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Entrepreneur Visa Guide

Below is a menu of potential visa pathways for foreign entrepreneurs. The [nonimmigrant visa](#) pathways may allow foreign entrepreneurs to explore or start a new business in the United States. The [immigrant visa](#) pathways may allow foreign entrepreneurs who have already started or are about to start a new business in the United States to immigrate permanently to the United States. If you are new to the immigration process, we recommend that you read through our [Getting Started](#) tool first. For a complete list of nonimmigrant and immigrant visa pathways, please visit www.uscis.gov

Choose a visa category to learn if you might qualify.

Nonimmigrant Visas

B-1 Business Visitor

You may be eligible for a B-1 visa if you are coming to the United States as a business visitor in order to secure funding or office space, negotiate a contract, or attend certain business meetings in connection with opening a new business in this country.

Initial period of stay in the United States: Generally up to 6 months. Extensions possible.

F-1/OPT Optional Practical Training

You may be eligible for Optional Practical Training (OPT) if you are an F-1 student in the United States and you seek to start a business that is directly related to your major area of study. Students in English language training programs, however, are ineligible for OPT.

Maximum possible work authorization: An F-1 student may be authorized for up to 12 months of OPT, and becomes eligible for another 12 months of OPT when he or she seeks another post-secondary degree at a higher degree level. An F-1 student with a qualifying Science, Technology, Engineering or Mathematics (STEM) degree may apply for a 17-month extension of their post-completion OPT.

H-1B Specialty Occupation

You may be eligible for an H-1B visa if you are planning to work for the business you start in the United States in an occupation that normally requires a bachelor's degree or higher in a related field of study (e.g., engineers, scientists or mathematicians), and you have at least a bachelor's degree or equivalent in a field related to the position.

Initial period of stay in the United States: Up to 3 years. Extensions possible in up to 3 year increments. Maximum period of stay generally 6 years (extensions beyond 6 years may be possible).

O-1A Extraordinary Ability and Achievement

You may be eligible for an O-1A visa if you have extraordinary ability in the sciences, arts, education, business or athletics, which can be demonstrated by sustained acclaim and recognition, and you will be coming to the United States to start a business in your field. Extraordinary ability means you have a level of expertise indicating you are one of the small percentage of people who have risen to the

very top of your field.

Initial period of stay in the United States: Up to 3 years. May extend or renew the period of stay in 1 year increments as necessary to complete or further the event or activity.

E-2 Treaty Investor

You may be eligible for an E-2 visa if you invest a substantial amount of money in a new or existing U.S. business. You must be from a country that has a treaty of commerce and navigation with the United States or a country designated by Congress as eligible for participation in the E-2 nonimmigrant visa program. For a list of treaty countries, visit the Department of State [website](#).

Initial period of stay in the United States: Up to 2 years. May extend or renew the period of stay in 2 year increments.

L-1 Intracompany Transferee

You may be eligible for an L-1 visa for "intracompany transferees" if you are an executive, manager, or a worker with specialized knowledge who has worked abroad for a qualifying organization (including an affiliate, parent, subsidiary or branch of your foreign employer) for at least one year within the 3 years preceding the filing of your L-1 petition (or in some cases your admission to the United States). The organization must seek to transfer you to the United States to work in one of the capacities listed above.

Initial period of stay in the United States: Up to 3 years (1 year for new office petitions). Extensions possible in up to 2 year increments. Maximum period of stay: 7 years for managers and executives; 5 years for specialized knowledge workers.

Immigrant Visas

EB-1 Extraordinary Ability

You may be eligible for the EB-1 extraordinary ability immigrant classification if you have extraordinary ability in the sciences, arts, education, business, or athletics as demonstrated by sustained national or international acclaim and recognized achievements in the field of expertise. In addition, you must show that you will continue working in your area of extraordinary ability. Extraordinary ability means that your level of expertise indicates that you are one of the small percentage of individuals who have risen to the very top of your field. You may self-petition as an extraordinary ability individual since a job offer is not required for this classification.

EB-2 Classification and National Interest Waiver

The EB-2 classification is divided into two sub-categories: professionals with advanced degrees and individuals with exceptional ability in the sciences, arts or business. Although a job offer from an employer and a labor certification from the Department of Labor are generally required for the EB-2 classification, you may be eligible to self-petition if you are asking for a waiver of the labor certification requirement based on the national interest.

EB-2 Advanced Degree Professional

You may be eligible for this category if: (1) you are a professional holding a U.S. master's degree or higher or foreign equivalent degree that relates to the field you will be working in; or (2) you have a U.S. Bachelor's degree or foreign equivalent degree and at least 5 years of progressively responsible experience in your field after receiving your Bachelor's degree.

EB-2 Exceptional Ability

You may be eligible for this category if you have exceptional ability in the sciences, arts, or business. Exceptional ability means that you have a degree of expertise significantly above that ordinarily encountered in the sciences, arts or business.

Note: There are a variety of options that may be available to you as an entrepreneur to come to the United States to start or expand a business. To plan accordingly for your particular circumstances, you should consider your immigration options as early as possible when conceptualizing your

business plans and goals. To identify the visa pathways that are most appropriate for your circumstances and plans, it may be helpful to consult with an immigration attorney.



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