

## Visa Options for Latin American Investors and Companies

Article By:

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The pandemic continues to impact Latin America's economies, given global supply chain disruption and reduced trade and tourism. This uncertain economic state in some countries has increased social unrest, including political changes and overall governance issues.

Against this backdrop, some Latin American investors and companies increasingly are turning to the United States, attracted to its geographical proximity, access to a large consumer base, historically stable economy, and legal system. At GT, we have seen an uptick in the number of inquiries from Latin American investors looking into establishing businesses as a vehicle for migration.

The E-2 and L-1 visas tend to be the most popular options, but understanding which option works best for the particular investor or company's set of circumstances is a fundamental step in immigration planning. Both visas provide a source of work authorization; however, it is important to note their different eligibility criteria and requirements.

The E-2 visa primarily allows investors and employees of a qualifying business to develop and direct their investment in the United States. It is designed for individuals or companies [from countries that have a treaty of commerce and navigation](#) with the United States – including Chile, Colombia, Mexico, and Argentina, among others in Latin America.

On the other hand, the main purpose of the L-1 visa is to allow multinational companies to transfer employees from their foreign offices to a United States office. The L-1 visa is not dependent on a treaty of commerce and navigation, and as such, is available to companies from all countries. The L-1 process facilitates intracompany transfers for managers, executives, and employees with specialized knowledge.

Here is an at-a-glance comparison between the main elements of the E-2 and L-1 visas:

	Who Qualifies	Process	Duration	Path to Green Card
<b>E-2</b>	Country Eligibility: The company established in the United States must	Visa is processed directly at the consulate.	Visa may be granted for an initial period of up to five years, and an	Does not provide a direct path to permanent residency (green

have the nationality of a treaty country. This means the company must have majority ownership from nationals of a treaty country. Investor or employee must be a national of the same treaty country.

Investment:  
Individual or company must have a substantial investment in a U.S. company. No minimum investment amount required, but the sum needs to be proportionate to the nature of the business and the overall cost of its establishment.

Appropriate Roles:  
Applicable to principal investors or company employees who hold executive/managerial, or essential skills roles.

indefinite number of card). However, subsequent some E-2 visa extensions in two-year increments are from other available until the immigration options duration of the visa to permanent stamp, so long as residency. the U.S. company continues to qualify for treaty status.

L-1

<p>Qualifying Relationship: Foreign company must have a qualifying relationship (parent, subsidiary, affiliate, etc.) with a U.S. company. Country Eligibility: Not dependent on the treaty of commerce and navigation with the United States. Available to</p>	<p>Petition is first filed with United States Citizen and Immigration Services. Upon approval, the beneficiary can process the visa at a consulate abroad. Exception: When the company holds a Blanket L. In such cases, the Blanket L is filed directly with the</p>	<p>Status is initially approved for three years. Managers/Executives (L-1A) may obtain two subsequent two-year extensions for a total stay of seven years. "Specialized Knowledge" (L-1B) employees may obtain one two-year extension for a total stay of five years.</p>
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companies from all U.S. consulate countries. Provides abroad.

an immigration avenue to nationals of Latin American countries that are not part of an E-2 treaty. Appropriate

Roles: Employees being transferred must hold a managerial, executive, or specialized knowledge position. Employees being transferred must have worked for the foreign company for one year within the last three years prior to the submission of the petition, in a managerial, executive, or specialized knowledge capacity.

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