

PREPARING FOR YOUR E-1 OR E-2 VISA INTERVIEW

The process for obtaining a first-time E-1 or E-2 visa always involves an interview at a United States Embassy or Consulate (“consular post”). The principal visa applicant and accompanying dependents (with the exception of small children in some instances) must attend this interview. While it is possible for family members to be interviewed on separate dates, we strongly recommend that all family members be interviewed together. In most cases, the interview process is very straightforward and will take only a few minutes. However, it is critical that the visa applicant be adequately prepared for the interview. We are providing this memo to assist you to prepare for your appointment.¹

The primary purpose of this interview is to verify the identity of the visa applicants and to confirm that the principal applicant is qualified to perform the job duties in the United States as described in the application. For companies that are being reviewed for E-1 or E-2 visa eligibility for the first time (company registration), the consular post will also want to verify the details of company ownership, establishment, and operations, as well as the underlying trade between the United States and the home (treaty) country (in the case of E-1 visas), or the underlying investment from the home (treaty) country (in the case of E-2 visas).

Once you have read this memo, please contact our office to arrange a phone conference with the attorney handling your application. Your attorney will further describe the process, answer any questions that you may have, and advise you on any particular issues with your application.

THE APPOINTMENT NOTICE

Once the consular post has completed initial review of the E-1 or E-2 visa application material that describes the U.S. business and your role in the United States, we will receive and forward to you the appointment notice for your visa interview. The notice will typically indicate the date, time and place of your interview, and a list the documents that you are required to bring to the interview. Note that some of the documents listed on the notice may have already been submitted, or may not be applicable to your case.

If you need to reschedule your appointment, please let our office know as soon as possible so that we may coordinate the scheduling.

REQUIRED DOCUMENTATION

As noted above, the appointment notice lays out the documentation that you are required to bring to the interview. In most cases, all you need to bring are:

- **Appointment Confirmation Notice.**

¹ This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability, accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios and the frequent changes to immigration policy and procedures. Please also note that this memo does not cover procedures for any other visa classifications.

- **Valid Passports.** If you hold more than one nationality, you should bring all passports in your possession.
- **Any expired passports and previous U.S. visa-related documents** in your possession.
- **Any print material (glossy brochures) describing your company**, if any.
- **Passport-sized Photographs.** This is in addition to the digital photo you may have provided previously. Please see the end of the memo for photo specifications.

Individuals who will be accompanied by family members will need to present the following items, if they have not been submitted previously:

- **For Spouses:** Marriage certificate accompanied by a certified English translation, if applicable. We can arrange for translations if necessary.
- **For Children:** Birth certificates that include the name of both parents, accompanied by a certified English translation, if applicable. We can arrange for translations if necessary.

ARRIVING AT THE CONSULAR OFFICE

Due to heightened security procedures, you should arrive at the consular office at least 30 minutes prior to the scheduled appointment and take only those items that are necessary for the interview. You will not be permitted to bring in cameras, cell phones with cameras, or other electronic items (some consular posts will allow you to check in such items, but many do not). Upon arrival, you will normally be asked by security guards to show your appointment notice and identification at the entrance. You will then be instructed to go through a metal detector and to put your personal items, including handbags, purses, brief cases, coats and jackets through an x-ray machine. You may also be instructed to take your shoes and belt off and put these items through the x-ray machine.

SUBMITTING YOUR APPOINTMENT NOTICE

After gaining entry, you will undergo an initial document check for preliminary screening. Some consular offices may require you to undergo additional security checks (x-ray machines and metal detector). You may be asked to take a number, and wait for your turn to be fingerprinted and interviewed. Wait times can be long (an hour or more).

THE INTERVIEW

When your turn has arrived, you will be directed to the window where the interview will take place. The examining officer will typically begin by asking to see your passports.

The officer will ask questions designed to confirm that the company meets all requirements for E-1 Treaty Trader or an E-2 Treaty Investor status, and that you are qualified to perform your proposed role in the

United States. We strongly recommend that you review the “Eligibility Memo” that outlines the company’s E-1 or E-2 qualifications, and the “Letter of Support” that describes your background and proposed job duties in the United States.

We generally recommend that you provide short answers and not volunteer any information that is not being specifically requested. These are questions that are often asked at E-1 or E-2 visa interviews:

- What does the parent/related company (if any) do?
- What do you do for the parent/related company (if any)? How long you have been working there?
- What does the U.S. company do?
- How will the U.S. company generate income?
- How many employees? What plans do you have for future hires?
- How much cash has been invested in the company? Who provided the funds, and how was the money spent?
- What is the monthly rent for the office space?
- What will your position in the United States be? What will your duties be?
- When do you plan to move?
- How long do you intend to stay? *We recommend that you say “1 or 2 years.” Although E visas may be renewed indefinitely, it is important to be clear that your stay in E visa status would be temporary.*
- Why have you travelled to the United States in the past?
- If you have had previous U.S. visas, what they were for?

Important Note: It is best to avoid mentioning future, additional investments from U.S. or foreign sources that could affect the company’s ownership structure. Receiving additional funding from your home (treaty) country sources is fine.

