

E-1 Nonimmigrant Visa Treaty Trader (Import/Export)

Treaty Trader Visa

The E-1 visa authorizes a person to oversee or work for a U.S. commercial enterprise engaged in trading in goods or services with the treaty country and the United States. The visa can be extended every two (2) years with no limitation on the authorized period of stay. The spouse and children may accompany or follow to join the E-1 visa holder. Key employees from the treaty country, including executives, supervisors and essential employees are eligible for the E-1 visa.

Visa Requirements

The E-1 visa requires (1) a treaty allowing operation of an international trade business in the U.S. or other arrangement such as NAFTA between the U.S. and the country of which the person is a national; (2) the person is entering the U.S. to engage in international trade with the treaty country; and (3) the principal owner or employee is a treaty national; or an organization that is 50% or more owned by treaty nationals.

Sample Treaty Countries

The following countries currently have treaties with the United States which qualify for the E-1 visa:

Argentina; Australia; Austria; Belgium; Bolivia; Brunei; Canada; Colombia; Costa Rica; Denmark; Ethiopia; Finland; France; Germany; Greece; Honduras; Ireland; Israel; Italy; Jamaica; Japan; Korea; Liberia; Mexico; Netherlands; Norway; Oman; Pakistan; Philippines; Taiwan; Spain; Sri Lanka; Sweden; Switzerland; Thailand; Togo; Turkey; United Kingdom and Yugoslavia.

Many other countries qualify for the treaty trader visa. Contact our office for detailed information.

Approval of the Visa

The Immigration and Naturalization Service issues an approval notice as evidence of the principal trader or key employee's E-1 status. The visa allows the employee to work for the petitioning company only. Dependents are issued approval notices as evidence of their E-1 status.

The U.S. Department of State, through certain U.S. Consulates, have jurisdiction to approve E-1 status outside the United States. The U.S. Consulate issues the E-1 visa as evidence of the principal investor or key employee's E-1 status.

The applicant and employees must have E-1 visas in their passports for travel back to the U.S. This application is made at U.S. consulates outside the U.S. and is referred to as visa consular processing.

“Visa” for international travel or “Change of Status” in the United States

To travel outside the US and return in the E-1 visa classification, you must apply for and be issued the E-1 visa, usually from the US Embassy or Consulate in your home country. If you are in the US in a different visa classification, you may have the option to file to “change status,” but this is not a visa to allow for travel.

E-1 Treaty Trader Visa Document List

E-1 Applicant

- ❑ Résumé (with detailed description of job duties and dates of employment)
- ❑ Diplomas, degrees, and certificates
- ❑ Evidence of nonimmigrant status if present in the U.S. (visa, I-94, approval notices)
- ❑ Passports of E-1 Applicant and all dependents (include relationship and current address)

U.S. Company/Commercial Enterprise

- ❑ Certificate of Incorporation and Articles of Incorporation
- ❑ Stock certificates (showing total ownership of the company)
- ❑ Business registration, business license, business permits, DBA's
- ❑ Organizational chart

- ❑ Company information (history, facilities, products, number of employees, clients)
- ❑ Commercial lease
- ❑ Brochures, catalogs, promotional and product literature, and advertisements
- ❑ Evidence of trade; invoices, contracts, bills of lading, and other business documentation
- ❑ Photographs of the business

- ❑ Corporate tax returns (IRS 1120, IRS 941, TWC C-3)
- ❑ Financial statements (balance sheet, income statement, asset & deficit, payroll)
- ❑ Bank account statements
- ❑ Wire transfers; certified checks or other evidence of capitalization of the company

Foreign Company (if applicable)

- ❑ Certificate of Incorporation and Articles of Incorporation
- ❑ Business registration, business license, business permits
- ❑ Organizational chart

- ❑ Company information (history, facilities, products, # of employees, clients)
- ❑ Commercial lease
- ❑ Brochures, catalogs, promotional and product literature, and advertisements
- ❑ Evidence of trade; invoices, contracts, bills of lading and other business documentation
- ❑ Photographs of the business

- ❑ Corporate tax returns
- ❑ Financial statements (balance sheet, income statement, asset & deficit, payroll)
- ❑ Bank account statements

Fong♦Ilgan, LLP works with clients to simplify U.S. immigration. To discuss your case with an experienced board-certified attorney, please contact our office at 713.772.2300.