The United States has long been a destination for top talent from all over the world. Our ability to attract entrepreneurs has spurred path-breaking innovation, leading to the creation of jobs, new industries, and new opportunities for all Americans.

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| Pathway | Start-up Entity | Activity in United States | Duration of Validity |

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| IER  International Entrepreneur Rule | The start-up business must be organized and lawfully conduct business in the United States and be formed within the five years immediately preceding your initial application. It must also have substantial potential for rapid growth and job creation.  You must have substantial ownership, which USCIS considers to be at least 10% for initial parole and at least 5% for re-parole. | You must have a central and active role in the operations. | Up to 30 months of initial parole with an ability to apply for one additional period (re-parole) of up to 30 months. |

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| B-1 Temporary Business Visitor | A B-1 visitor visa may be appropriate if the entity has not already been established. | A B-1 visitor may come to the United States in order to secure funding or office space, negotiate a contract, or attend certain business meetings in connection with opening a new business.  However, a B-1 visitor is prohibited from working for or operating an already established U.S. entity. Similarly, a B-1 visitor may not begin operating or working for a new business in the United States. | Up to six months (minimum of one month) for initial stay; up to six months for extension of stay; maximum total amount of time permitted in B-1 status on any one trip is one year. |

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| E-2  Investors from Treaty Countries | You must invest a substantial amount of capital and have at least 50% ownership or possession of operational control.  The investment enterprise may not be marginal. A marginal enterprise is one that does not have the present or future capacity to generate more than enough income to provide a minimal living for you or your family within five years. | You must develop and direct the investment enterprise. | Up to two-year initial approval plus two-year extensions, with no maximum duration of status and no annual numerical limit. |

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| F-1 OPT   Optional Practical Training (OPT) | A student in F-1 student status may start a business.  However, in order to qualify for a STEM OPT extension, the start-up entity must be an employer in good standing with E-Verify, sign a training plan (F-1 students may not provide employer attestations), and have the resources to comply with the proposed training plan. | You must perform work directly related to your major area of study. | Up to 12 months for OPT (post-completion OPT will be reduced by any pre-completion OPT received) plus 24-month STEM OPT extension (36 months total). |

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| H-1B  Specialty occupation | You may have an ownership interest in the petitioning entity. However, generally the entity must file the petition as your employer. | Your position must require the theoretical and practical application of a body of highly specialized knowledge; and the attainment of a bachelor's or higher degree (or its equivalent) in the specific specialty as a minimum for entry into the occupation in the United States. | Three-year initial approval plus extensions for up to three additional years. Extensions beyond the six-year limit may be available for individuals who are in the process of obtaining lawful permanent resident status.  Due to an annual statutory cap, there is typically a random selection process to determine which petitions are eligible to be filed for an initial H-1B period (unless exempt from the cap). H-1B extension petitions are not subject to the cap. |

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| L-1A Intracompany transferee  (New Office) | The U.S. entity must have a qualifying relationship with your foreign employer.  A new office must secure sufficient physical premises at the time of filing and be doing business in the United States within one year. | You must be in a managerial or executive position, in which you primarily perform duties of an executive or managerial nature.  A new office must support your managerial or executive position within one year. | One-year initial approval for a new office plus two-year extensions up to a total of seven years. |

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| O-1  Extraordinary ability | A U.S. employer or U.S. agent must file the petition. While you may not self-petition, a separate legal entity owned by you may be eligible to file a petition on your behalf. | You must work in your area of extraordinary ability. | Up to three-year initial approval plus one-year extensions, with no maximum duration of status and no annual numerical limit. |

This online resource provides an overview of some of the temporary and permanent pathways for noncitizen entrepreneurs to work in the United States. This guide also highlights some of the most important immigration-related considerations for entrepreneurs contemplating starting or managing a business in the United States.

More information is available on uscis.gov for temporary and permanent pathways as well as for the International Entrepreneur Rule and Optional Practical Training (OPT) for F-1 students. In addition, the Working in the United States section of uscis.gov provides a general guide to employment in the United States. You may wish to consult with an attorney to determine the best option for you.

Key Questions to Consider When Choosing an Entrepreneur Pathway

Am I required to make an investment or have an ownership interest in the start-up?

Some pathways, such as the International Entrepreneur Rule, require you to have a certain amount of ownership in the start-up entity. Other pathways, such as E-2 Treaty Investor or EB-5 Immigrant Investor, require you invest. For some pathways, you may be an owner or investor, but it is not required.

Am I required to have a certain role or position in the start-up entity?

