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U.S. Immigration Options for Startups & Tech Companies Expanding to the United States

Practical Immigration Overview for Founders, Executives, and Advisors:

When startups and technology companies expand into the United States, immigration planning is often one of the earliest and most strategic legal decisions. Immigration impacts who can be physically present in the U.S., how quickly operations can begin, how leadership is structured, and how the company scales over time.

Below is a detailed overview of the primary U.S. immigration options commonly used by startups and tech companies, including what each visa is generally used for, key requirements, and strategic considerations.

E-2 Treaty Investor Visa

Generally used for: Founder-led U.S. expansion and early operational setup.

The E-2 visa is commonly used when founders or owners are actively investing in and directing a U.S. business. It allows hands-on involvement in daily operations and is often one of the fastest options for founders to be physically present in the U.S.

Key considerations:

- Requires qualifying treaty nationality

- Investment must be substantial and at risk
- Founder must direct and develop the business
- Renewable as long as the business remains active and viable
 - Must have two full time legal employees working at E-2 company other than family members.

L-1A Intracompany Transferee (Executive or Manager)

Generally used for: Scaling companies transferring senior leadership to the U.S.

The L-1A visa allows a company to transfer an executive or senior manager from a foreign entity to a related U.S. entity. This option is common for companies opening a U.S. subsidiary or expanding operations internationally.

Key considerations:

- Requires a qualifying corporate relationship
- Employee must have worked abroad for the company
- Role must be executive or managerial
- Initial new office approvals are limited in duration

Strategic use: Well suited for growth-stage companies and often aligns with long-term permanent residence planning.

L-1B Intracompany Transferee (Specialized Knowledge)

Generally used for: Transferring key technical or proprietary knowledge employees.

The L-1B visa is used for employees with specialized knowledge and skill of the company's products, systems, or processes. It can be useful for transferring early engineers or product specialists.

Key considerations:

- Requires qualifying corporate relationship
- High scrutiny of what qualifies as specialized knowledge
- Time-limited with no automatic green card pathway

Strategic use: Used selectively for critical personnel.

O-1A Visa (Extraordinary Ability)

Generally used for: Highly accomplished founders or key talent in a particular field of endeavor.

The O-1A visa is available to individuals who can demonstrate their extraordinary ability in business, technology, science, or entrepreneurship through sustained national or international recognition.

Key considerations:

- No nationality or investment requirement
- Focuses on individual achievements
- Requires ongoing work in the field of expertise

Strategic use: Common for standout founders or senior innovators when ownership or investment structures do not fit other visas.

H-1B Specialty Occupation

Generally used for: Professional employees in specialized roles.

The H-1B visa allows U.S. companies to employ foreign professionals in specialty occupations requiring at least a bachelor's degree in a specific field.

Key considerations:

- Subject to annual lottery and numerical caps
- Employer-specific and role-specific
- Timing constraints can affect hiring plans

Strategic use: Sometimes startup companies can use this to bring over key staff as well as owners of their company. \$100K filing fee they may be subject to.

B-1 Business Visitor (Limited Use)

Generally used for: Short-term business activities.

The B-1 visa allows limited business activities such as meetings, negotiations, or exploratory market visits, but does not permit paid work.

Key considerations:

- No hands-on operational work allowed for pay
- Strictly limited scope

Strategic use: Suitable only for early market exploration, not for running operations.

E-1 Treaty Trader Visa

Generally used for: Companies engaged in substantial international trade.

The E-1 visa may be used when a company conducts significant trade between the U.S. and the applicant's country of citizenship. E-1 treaty country with US required.

Strategic use: Less common for startups, but relevant for trade-heavy business models.

Permanent Residence (Green Card) Planning

Companies often plan early for permanent residence options for their staff so they can keep their employees here long term.

Strategic use: Early planning allows flexibility and supports leadership continuity.

Contact Information

For questions or to discuss U.S. immigration options for startups, founders, and key personnel, please contact:

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