

The Impact of the Lack of E-1 and E-2 Visa Eligibility on Business and Investment Relations between Uzbekistan and the United States

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Abstract: This article explores the challenges Uzbek entrepreneurs face in obtaining U.S. business visas due to the absence of E-1 and E-2 treaty status. It examines alternative visa options such as L-1, EB-5, and O-1 while highlighting their limitations. The article also discusses the potential benefits of Uzbekistan gaining treaty status and suggests diplomatic and economic strategies to achieve this goal. Strengthening visa opportunities would enhance trade relations and foster economic growth between the two countries.

Keywords: U.S. visa options, business immigration, L-1 visa, EB-5 visa, trade relations, investment, entrepreneurship.

Introduction

Uzbekistan and the United States have been fostering a growing economic relationship, particularly in energy, agriculture, and technology. Over the past decade, Uzbekistan has undertaken significant economic reforms to liberalize markets, enhance infrastructure, and attract foreign investment. These reforms have increased interest from U.S. businesses, drawn to Uzbekistan's vast natural resources, strategic location, and improving business climate. Diplomatic relations have also strengthened through high-level visits, trade delegations, and agreements aimed at boosting economic cooperation.

Despite these positive developments, Uzbekistan remains excluded from the E-1 Treaty Trader and E-2 Treaty Investor visa programs, which provide foreign entrepreneurs and investors from treaty countries the opportunity to work and operate businesses in the U.S. This exclusion presents a considerable challenge for Uzbek business professionals seeking to expand their operations to the U.S. and limits the full potential of bilateral trade and investment relations between the two nations.

Overview of the E-1 and E-2 Visa Programs

The E-1 and E-2 visa programs are designed to facilitate business and investment between the U.S. and countries that have established trade and investment treaties. These visas provide essential opportunities for entrepreneurs and investors to enter, reside in, and operate businesses in the U.S., enhancing international business cooperation and economic growth.

E-1 Treaty Trader Visa

The E-1 visa allows individuals from treaty countries to enter the U.S. to engage in substantial trade activities. This trade must be ongoing and primarily between the U.S. and the applicant's home country. Eligible trade includes goods, services, and technology. This visa is particularly

beneficial for business professionals involved in import-export operations, logistics, and international services.

E-2 Treaty Investor Visa

The E-2 visa enables individuals from treaty countries to invest a substantial amount of capital in a U.S.-based business. It allows entrepreneurs to live and work in the U.S. while developing and directing their enterprises. This visa is especially valuable for individuals who seek to establish a startup, expand an existing business, or invest in sectors such as technology, manufacturing, and real estate.

Both visa programs are integral in fostering international commerce and strengthening economic ties between the U.S. and participating countries. However, Uzbekistan's absence from the list of eligible nations limits its entrepreneurs and investors from accessing these opportunities, creating significant economic barriers.

Impact of Uzbekistan's Exclusion from the E-1 and E-2 Visa Programs

Barriers to Business Expansion

Without access to these visa categories, Uzbek entrepreneurs face significant challenges in establishing a presence in the U.S. The lack of direct access forces businesses to rely on alternative and often more complex visa categories, such as the EB-5 Investor Visa, which requires significantly higher investment thresholds. As a result, many Uzbek business owners find it difficult to enter the U.S. market and compete effectively.

Consequences for Entrepreneurs and Investors

1. Challenges in Accessing U.S. Markets

For many Uzbek entrepreneurs, entering the U.S. market represents an opportunity to expand their businesses, access advanced technologies, and integrate into a competitive global economy. The absence of the E-1 visa restricts their ability to engage in substantial trade, making it harder to establish long-term business relationships and supply chain partnerships.

Many U.S. businesses depend on international partnerships to source products and services. Uzbek entrepreneurs without a structured trade framework face obstacles in forming collaborations with American firms. This limitation reduces revenue opportunities and prevents Uzbek companies from participating in high-demand sectors.

2. Limited Long-Term Business Relationships

Business success often depends on sustained relationships, face-to-face interactions, and long-term collaborations. Without E-1 and E-2 visa access, Uzbek business owners struggle to maintain a consistent presence in the U.S. market, weakening their ability to build trust and credibility with American partners. For example, an Uzbek manufacturing company seeking U.S. distribution partnerships may be unable to attend regular meetings, making it difficult to negotiate long-term contracts.

