E-2: Applicant Qualifications

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- Applicant must be in a position to “develop and direct” the enterprise.
- If the applicant is an employee and not the principal investor, he/she must be considered an “essential employee”





# Types of E-Visa Applicants

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## Executive Supervisory Employee

- Primary duties include control and responsibility for the organization's overall operation

## Essential Employee

- Must have skills essential to the efficient operation of the business.
- The skills must be relatively unique or specialized.





# Application Process

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- Must establish that the trading enterprise or investment enterprise meets the requirements of the law for the E visa classification.
- This requirement can be met by submitting all required and supporting documents and scheduling and interview with a consular officer at the U.S. Embassy





# Documents

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- Required
  - DS 160 – Application for Non-Immigrant visa
- Recommended Documents
  - Form DS-156E – Nonimmigrant Treaty/Trade Investor visa Application
  - Ownership documents
  - Evidence of investment and trade
  - Evidence of real and operating enterprise





# Visa Interview

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Be prepared to discuss:

- Your business
- The investment you made or are making
- How many employees you have and project to hire
- Your business plan
- Your previous professional experience
- Business experience





# Duration of Stay

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- Qualified treaty investors and employees will be allowed a maximum initial stay of five years.
- Requests for extension of stay may be granted in increments of up to five years each.
- All E nonimmigrants must maintain an intention to depart the United States when their status expires or is terminated.





# Application Steps

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- Complete DS-160 Form at **[www.ustraveldocs.com](http://www.ustraveldocs.com)**
- Pay for Interview
- Email: **[PragueEvisas@state.gov](mailto:PragueEvisas@state.gov)**
  - Including supporting materials
- Receive invitation to schedule interview
- Self-schedule at **[www.ustraveldocs.com](http://www.ustraveldocs.com)**







# Questions?

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