

### Business, Employment and Investor Visas

Lynn C. Kramer U.S. Embassy Prague December 4, 2024



Bureau of Consular Affairs • US Department of State

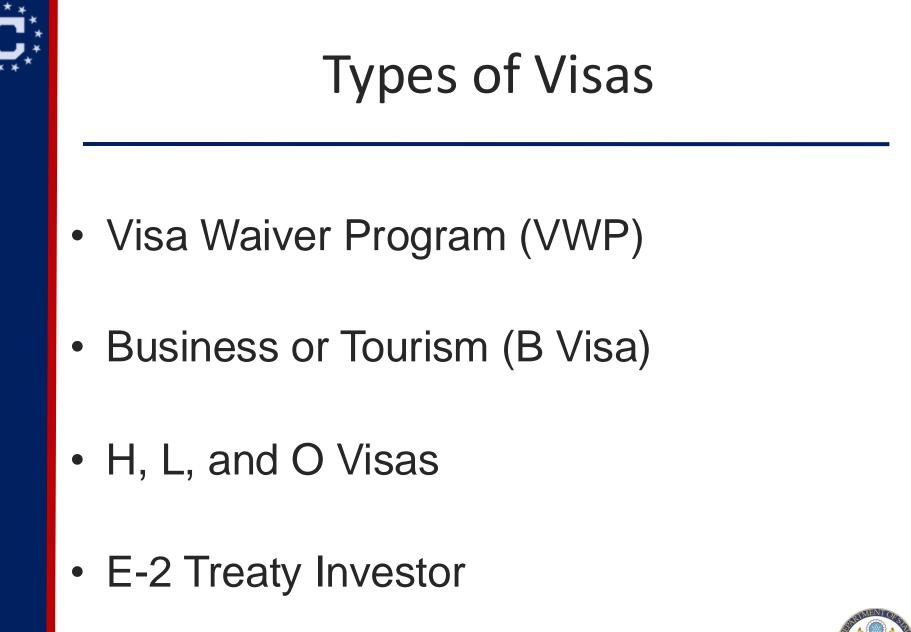


### Objectives

 Understand the types of visas available for business travelers

 Understand when each type of business visa is appropriate for use







### ESTA vs. B Visa

#### **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

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





## L Visa: Intracompany Transferee

- 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

 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

- 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.)

- 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

- 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**

#### **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**

- 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

- 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

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**

- 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**

- Complete DS-160 Form at www.ustraveldocs.com
- Pay for Interview
- Email: PragueEvisas@state.gov
  - Including supporting materials
- Receive invitation to schedule interview
- Self-schedule at www.ustraveldocs.com





### Questions?

Lynn Kramer U.S. Embassy Prague ConsPrague@state.gov PragueEvisas@state.gov



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