3. Restricted Investment Opportunities

The U.S. is one of the world's largest investment hubs, particularly in sectors such as technology, venture capital, and private equity. Without access to the E-2 visa, Uzbek investors find it challenging to participate in U.S.-based business ventures. This limits their ability to diversify investment portfolios and take advantage of lucrative business opportunities.

Furthermore, U.S. investors looking to invest in Uzbekistan may also hesitate due to the lack of reciprocal business opportunities. The absence of an investment-friendly visa category discourages cross-border investments and slows the inflow of capital that is crucial for Uzbekistan's economic diversification and growth.

Broader Economic Implications

Trade and Investment Limitations

Exclusion from the E-1 and E-2 visa programs hinders Uzbekistan's efforts to modernize its economy and deepen trade relations with the U.S. Without these visa categories, Uzbek businesses must rely on third-party intermediaries to access U.S. markets, increasing transaction costs and reducing business efficiency.

Deterrence of Foreign Investment

Foreign investors often seek stability, transparency, and ease of business entry when choosing investment destinations. The lack of E-2 visa access discourages U.S. investors from committing to long-term projects in Uzbekistan, especially in high-growth sectors such as technology, infrastructure, and renewable energy. This exclusion creates a perception of limited access to international markets, making Uzbekistan less attractive for global investors.

Policy Recommendations

1. **Negotiating a Bilateral Trade and Investment Treaty:** Uzbekistan should work toward establishing a formal trade and investment treaty with the U.S. to qualify for E-1 and E-2 visa eligibility.
2. **Enhancing Business and Legal Reforms:** Strengthening legal frameworks to align with international investment standards could improve Uzbekistan's standing in future trade negotiations.
3. **Advocating for Uzbek Entrepreneurial Inclusion:** Business associations and diplomatic efforts should highlight the benefits of Uzbek inclusion in these visa programs, emphasizing mutual economic gains for both nations.

Alternative U.S. Visa Options for Uzbek Nationals

For Uzbek entrepreneurs and investors seeking to establish or expand businesses in the U.S., the lack of access to E-1 and E-2 visas presents a significant challenge. While these visa categories offer considerable advantages for facilitating trade and investment, alternative U.S. visa options, such as the L-1, EB-5, and other work-based visas, may provide viable pathways. This section explores these alternatives, evaluating their accessibility, benefits, and challenges for Uzbek nationals.

1. L-1 Visa (Intra-Company Transfer)

The L-1 visa is designed for employees of international companies who are being transferred to a U.S. subsidiary, affiliate, or branch. This visa option is particularly beneficial for entrepreneurs seeking to expand their existing businesses or create subsidiaries in the U.S.

How It Works:

The L-1 visa is granted to executives, managers, or employees with specialized knowledge who are transferring from a foreign branch or office to a U.S. counterpart. To qualify, the company must have been in operation for at least one year and must have a qualifying relationship between the foreign and U.S. entities.

Advantages:

- **Flexibility for Expansion:** The L-1 visa is an excellent option for entrepreneurs seeking to expand their businesses into the U.S. or establish a subsidiary or branch. It allows for the transfer of key employees (including the entrepreneur themselves) to the U.S. to manage the operations.
- **Path to Permanent Residency:** L-1 visa holders who meet certain criteria may eventually apply for a Green Card through the EB-1C process, which is available to multinational managers or executives.

- **No Minimum Investment Requirement:** Unlike the EB-5 visa, the L-1 does not require a significant financial investment, making it more accessible for entrepreneurs with limited capital.

Accessibility and Challenges:

- **Eligibility Requirements:** The main challenge of the L-1 visa for Uzbek entrepreneurs is that it requires an existing business with a qualifying relationship to a U.S. entity. New businesses in Uzbekistan without an established U.S. presence will face difficulty accessing this visa category.
- **High Documentation Burden:** The application process can be paperwork-intensive, with requirements to prove the business's international operations and the managerial or executive nature of the role for the individual being transferred.

2. EB-5 Visa (Immigrant Investor Program)

The EB-5 Visa allows foreign nationals, including Uzbek nationals, to obtain U.S. permanent residency by making a qualifying investment in a U.S. business that creates jobs for American workers.

How It Works:

To qualify for the EB-5 visa, an investor must invest \$1.8 million in a U.S. business or \$900,000 if the investment is made in a Targeted Employment Area (TEA)—an area with high unemployment or a rural area. The investment must create or preserve at least 10 full-time jobs for U.S. workers within two years of the investor obtaining a conditional Green Card.

