

Comparing Two Non-Immigrant Status Types: E-1 and O-1

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Often when clients approach us, they have an idea of what type of non-immigrant (temporary) status they are seeking. They've spoken to friends/colleagues who have shared their experiences, researched online or even met with other U.S. immigration attorneys. Having decided on their strategy, they ask us about fees, processing times and retaining our services.

However, during our first consultation with these individuals, we ask them to take a step back – it could be very well that their researched approach may be the right one for them – but we want to make sure that we've thoroughly explored their options before deciding and investing in a U.S. strategy – make sure that they have considered all the angles/options. We ask questions about their long-term plans for the U.S., their families and their accompanying needs, etc.

For example, an individual who wants to ensure that their spouse can obtain employment authorization in the U.S. will want to ideally pursue a non-immigrant status that allows for derivative spouses to receive an Employment Authorization Document (EAD) – such as E-1's, E-2's and L-1's. Other categories, such as TN's and O-1's, do not allow for spouses to receive an EAD.

Two categories that we often end up comparing are E-1 (treaty trader) and O-1 (a temporary non-immigrant status reserved for individuals of extraordinary ability in their field).

To help them decide which category best suited their goals and business model, we provided them with a comparison of the two categories:



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