The above list is by no means exhaustive. Consular officers are creative in coming up with new questions to determine whether the U.S. company is real and substantial and to confirm the identity of the visa applicants. The questions will also often be based on specific information contained in the application. For that reason it is important that your answers to the officer’s questions are consistent with what is contained in the “Eligibility Memo” and the “Letter of Support.”

CONCLUSION OF THE INTERVIEW

At the conclusion of the interview, the officer will inform you whether the application has been approved, denied, or if further material is required. If your application is approved, the officer will give you a rough estimate of when you can expect your passport to be returned. For certain nationalities, there may be an additional “Reciprocity Fee” to be paid at the cashier. The officer will let you know if this applies to you.

If further material is required, you should ask the officer to describe that in writing. If the application is denied, you should ask the officer to describe the basis of the denial in writing. Please contact us immediately if this happens, and we will contact the consular office to resolve any issues.

E VISA ISSUANCE AND TERMS OF STAY

If the application is approved, your passport will be returned to you in a few days. Although it depends on the location, most consular posts will return the passport in 3 to 10 days via courier. Once you have received your visa'ed passport, you may use your E visa to enter the United States.

E-1 and E-2 visa holders must be aware of the terms of their visa, and the I-94 Arrival/Departure record that will be created upon U.S. entry:

- The visa is the document that allows an individual to apply for entry into the United States, and is typically valid for 2 to 5 years. The length of the validity is decided at the Embassy's discretion, and start-up businesses are often issued less than the maximum period. Additionally, the length of visa validity may be shorter depending on your nationality. The visa may be renewed indefinitely by making an application with the consular post.
- The I-94 is the electronic record that is created for an individual upon arrival in the United States. It indicates how long he or she may remain in the United States. Individuals in E-1 or E-2 visa status are generally granted 2 years of stay from the date of arrival. If necessary, extension requests may be filed with the USCIS by mail.

ARRIVAL IN THE U.S.

You will be requested to present your passport and visa to the Immigration Inspector at the U.S. Port of Entry. **Important Note:** Before moving away from the counter, please review the time period for which you are authorized to remain in the United States. The Immigration Inspector will typically note this in your passport.

After your arrival in the United States, please forward copies of the following documents to our office:

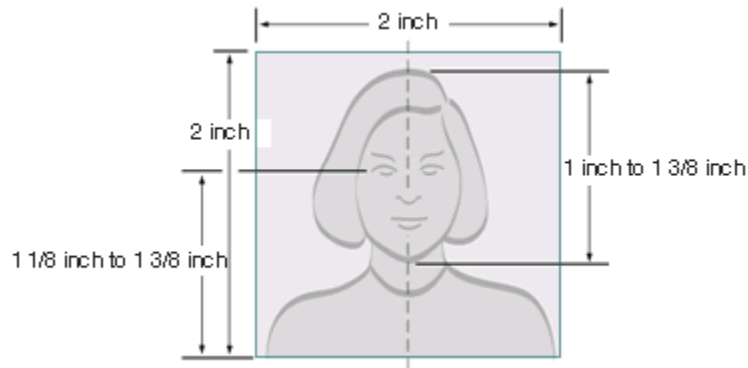
- **E-1 or E-2 Visa.**
- **I-94 Admission Record.** This record may be obtained online at: <https://i94.cbp.dhs.gov/i94>.

ADDRESS CHANGE

A change of a foreign national's address must be reported to the USCIS within ten (10) days of such change. Currently, report of a change of address is made on USCIS Form AR-11, which may also be done online at <https://uscis.gov/ar-11>. Failure to report a change of address may result in very serious consequences under U.S. immigration law. Please also notify our office immediately of any change of address.

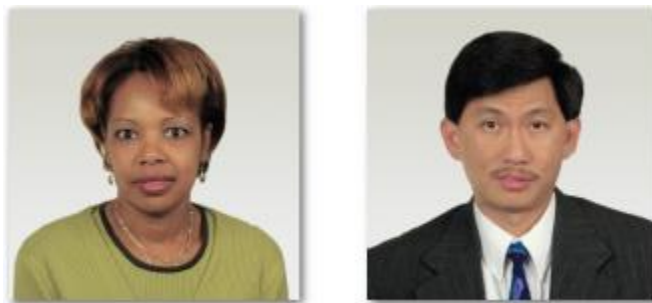
We hope this memo assists you in preparing for your E visa interview. Please do not hesitate to contact our office if you have any questions.

PHOTOGRAPH SPECIFICATIONS



- Taken within the last six months.
- 2 inches by 2 inches square, with the head centered in the frame. The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm).
- In color, or black and white against a white or off white background. Photographs taken in front of busy, patterned or dark backgrounds are not acceptable.
- Unmounted, full face, with the face covering about 50% of the area of the photograph. In general, the head of the applicant, including both face and hair, should be shown from the crown of the head to the tip of the chin on top and bottom, and from hair-line side-to-side. It is preferable that the ears be exposed.
- Head-coverings are acceptable only when the applicant's face is completely exposed.

WELL-COMPOSED PHOTO COMPOSITION EXAMPLES



Please refer to this link for further information on photo requirements: <https://travel.state.gov/content/visas/en/general/photos.html>.