Advantages:

- **Path to Permanent Residency:** The EB-5 visa provides a direct pathway to U.S. permanent residency (Green Card) for the investor and their immediate family members. This is an appealing option for those looking to immigrate and establish a long-term presence in the U.S.
- **Diverse Investment Options:** Investors can choose from various business sectors, such as real estate development, agriculture, and tech, offering flexibility in terms of industry and location.
- **High Job Creation Potential:** For U.S. companies, the EB-5 visa can help fund growth, especially in industries that require significant capital to create jobs.

Feasibility and Challenges:

- **High Investment Threshold:** The most significant barrier to the EB-5 visa for many Uzbek nationals is the high investment requirement. For many entrepreneurs and small investors, the \$900,000 or \$1.8 million threshold may be prohibitive.
- **Long Processing Times:** The EB-5 program has been associated with long wait times, sometimes taking years for an applicant to receive a Green Card. This extended timeline can create uncertainty for those eager to establish their businesses in the U.S. quickly.
- **Risk Involved in Investment:** The EB-5 visa requires the investor to place their funds in a U.S. business venture with the expectation of job creation. If the business does not succeed and fails to create jobs, the investor could lose both their money and the opportunity to obtain permanent residency.

3. Other Visa Options: H-1B, O-1, and More

Apart from the L-1 and EB-5 visas, several other visa categories may be suitable for Uzbek businesspeople, particularly for those seeking specialized skills or extraordinary talent.

H-1B Visa (Specialty Occupation Workers):

- **Advantages:** The H-1B visa allows professionals to work in the U.S. for a sponsoring employer in their specialized field. It can be a stepping stone for those looking to establish themselves in the U.S. and explore business opportunities.
- **Challenges:** The H-1B program is highly competitive, with an annual cap on the number of visas issued. Additionally, the visa is employer-sponsored, meaning the applicant must have a job offer in the U.S. to qualify.

O-1 Visa (Individuals with Extraordinary Ability):

- **Advantages:** The O-1 visa allows entrepreneurs to enter the U.S. to work in their field of expertise. It does not have an annual cap, and applicants can apply for visa extensions.
- **Challenges:** The O-1 visa requires a significant amount of documentation to prove extraordinary ability, and it is more suited to individuals with established reputations or notable accomplishments.

Business Cooperation and Trade Relations Between the U.S. and Uzbekistan

Uzbekistan, as one of Central Asia's largest and most strategically positioned economies, has been working to foster closer trade and business ties with the U.S. As Uzbekistan continues its economic reforms, including liberalizing its economy, the U.S. has become an increasingly important trading partner. However, despite the potential for stronger ties, certain barriers, including visa restrictions, regulatory challenges, and infrastructure limitations, continue to impact the full realization of this potential.

1. Overview of U.S.-Uzbekistan Trade Relations

Key Trade Figures and Industries:

- Energy Sector
- Agriculture
- Technology And Innovation
- Manufacturing

Foreign Direct Investment (FDI):

- The U.S. has been an important source of FDI in Uzbekistan, but challenges remain.
- Companies like Caterpillar, John Deere, and Honeywell have expanded into Uzbekistan.

2. Proposals for U.S. Policy

- **Diplomatic Approaches:** Uzbekistan should advocate for E-1 and E-2 visa access.
- **Bilateral Agreements:** Negotiating a treaty for visa eligibility could foster stronger trade.
- **New Visa Categories:** The U.S. could introduce tailored visas for Uzbek investors.

By addressing visa barriers and fostering stronger business cooperation, both the U.S. and Uzbekistan can benefit from increased economic opportunities and long-term investment growth.

Conclusion

Expanding U.S. visa opportunities for Uzbek entrepreneurs is crucial for strengthening economic ties and fostering bilateral trade between the two nations. While the current absence of E-1 and E-2 treaty status presents challenges, alternative visa options such as the L-1, EB-5, and O-1 visas provide viable pathways for business expansion. However, these alternatives often come with stringent requirements, making the inclusion of Uzbekistan in the E-1 and E-2 visa programs a strategic priority.

To achieve this, Uzbekistan should continue enhancing its trade relations with the U.S., pursuing diplomatic negotiations, and implementing economic policies that align with U.S. investment interests. A well-coordinated effort between government agencies, business associations, and legal experts could significantly improve Uzbekistan's position in future treaty considerations. By addressing these visa challenges, both nations can unlock new opportunities for business, innovation, and long-term economic growth.

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