

9 FAM 41.51 N14.1 Employer Qualifications

(CT:VISA-1328; 09-30-2009)

In order to qualify to bring an employee into the United States under INA 101(a)(15)(E), the prospective employer in the United States must be maintaining status under INA 101(a)(15)(E). In order to qualify to bring an employee into the United States under INA 101(a)(15)(E), several criteria must be met. The:

- (1) Prospective employer must meet the nationality requirement, i.e., if an individual, the nationality of the treaty country or, if a corporation or other business organization, at least 50 percent of the ownership must have the nationality of the treaty country. NOTE: A permanent resident alien does not qualify to bring in employees under INA 101(a)(15)(E). Moreover, shares of a corporation or other business organization owned by permanent resident aliens cannot be considered in determining majority ownership by nationals of the treaty country to qualify the company for bringing in alien employees under INA 101(a)(15)(E);
- (2) Employer and the employee must have the same nationality; and,
- (3) Employer, if not resident abroad, must be maintaining "E" status in the United States.