

Davies & Associates Sees First US E2 Visa Approval as US Embassies Reopen

The E2 Treaty Investor Visa is not included in President Trump's immigration suspension and National Interest Exceptions are being granted to permit travel.

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Prospective E-2 applicants should take advantage of the current travel restrictions to prepare a strong E-2 application”

Verdie Atienza, Head of E2 Visa Practice, Davies & Associates

are finally starting to get back to work after a Covid-enforced hiatus. Davies & Associates yesterday received its first approval since the pandemic caused a shut-down of all but essential operations at US embassies in March. But with US airspace still closed to travellers from many countries, a National Interest Exception is required for foreign nationals wishing to travel from a restricted country.

The successful, Switzerland-based client has established a pharmaceutical consultancy in New Jersey under the E-2

Treaty Investor Visa category. The E-2 Visa is one of few visa categories not suspended as part of President Trump's so-called “immigration ban” to protect US workers from the effects of the pandemic.

While the Proclamation prohibiting entry of foreign nationals coming from the European Schengen area is still in effect, the Embassy has granted a National Interest Exception to allow the client to enter to the United States based on their strong E-2 application.

A National Interest Waiver will most likely be required for any new E-2 visa holder to be able to enter the US. That is if they come from a county that is on the Center for Disease Control and Prevention blacklist. This also applies to anyone holding an existing E-2 visa, but currently located outside of the United States and seeking to return. It is advisable for people in this position to contact their immigration attorney to discuss their specific circumstances.

The E-2 Visa allows a person to move to the United States for the purposes of starting or acquiring a business. The applicant must be investing enough money to support the demands of the business, and they are able to bring their family with them to America. Spouses are able to apply for work authorization outside of the E-2 business.

Only select countries are eligible for the E-2 visa. For those clients from ineligible countries, Davies & Associates offers a simple package of obtaining citizenship of an E-2 Treaty Country. The quickest and most cost-effective of these packages is via Grenada in the West Indies or Turkey.

In other recent developments, the US authorities have removed the requirement for E-2 visa applicants to have a physical office space in the United States. Until now, E-2 businesses were required to prove this as part of their application. All other requirements remain, including the need for the applicant to own at least 50% of the business and that they "develop and direct" it themselves.

Despite the Covid-19 crisis, Davies & Associates has seen an increase in E-2 visa applications. Lockdown may have prompted people to review their options and provided more time to prepare the necessary application. An E-2 application requires a strong and credible business case, which can take time to prepare.

Verdie Atienza, Head of E-2 Visa Practice at Davies and Associates said, "Preparing a strong E-2 application requires time and careful planning. To be able to position your company for the expected economic recovery due to the pandemic, prospective E-2 applicants should take advantage of the current travel restrictions to prepare a strong E-2 application. Having an E-2 application in queue will get you in the best position to come to the US to develop and direct your company at the soonest possible time."

Davies & Associates is a US-based immigration focused law firm with corporate capabilities. The firm specializes in helping its clients set up new businesses around the world and then procuring the necessary visas to move with their family to run those businesses.

Duncan Hill

Davies & Associates

+44 7957 396658

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