Some pathways require that you have a certain role or position in the start-up entity. The International Entrepreneur Rule requires you to have a central and active role in operations. E-2 requires you to have the capacity to develop and direct the enterprise. L-1A Intracompany Transferee Executive or Manager requires you to be in a managerial or executive position. H-1B Specialty Occupation requires you to work in a specialty occupation related to your degree. Other pathways, such as the O-1A nonimmigrant classification or the EB-1A first-preference immigrant visa classification, are for individuals with extraordinary ability and require you to continue to work in your field of expertise. Additional pathways are discussed in detail below.

What are the requirements for the start-up entity?

Some pathways have requirements for the start-up entity. For example, the International Entrepreneur Rule requires the entity to lawfully conduct business in the United States and to have been formed within the five years immediately preceding the initial application. It must also have substantial potential for rapid growth and job creation. The L-1 nonimmigrant visa classification requires the new office to have a qualifying relationship (parent, subsidiary, or affiliate) with a foreign business that employed you abroad for at least one year. Additional requirements are discussed in detail below.

Do I have the education, experience, or skills needed to qualify?

Some pathways, such as the O-1A nonimmigrant visa classification and the EB-1A immigrant visa classification, are for those with “extraordinary ability.” These require that a person have sustained national or international acclaim in their field of expertise. Others, such as the H-1B, require at least a U.S. bachelor’s degree in a specific specialty or its equivalent related to the position.

Will I be working in the United States on a permanent basis as a lawful permanent resident, or will I be working on a temporary basis as a parolee or nonimmigrant?

Some opportunities provide a basis for individuals to obtain lawful permanent resident status in the United States. Permanent resident status allows you to live and work in the United States permanently, and typically provides you with a path to U.S. citizenship. These opportunities are known as “immigrant” pathways.

Other pathways, such as parole or nonimmigrant status, allow you to temporarily live and work in the United States. Although some of these nonimmigrant pathways cannot be extended indefinitely, they can provide more time to demonstrate eligibility for a permanent resident pathway.

## Summary of Pathways for Entrepreneur Employment in the United States

Nonimmigrant or Parole (Temporary) Pathways

For more details, see our Nonimmigrant or Parole (Temporary) Pathways for Entrepreneur Employment in the United States page.

IER

The start-up business must be organized and lawfully conduct business in the United States and be formed within the five years immediately preceding your initial application. It must also have substantial potential for rapid growth and job creation.

B-1

Temporary Business Visitor

E-2

You must invest a substantial amount of capital and have at least 50% ownership or possession of operational control.

You must develop and direct the investment enterprise.

Up to two-year initial approval plus two-year extensions, with no maximum duration of status and no annual numerical limit.

F-1 OPT

H-1B

Three-year initial approval plus extensions for up to three additional years. Extensions beyond the six-year limit may be available for individuals who are in the process of obtaining lawful permanent resident status.

L-1A

Intracompany transferee

The U.S. entity must have a qualifying relationship with your foreign employer.

You must be in a managerial or executive position, in which you primarily perform duties of an executive or managerial nature.

O-1

Immigrant (Permanent) Pathways

Lawful permanent residents may work in the United States without restriction. Before you obtain lawful permanent resident status, you may be able to apply for employment authorization if you file an application to adjust your status to lawful permanent resident.

For more details, see our Immigrant Pathways for Entrepreneur Employment in the United States page.

EB-1A

Employment-Based First Preference – Extraordinary Ability

To qualify, you must show sustained national or international acclaim and achievements that have been recognized in your field. You must intend to continue to work in this field and show that you will substantially benefit the United States in the future.

EB-2 with National Interest Waiver (NIW)

Employment-Based Second Preference – Exceptional ability or advanced degree professional with national interest waiver of the job offer and the labor certification

A national interest waiver may be granted if you establish that:

* your proposed endeavor has both substantial merit and national importance
* you are well positioned to advance the proposed endeavor; and
* on balance, it would be beneficial to the United States to waive the job offer and thus the permanent labor certification requirements.

You are also required to establish exceptional ability (a level of expertise significantly above that ordinarily encountered) or that you are an advanced degree professional (the job requires, and you possess, a degree above a bachelor’s, or a bachelor’s followed by at least five years of progressive experience).

EB-5

You must invest a certain amount of lawfully obtained capital in a new commercial enterprise that will create at least 10 jobs for qualifying employees.

That amount is $1.05 million generally, or $800,000 if investing in a Targeted Employment Area or an infrastructure project. These amounts automatically adjust on Jan. 1, 2027.