

Unique Strategy Leads to Efficiently Securing Multiple E-2 Approvals



Immigration Blog

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As attorneys, we often face unique challenges and obstacles in our desire to help our clients obtain their desired results. Often, identifying the best strategy for a case is just the first step in the process. The execution requires detailed strategizing and deployment. Sometimes, it also involves some creative pivoting to make something happen.

I recently had one of these scenarios where a creative approach resulted in processing multiple E-2 visas all during one interview at the consulate.

Background: A few months ago, we were contacted by a successful Canadian retailer that is in the process of establishing U.S. retail operations. However, to open these retail locations in a timely manner and launch operations consistent with their brand image, they needed approximately a dozen experienced Canadian employees to enter the U.S. These individuals were all needed in Q1 of 2024 to open multiple new retail locations. They would also need to enter subsequently to help with training, integration, branding, and quality assurance.

They will also be needed for further growth in the U.S.

Case Strategy: After reviewing the available options, the E-2 Treaty Investor Visa seemed the most appropriate for the company's short term and long-term plans, while being the most cost efficient. *(E-2 Visas can be approved for up to a five (5) year period for Canadians and have a total lower overall cost than other options. Since this was a newly established U.S. entity, if the company pursued an L-1 Intracompany Transferee for these individuals, it would be classified as a New Office- limiting the approval period to one (1) year initially. The L-1 also has higher government filing fees.)* In comparing the E-2 to the L-1, if approved, the E-2 would be for longer and would be cheaper to obtain. *(We are always trying to be mindful of client resources and wanting to ensure they have the best value.)* **Importantly, we also strategized to complete E-2 visa processes for everyone through one appointment. This would be the fastest way for approval for everyone and allow everyone to go to the consulate together on the same day.**

The Challenge: Timing and Logistics. It was mid-November, the company was still negotiating lease space for the new retail operations, and we needed these visas in place by Feb 2024. How would we get the company registered through the E Treaty Visa Unit in Toronto, Canada and all dozen employees in this timeframe? In addition, the Consulate had strict size and page limitations on the application packet to be emailed to them. While scheduling a family or 2-3 people for one appointment was feasible, over a dozen seemed to be a strong ask.

The Solution: After completing extensive research and corresponding with the U.S. Consulate in Toronto, we submitted the packet to the Consulate seeking the company's registration under Toronto's E Visa Program and visas for all dozen or so employees. We confirmed the company's satisfaction of the E visa requirements – that a substantial investment had been made and was at risk, that the company's business plans projected hiring multiple employees per retail location, and the need for multiple individuals to launch these U.S. operations. We also discussed everyone's background, Canadian job duties, and the reason the company needed them to enter the U.S., as well as provided the necessary supporting paperwork.

In mid-December, we were able to submit a comprehensive packet to the Consulate. Approx. 10 days later, we received notification that they could schedule their visa appointments – and the Consulate did not request any additional information or documentation prior to scheduling. **We successfully scheduled a single appointment for all the applicants for late January.**

The Outcome: On the day of the interview, the Consular Officer interviewed the two (2) executive employees in detail and spoke to each of the other applicants briefly. They were all approved – and we received the company's E Visa registration later in the day – valid for a five (5) year period. The company is now set up to launch its operations in the U.S. with the help of their experienced Canadian employees. These individuals can enter as needed to help support the launch of the U.S. retail locations in the coming months.

Key Takeaway: While the above isn't the norm and won't work for every case, it is a reminder that cases and client facts are highly subjective. As attorneys, we can help our clients position themselves to achieve their goals by continually developing and implementing creative strategies.

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