

United States – E-2 Non-immigrant Visa (For Non-Mainland China and Hong Kong Citizens) Application Procedures and Fees

Unless otherwise indicated, the work visa application stated in this quotation refers to non-immigrant petition for Treaty Investors under the United States Immigration and Nationality Act.

In general, unless a person has the right of abode or right to land in the United States, he/she requires a visa permit for work in the United States. The foreigners who wish to take up any short-term or long-term employment (whether paid or unpaid) in the United States, he/she must obtain an employment visa/permit from the United States Citizenship and Immigration Services (“USCIS”) before take-up the employment.

The E non-immigrant visa category is especially useful for business owners, managers, and employees who need to remain in the U.S. for an extended period of time in order to oversee or work in an enterprise engaged in trade between the U.S. and a foreign state or that represents a major investment in the U.S. The E non-immigrant category is available, however, only if a “treaty of commerce and navigation” or a “bilateral investment treaty” providing for nonimmigrant entries is in existence between the U.S. and the foreign state. The E visa category was established to give effect to those treaties between the U.S. and foreign countries that provide for reciprocal benefits to the nationals of each country who invest in the other country or who conduct trade between the two countries. Treaty countries include Singapore, Taiwan, Canada, Philippines, United Kingdom, and more. For a list of treaty countries, please visit [here](#).

An initial period of stay of two years is granted to persons coming to the U.S. in the E category. Nevertheless, this period can be extended almost indefinitely providing the non-immigrant affirms that he or she will leave the U.S. when the period of authorized stay, including unlimited extensions, ends.

Family members of the E-2 non-immigrant are entitled to admission in the E-2 non-immigrant category. Included in this category is the spouse of the visa holder, as well as minor unmarried children under the age of 21. Family members are admitted for the same period of time for which the principal family member is admitted. E family members are eligible to apply for employment authorization.

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The above-mentioned work visas are quota-free and non-sector specific. All applicants who meet the eligibility criteria specified in the Section 2 of this quotation may apply for the E-2 work visa in the United States.

1. United States E-2 Work Visa Application Fees

Our fees for handling the application for E-2 visa to enable a foreigner to work in the United States is USD8,800. An additional USD1,500 will be charged for each dependent visa. In particular, our fees cover the following services:

- (1) Providing general advice regarding the application for E-2 visa in the United States;
- (2) Assistance with the preparation of documents required for the client;
- (3) Review application documents prepared by applicant(s) and employing company;
- (4) Preparation of authorization letter(s) and application form(s);
- (5) Submission of application to the U.S. Consulate;
- (6) Liaison with the consulate regarding the application;
- (7) Application status reporting to the client;
- (8) Scheduling interview appointment with the U.S. Consulate.

Note:

- (1) The fees quoted above exclude the government fees.
- (2) Premium processing service is available for an extra fee of USD2,500 (15 calendar days processing time on USCIS' end).
- (3) In the event of a request for additional evidence (RFE) from the USCIS, an administration fee of USD1,000 plus legal fees will apply for the preparation of a RFE response. Legal fees will vary depending on the complexity of the RFE.
- (4) The fees stated are exclusive of delivery charges and notarization fees, if any.
- (5) The fees stated exclude documents translation fees. Please contact us for a quotation if you wish to employ us for the translation of documents.

2. Payment Term and Method

Upon receipt of confirmation of engagement, we will issue an invoice and email it together with detailed wire instructions to you. Because of the nature of services, we require full payment in advance. In addition, once service is commenced, no service fees will be refunded. We currently only accept check, cash or TT and credit card payment through PayPal. If invoice is settled by PayPal, an extra 5% service fee will be charged.

If Taiwan uniform invoice is required, a Business Tax at 5% of the invoiced amount will be charged and collected.

3. Eligibility Criteria

To apply for an E-2 work visa, the following eligibility requirements must be met:

- (1) The investor, either a person, partnership or corporate entity, must have the citizenship of a treaty country;
- (2) If a business, at least 50 percent of the business must be owned by persons with the treaty country's nationality;
- (3) 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;

- (4) The investment must be a real operating enterprise, an active commercial or entrepreneurial undertaking. A paper organization, speculative, or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment;
- (5) It must generate significantly more income than just to provide a living to the applicant and family, or it must have a significant economic impact in the U.S.;
- (6) You must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise are not allowed;
- (7) Applicant must be coming to the U.S. to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be considered as an essential employee, employed in a supervisory, executive, or highly specialized skill capacity. Ordinary skilled and unskilled workers do not qualify.

The above-mentioned eligibility criteria may be subject to change from time to time by the Immigration Department without prior notice. Please consult with Kaizen Consultants for more information.

4. Procedures and Timeline

A person seeking E-2 status does not need to petition USCIS in order to obtain E status unless the person is already in the U.S. in some other nonimmigrant category. In the latter case, a change of status application must be filed with USCIS or the individual may leave the country to obtain an E visa at a U.S. consulate and reenter the U.S. as a E investor. To obtain the visa, the investor must submit a nonimmigrant visa application and schedule a visa interview with the consular post to obtain the visa. The visa processing time at the consulate depends on the availability of the interview appointment.

For adjustment of status applicant, USCIS's processing time as of January 2022 is about 4.5 to 6.5 months upon receipt of a complete file. Please be noted that in the case USCIS or the U.S. consulate finds the submitted documents to be insufficient, it may request for additional evidence that the application time shall be extended.

5. Documents and Information Needed

Principal Applicant:

- (1) Passport Biographical Page;
- (2) Signed Letter from a responsible official at the company, describing exactly and precisely how the enterprise and applicant meet the qualifications for an E-2 visa;
- (3) Applicant's Information including resume, highest degree diploma, skills or training certificates, organization chart showing current staffing pattern at U.S. company;
- (4) Proof of treaty country ownership (at least 50%) and controlling interest in the enterprise. Documents may include an ownership chart with owners' names showing the full ownership structure of the enterprise, stock certificates, articles of organization, etc.;
- (5) Proof that funds are invested or that the investor is actively investing and evidence that investment is substantial. Documents may include wire transfer statements, escrow documents, list of investment, list of expenses, etc.;

- (6) Proof that the enterprise is currently running or will commence business very soon. Documents may include a lease agreement, business license, signed contracts, etc.;
- (7) Proof that investment is more than a marginal business solely for earning a living. Documents may include payroll register, most recent financial reports, business plan for new enterprise, etc.

Dependents:

- (1) Passport Biographical Page;
- (2) Documents to Establish Relationship with the Beneficiary (Notarial Birth Certificate).

Note:

- (1) All documents submitted must be in English or translated into English by a certified translation body.
- (2) USCIS reserves the right to demand further documents from the applicant or employing company as and when necessary.

6. Validity of Work Visa

The validity period of an E-2 visa is generally 5 years, with an authorized period of stay of 2 years for every time an individual enters the U.S. The visa holder can petition USCIS to request an extension of stay in E status for 2 years before his or her status expires. If the E-2 visa is still valid at the time, the visa holder can exit and enter the U.S. to receive another 2 years of stay.

Transferees admitted under the visa application scheme which are mentioned in this quotation who are on employment condition shall only take up such employment as approved by the USCIS. In case the visa holder decided to change of job, they must seek prior approval from the USCIS even the work visa still has not yet expired. Such applications may be favourably considered if the applicants continue to fulfill the eligibility criteria under the relevant visa application scheme.

If you need any assistance or wish to obtain more information, please browse our official website at www.kaizenvis.com or contact us through the following means:

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