

# Immigration Business Plan for L-1s and E-2 Investor Visas

## L-1 and E-2 Treaty Investors Visas Background

L-1 Visas are a useful and effective vehicle for multinational companies to establish or expand their presence in the U.S., and to bring qualified personnel.

For example, the owner or manager of a manufacturing company abroad who wishes to expand to the U.S. could be sponsored for this visa. A staff member who possesses specialized knowledge of the company's products, services, operations, or proprietary techniques might also be eligible for this visa.

The L-1 is currently the preferred visa used by global companies to transfer executives, managers, and employees with specialized knowledge to the U.S.

The E-2 visa is an attractive way for small business owners and entrepreneurs from certain countries that have a treaty of commerce with the U.S. to come to expand or start a business in the U.S. They are also a good tool for multinational corporations to transfer certain executives, managers, and employees with essential skills to the U.S., who, for example, might not qualify for an L-1 visa or H-1B visa.

To qualify for the E-2, the applicant must be a national of a treaty country and be investing a substantial amount of capital in a U.S. business that creates U.S. jobs.

Both of these visas have their Pros and Cons. However, they are both commonly used by businesses to bring qualified workers to the U.S. They both require the filing of a comprehensive business plan.

## The Business Plan Requirements

The business plan plays a very important role. It is one of the key documents immigration officers rely on to determine whether the company's investment meets the immigration requirements. It is critical that applicants learn about the business plan requirements and allocate time and resources to develop a complete and credible plan. In a recent decision, the immigration court noted that "the company's four-page business plan was wholly inadequate and failed to meet the company's burden".

The plan must support the long-term survival of the company and its ability to create employment opportunities for U.S. workers. It should include a five year business and financial growth projection. It should provide a clear picture of the current and future investment.

**\*This material is not intended to substitute as legal advice.**

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## Purpose of this document

We created this document to assist you in the preparation of your business plan. The summary below includes an outline of the elements that the immigration courts have noted should be included in a sound U.S. immigration business plan.

The summary includes suggested sections and content for those sections. It also includes helpful tips and information to help you prepare this important document. You should also consider hiring a professional immigration business plan writer to assist you. The immigration team at Marks Gray can provide additional support and guidance, upon request.

## What should I include in my business plan?

An Immigration Business Plan is different from a traditional business plan. It should provide sufficient information from key areas of your business to assist an immigration officer in making a favorable decision in your case. In drafting your plan consider providing answers to these questions:

- What will my business bring to the U.S.?
- How will my business add value to the country?

These points can be demonstrated by showing:

- The Number of Jobs Created
- Strength and Value your Services or Products will bring to Customers
- Sustainability of the Business and others

## Outline of Sections and Content for your Immigration Business Plan:

### Executive Summary

This section of the business plan should be concise, well written and organized and provide a one page overview of the background and main features of your business.

Key Pieces of information to include are: nature and description of the business, products or services offered, background of entities involved, date(s) of incorporation, location of operation(s) and why they were chosen, company objectives, competitive advantage, marketing strategy and sustainability plans.

### Business Background and Structure

Vital business information to include: organizational charts for the entities involved including the applicant's positions in the U.S. and abroad. Plan to include key employees immediately above and below the beneficiary's division, department or team including name, job title, general duties and educational level.

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## Source of Funds and Investment

Plan to include: the initial and future investment amounts, description of the original source of funds (earnings, loans, sale of property or business, gifts, inheritance), how funds are moved to the U.S., how funds are being invested (such as list of start-up expenses), and evidence of investment in physical premises to run the U.S. operations. Start-up expenses could include: rental deposit, technology, permits, licenses, furniture, equipment and others.

## Product/Service Description

You should include: list of product(s)/services provided, photos of sample products with descriptions and marketing materials for products/services.

## Market analysis and Marketing Plan

This should include your target market and plans to reach that market. Include the names of 2-5 competitors and their relative strength and weakness and your competitive edge. Describe contracts or agreements already in place and/or prospective clients. Include samples of marketing/advertising materials for U.S. Company and website.

## Financial Plan and Projections

These should include: detailed five year financial charts and projections and economic impact of business to U.S.

## Staffing Plan

The plan should set forth the business' organizational structure and its personnel. It should include a five year staffing chart for the U.S. Company with planned position titles and general duties, pay rate, education and experience required and hiring timetable.

## Key Documents to Gather

You should gather the following documents to assist you:

- Commercial Lease or Deed Agreement for the Premises
- Financial Statements and Taxes for the Last Three Years
- Organizational Charts
- Purchase or Franchise Agreement if You're Buying a business
- Articles of Incorporation or Organization
- Business licenses and registrations required for you to conduct business
- Résumé of the applicant and key employees
- List of capital investment including expenses already incurred or to be incurred
- Contracts with third parties for products/services

## For the L-1A Business Plan

Include evidence of:

- Viability of the U.S. business and abroad for five years.
- Clear description of qualifying relationship of the entities involved (supplemented by organizational charts).
- Role of the transferee abroad and in the U.S. (note the specific immigration duties for a manager, executive and person with specialized knowledge).

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### **New Office L-1 should additionally provide information outlining:**

- Need for the new office in the U.S.
- How the U.S. office will support the executive or managerial position in one year.
- Plan to hire one or more employees within one year of operations.
- Description of physical premises including square footage, type of building and why it was chosen (include color photos of the premises - inside and out).
- Financial ability of the foreign entity to support the U.S. operations.

### **For the E-2 Business Plan**

Include evidence of:

- Substantial Investment and that the business will realize financial gains to support workers beyond the foreigner and family.
- Strong market analysis to show how the business will succeed.
- Business background of foreigner which compliments his U.S. role.
- Description of physical premises including square footage and why location was chosen.
- Additional evidence and presentation as required by the applicable Consulate.

### **New and small business E-2 should additionally provide information outlining:**

- Plan to hire one or more employees within one year of operations.
- Applicant's possession, control and irrevocable commitment of investment funds.
- The lawful source of funds. This can be a time consuming process but must be done carefully or it can result in the denial of the petition. Documentation can be particularly difficult in countries with no tax returns or with perceived corruption problems.

For more information about your Immigration Business Plan or to learn how the Marks Gray Immigration team led by **Giselle Carson** may assist you today, please email [ImmigrationGroup@marksgray.com](mailto:ImmigrationGroup@marksgray.com).

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