FOUNDER AND INVESTOR IMMIGRATION

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PLAYBOOK

E-2 TREATY INVESTOR PLAYBOOK:

The Complete Strategy Guide for GCC & Turkish Entrepreneurs

Prepared by IS Law Firm · 2026

The Problem Nobody Warned Them About

Here is the situation we encounter often: a founder from Turkey, Jordan, or the wider Gulf region has heard, from more than one source, that “the E-2 visa” is available to them. One advisor confirms it. A second advisor is not sure. A third assumes it applies because the founder is “from the region.” By the time the founder sits down for a proper feasibility session, they have often already spent weeks or months building a plan around a treaty relationship that may or may not exist for their specific passport.

This is not an edge case. E-2 eligibility is one of the most commonly misunderstood thresholds in U.S. investor immigration, precisely because it is nationality-specific rather than region-specific. Two founders from neighboring countries, or even from the same country holding different passports, can face two entirely different answers. Getting this assessed first; in writing, before capital moves; is one of the most valuable early steps in an E-2 strategy.

The Question They Haven't Asked Yet

You have capital. You may already have a business plan. But has a qualified immigration attorney confirmed, specifically, that your nationality carries E-2 eligibility, and calculated the substantiality range your particular business type requires? Most founders assume the answer is yes because someone told them so in conversation. Has anyone put it in writing?

MOST PROFESSIONALS DON'T REALIZE THIS UNTIL IT'S TOO LATE

MOST PEOPLE DON'T REALIZE THIS UNTIL IT'S TOO LATE
E-2 eligibility is not a regional characteristic. It is a nationality-specific legal status tied to a bilateral treaty. Turkey, Jordan, and Israel currently qualify. The UAE, Saudi Arabia, Kuwait, Qatar, and Brazil currently do not. Building a business plan, signing a lease, or committing capital before this is assessed and documented in writing is, in our experience, one of the most common and most avoidable E-2 planning errors we see.

Why This Matters Right Now

The three points below explain why timing is often decisive for treaty-country founders this year. Even if your situation feels straightforward today, currency conditions, consular processing capacity, and program deadlines are shifting; and delays narrow options in ways that cannot always be corrected retroactively.

Three Reasons Timing Matters

1 |

Currency Pressure Is Accelerating Dollar-Denominated Planning; Turkish lira volatility, along with broader regional hedging considerations, has measurably increased inquiries from Turkish and Gulf-adjacent founders about dollar-denominated U.S. business ownership. Consular appointment availability in Istanbul and Amman fluctuates with demand; earlier preparation generally means an earlier appointment window, though appointment timelines are set by the government and can change without notice.

2 |

The EB-5 Grandfathering Deadline Is a Real Date, Not a Sales Tactic;
For UAE, Saudi, and Brazilian investors who are not E-2 eligible and are instead considering EB-5, current investment thresholds of $800,000 (Targeted Employment Area) or $1,050,000 (standard) are scheduled for their first inflation-based adjustment on January 1, 2027, under the EB-5 Reform and Integrity Act. Petitions properly filed before the adjustment are generally evaluated under the thresholds in effect at filing. Investors weighing EB-5 timing in 2026 should treat this as a genuine planning date.

3 |

Wrong-Pathway Corrections Cost Months, Not Days; A founder who spends three months building an E-2-oriented business plan, only to learn their nationality does not qualify, loses that preparation time entirely; the L-1A or EB-5 alternative requires a different entity structure, a different documentation strategy, and, in some cases, a different capital plan. A nationality and pathway confirmation at the outset takes a single session. Discovering the mismatch later can take months to correct.

WHY TIMING MATTERS

For treaty-eligible founders in 2026: the combination of accelerated dollar-hedging interest from Turkey and the region, generally favorable consular processing relative to USCIS domestic timelines, and the approaching EB-5 threshold adjustment for non-treaty investors creates a genuine planning window worth acting on. Government processing times, appointment availability, and program thresholds are set and changed by the applicable agencies, not by this firm, and can shift without notice.

#1 Core Problem

Treaty Eligibility Is Assumed, Not Confirmed

What It Is

E-2 eligibility depends entirely on the investor holding the nationality of a country with which the United States maintains a qualifying treaty. It is not enough to reside in a treaty country, to hold a residency visa there, or to conduct business there. The passport controls.

Founders sometimes learn this only after building substantial plans on an incorrect assumption, illustrated by the pattern of a Gulf-based founder who spent weeks structuring a U.S. entity around E-2 before a proper nationality review clarified that the E-2 route was not available to their specific citizenship.

The Risk

The risk is time and, in some cases, money spent on entity structuring and business planning built around a pathway that was never available. It is also the psychological cost of discovering a foundational assumption was wrong after the plan is well underway, at exactly the moment the founder wanted to be moving forward, not starting over.

COMMON MISTAKE



Assuming that being “from the Gulf” or “from the MENA region” answers the E-2 eligibility question. It does not. The answer is passport-specific, and it should be confirmed in writing before any business plan, lease, or capital commitment is built around it.

A LAWYER WOULD ASK YOU

Has a qualified immigration attorney confirmed, in writing, that your specific nationality currently carries E-2 treaty eligibility; and, if not, has an alternative pathway been identified before you built your business plan around E-2?

#2

Core Problem

The Substantiality Number Is Guessed, Not Calculated

What It Is

There is no fixed statutory minimum investment for E-2. The law requires the investment to be “substantial” relative to the total cost of establishing the specific type of business being pursued; a standard calculated case by case, not read off a chart.

Founders frequently arrive with a number in mind; often $100,000, because it is the figure most widely repeated online; without having tested whether that number is proportional to their specific business type.

