

Ecuador's Termination of Bilateral Investment Treaty With the United States Impacts E-2 Visa Holders

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On May 18, 2018, the Department of State (DOS) announced the termination of [a bilateral investment treaty](#) (BIT) between the United States and Ecuador, a year after the government of Ecuador provided notice of the termination. The termination of the BIT affects the availability of E-2 treaty investor visas for Ecuadorian nationals. Pursuant to the BIT, Ecuadorian nationals with qualifying investments in place in the United States by May 18, 2018, will continue to be entitled to E-2 classification until May 18, 2028.

The E-2 visa allows an individual who is a national of a country with which the United States has an appropriate treaty of commerce and navigation to come to the United States for the purpose of developing and directing the operations of a U.S. business enterprise in which he or she has invested a "substantial" amount of capital. Each treaty includes its own guidelines for what happens in the event of termination. In this case, the provisions of the BIT continue to apply for an additional 10 years but only to investments made or acquired prior to the May 18,

2018, termination date. During the 10 year time frame, new applications and renewals will be accepted from applicants who come to the United States to engage in E-2 activity in furtherance of covered investments established or acquired prior to the termination date.

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