

E2 Visa Holders and Children

E2 Treaty Investor Visa

- E2 Treaty Investor Visa allows immigrants from over 70 countries to come to the United States and invest in an existing business or create a new business
- Currently, there is no direct pathway to citizenship for E2 visa holders or their children
- The immigrants must invest a substantial amount of money (typically at least \$100,000 - \$200,000 or more, but there is no established minimum as every business is different)
- The visa is typically renewed every 2 to 5 years, and must show an economic benefit and employment of US citizens to be renewed
- This is the only indefinitely renewable visa that asks for a substantial investment and job creation without leading to permanent residency (Visa unchanged since 1952)
- There are a variety of E2 service, merchandising, manufacturing, technical, and innovative start-up businesses. Examples: restaurants, hotels, experience centers, specialized car repairs, flying schools, app development start-ups, or even dairy farms.
- The immigrant is required to be directly involved in the managing and growth of the business and must also hire American citizen employees
- There is estimated to be over 100,000 E2 businesses in the United States, hiring over one million employees, and creating a revenue of over \$100 billion yearly
- **Solution: HR 2124 (E2 Visa Improvement Act)**
 - Creates a pathway to permanent residency for E2 immigrants after at least 10 years in the United States and creating at least two jobs. It would also allow children who came with their parents at a young age to remain in the United States until age 26
 - 15 year pathway to citizenship for up to 10,000 E2 immigrants every year

Children of E2 and Other Long-term Visa Holders

- Many children brought to the United States legally at a young age have to leave the country when they turn 21. These children “age-out” of their parent’s visas because current law only allows them to remain as dependents on their parent’s visa until 21.
- They are unable to get citizenship even after being in the country for many years because their parents had no pathway to citizenship (E2 visa) or they were stuck in a long backlog for a green card (H/L visas)
- While these children can move onto a temporary student visa for school, after completing their education, they must leave the country they grew up in and go to a country they may not remember, unless they are lucky enough to be sponsored
- These children meet all requirements of DACA and the Dream Act, except the *requirement* to be unlawfully present (which they would meet if parents overstay)
 - There are 50,000 “legal status” dreamers who met the criteria for DACA, but could not qualify because they were legally present and not undocumented.
 - Ironically, some children who used to be on an E2 or other visas qualified for DACA and received a work permit because their parents had overstayed
 - Unlike DACA recipients, E2 children and other “legal status” dreamers do not have work authorization.
- **Potential Solutions:** Include these children with potential DACA or Dream Act solutions
 - During the 115th Congress, four Republican sponsored bills included some of these “legal” dreamers: HR 1468, HR 6136, S. 1937, S.2199
 - An Amendment was proposed to include 200,000 “legal status” dreamers in HR 6 (Dream and Promise Act). It was defeated at the Rules Committee by a vote of 3-8.
 - Another solution is to create a parallel Dream Act bill which applies only to children who grew up in the United States in a legal status

References:

- **HR 2124 Text:**
 - <https://www.congress.gov/bill/116th-congress/house-bill/2124/text?r=36&s=1>
- **Fox News Story and Numbers Estimates:**
 - <https://www.youtube.com/watch?v=C2ugp1JyG54>
- **E2 Visa Numbers Estimates:**
 - <https://e2visareform.org/e2-treaty-investor-visa%3F>
- **CATO Institute: "Dream Act Inexplicably Excludes Legal Immigrant Dreamers"**
 - <https://www.cato.org/blog/dream-act-inexplicably-excludes-legal-immigrant-dreamers>
- **Link to HR 6 Rules Committee Amendment Votes:**
 - <https://rules.house.gov/bill/116/hr-6>
- **HR 6 Amendment Text for Inclusion of "legal status" Dreamers:**
 - https://amendments-rules.house.gov/amendments/PETEMN_041_xml63191531113111.pdf
- **Migration Policy "Legal Dreamers" Number Estimate:**
 - <https://www.migrationpolicy.org/news/narrower-path-house-most-dreamers>
- **CATO Institute: "Huge Fiscal Benefits of Including Legal Immigrant Dreamers in the Dream Act"**
 - <https://www.cato.org/blog/huge-fiscal-benefits-including-legal-immigrant-dreamers-dream-act>

PDF with hyperlinks available at ImproveTheDream.com