The Risk

Undercapitalizing relative to the total cost of the enterprise is one of the more common reasons E-2 petitions face additional scrutiny. A technology consulting business with low overhead may comfortably satisfy the standard at $100,000 to $150,000. A hospitality, retail, or light manufacturing business, with materially higher startup and operating costs, may require $250,000 to $500,000 or more to meet the same proportionality test. Applying the wrong figure to the wrong business type creates avoidable exposure.

COMMON MISTAKE



Treating the widely cited “$100,000 rule of thumb” as a universal minimum. It is neither a legal minimum nor a universal benchmark. It is a figure that happens to satisfy the proportionality standard for certain lower-overhead businesses, and it may fall well short for others.

A LAWYER WOULD ASK YOU

Has your investment amount been calculated against the total realistic cost of establishing or purchasing your specific type of business, or is it based on a number you saw cited generally online?

#3

Core Problem

Source-of-Funds Documentation Is Built for a Different Capital Profile

What It Is

Capital originating from a free zone holding company, a family business distribution, or a multi-jurisdictional Gulf or Turkish portfolio is not a simple personal bank statement; it is a structure that must be traced, entity by entity, to its ultimate lawful origin.

General-practice firms accustomed to domestic or simpler foreign-national profiles are not always prepared to build that documentation chain correctly the first time.

The Risk

Capital tied to Gulf portfolio distributions, family transfers, or holding-company structures generally requires a documented trail showing lawful possession and control of the funds, connecting the ultimate source to the account used for the U.S. investment. Filing without that documentation architecture is one of the more frequent sources of Requests for Evidence for founders from this region, adding months to an otherwise strong case.

A LAWYER WOULD ASK YOU

A LAWYER WOULD ASK YOU
Has your source-of-funds package been built specifically to trace capital through your free zone entity, family business, or holding-company structure; with certified translations of any non-English source documents; or is it a general-purpose source-of-funds letter?

I.S. Law Firm's Framework for E-2 Treaty Investors

PILLAR 1: Nationality & Pathway Confirmation, In Writing, Before You Build

Before anything else is discussed, we assess your treaty eligibility, calculate a proposed substantiality range for your specific business type, and provide that assessment in writing. If your nationality does not currently support E-2, we discuss an appropriate alternative; L-1A, EB-5, or another route; in the same session, with the goal of not losing time to a pathway that was not available to you.

PILLAR 2: Investment & Entity Structuring Calibrated to Your Business Type

The ownership percentage, operating agreement, and capitalization structure are designed with the "develop and direct" and substantiality requirements in mind, alongside your commercial objectives, so the entity that supports your visa strategy is, as much as possible, the same entity that runs your business; not two competing documents.

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PILLAR 3:
Source-of-Funds Architecture Built for Your Capital's Actual Origin

Whether your capital originates from a UAE or Turkish free zone distribution, a family business, or a multi-jurisdictional portfolio, we work to build the documentation chain as thoroughly as possible from the outset, in the language and evidentiary format the reviewing consulate or USCIS service center generally expects.

PILLAR 4:
The Green Card Roadmap, Mapped From the First Filing

For founders whose long-term goal includes permanent residency, the EB-1C or EB-5 transition plan is designed into the corporate structure from day one; not discovered as a gap in year three.

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Frequently Asked Questions

I am a UAE or Saudi national. Can I ever qualify for E-2?

Not on the strength of a UAE or Saudi passport alone, because neither country currently maintains the qualifying treaty. If you hold a second, qualifying nationality through birth, descent, or lawful naturalization, an E-2 filing on that basis may be possible and is evaluated case by case. Otherwise, L-1A New Office and EB-5 are the primary alternative pathways we assess in the first session.

What is the actual minimum E-2 investment amount?

There is no codified minimum. The investment must be substantial relative to the total cost of the specific type of business. We work with you to calculate a proposed investment range during the feasibility session, based on your business model, before you commit capital.

Can I buy an existing U.S. business instead of starting one?

Yes. Purchasing an operating U.S. business is a well-established and often efficient E-2 route, provided the acquisition price and structure satisfy the substantiality and at-risk requirements and you will genuinely develop and direct the business going forward. The acquisition agreement and financing structure require careful coordination with your visa strategy.

Can my spouse work in the U.S. under my E-2 status?

Yes. E-2 dependent spouses generally receive employment authorization incident to their status, reflected through an annotated Form I-94 (E-2S), without a separate Employment Authorization Document being legally required, though many spouses still obtain the physical EAD card because some employers are more familiar with that form of proof. Dependent children under 21 may accompany the family but are not authorized to work.

How long can I stay on E-2, and does it lead to a Green Card?

E-2 status is generally granted in increments and can be renewed indefinitely so long as the underlying investment and business remain active; there is no fixed overall time limit. It does not, on its own, confer permanent residency. Reaching a Green Card requires a separate basis, most commonly EB-1C, EB-5, or another employment-based category, which we map from the first filing for clients with that long-term goal.

The Decision Worth Making First

In our experience, founders who go on to build a lasting E-2 presence typically take one step early: they have their nationality, substantiality range, and pathway assessed and documented in writing, before a single dollar moves or a lease is signed. The feasibility session that starts that process takes approximately 30 minutes. You leave with a written eligibility assessment, a proposed investment range specific to your business, and, where applicable, a preliminary Green Card roadmap to discuss further as your case develops.

As with any legal matter, this assessment does not guarantee that any petition will ultimately be approved. Deploy capital thoughtfully. Pursue residency deliberately. Build toward your legacy. But have the treaty question assessed first.

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Ready to Expand to the U.S.? Let's Talk.

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