

PRACTICE RESOURCES

Practice Alert: E-2 Visa Application Interviews at U.S. Embassy London

3/17/25 | AILA Doc. No. 25031710. | [Consular Processing](#)

This Practice Alert provides an update on E-2 interview changes at U.S. Embassy, London.¹

The U.S. Embassy London has historically been a predictable E-2 post with a specific format and process for E-2 corporate registrations and subsequent E-2 employee visa interviews.² Until recently, both E-2 corporate registration interviews and E-2 employee interviews typically lasted no longer than a few minutes for a cursory review of the application. However, since last year, members have been reporting that clients are experiencing much longer interviews (sometimes lasting up to 30 minutes) with more in-depth questioning. Most troublingly, there have been widespread reports from very experienced practitioners of unexpected refusals under INA 214(b).

In response to this trend, U.K. members of AILA's Department of State (DOS) Liaison Committee and AILA's Rome District – European, Middle East, and Africa Chapter (RDC-EMEA) Consular Liaison Committee arranged an unofficial meeting with consular leadership at the U.S. Embassy London. The consular representatives advised that they were not implementing any changes in applicable laws, regulations or policy guidance, but they provided important information about changes in the interview process that may impact applicants:

- E-2 (and E-1) visa interviews are conducted on a separate floor from other nonimmigrant visa classifications. They are interviewed together with Visa Control Unit applicants (individuals with potential criminal and inadmissibility issues) with very little privacy.
- There is not a dedicated E visa officer and instead interviews are conducted by a rotating pool of 14 consular officers. Two officers are assigned to review E visa applications each day.
- Interviews are extending up to 30 minutes for corporate registrations and applicants should be prepared to answer questions such as:
 - What is your U.K./U.S. revenue this year?
 - What was your U.K./U.S. revenue last year?
 - Can you explain your business plan?
 - Can you outline your start-up expenses?
 - What is the price and value of your start-up expenses?
- For individual applicants, these interviews are also more in depth and include questions such as:
 - Why is your company expanding/operating in the U.S.?
 - When did the company begin operating in the U.K. and the U.S.?
 - Why are they sending you/can your U.S. colleagues not cover your role?
 - Do you know if your U.S. company is profitable?
 - Will you be seeking a green card eventually?
 - Are you aware that an E-2 visa has no route to a green card?

Given these changes, applicants should be prepared for a much more in-depth interview with a higher level of scrutiny – particularly for applicants with limited business experience. Additionally, the lack of a dedicated pool of E visa officers may lead to inconsistent adjudications. Further, as the administration implements the “America First Policy Directive to the Secretary of State,”³ we also anticipate a return to the “Buy American Hire American” (“BAHA”) lens that directly challenges applicants to

prove why an American cannot perform their proposed U.S. job duties⁴. Individuals refused E-2 visas may also lose their eligibility to visit the U.S. on ESTA with such a refusal. Therefore, each applicant should be thoroughly prepared to endure a lengthy Q&A unlike what we have historically seen in London.

¹ Special thanks to AILA's Department of State Liaison Committee and AILA's Rome District Chapter EMEA Consular Liaison Committee members Amanda Brill, Christi Jackson, and Olivia McLaren for this Practice Alert.

² See <https://uk.usembassy.gov/visas/treaty-trader-or-treaty-investor/how-to-apply/>.

³ See Executive Order on America First Policy Directive to the Secretary of State, 1/29/25, available at AILA Doc. No. 25012109 (<https://www.aila.org/library/president-trump-signs-executive-order-america-first-policy-directive-to-the-secretary-of-state>). See also Talking to Your Clients: E-1 Treaty Traders and E-2 Treaty Investors 3/21/18, available at AILA Doc. No. 18032260 (<https://www.aila.org/library/e-1-treaty-trades-and-e-2-treaty-investors>).

⁴ Practitioners are reminded that BAHA holdover FAM provision re essential employees remains in the FAM **9 FAM 402.9-7(C)(c) (4) Essential Employees**" You may request whatever documentation is needed to address the specialized nature of the skillset sought including requesting statements from such sources as chambers of commerce, labor organizations, industry trade sources, or state employment services as to the unavailability of U.S. workers in the skill areas concerned."

Accessible to: Member, Student, Paralegal.