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TN-1, TN-2, E-1, E-2 NONIMMIGRANT STATUS AND EB-5 VISAS AVAILABLE TO FOREIGNERS WORKING OR INVESTING IN PUERTO RICO

Foreign nationals wishing to work or invest in Puerto Rico in TN-1 (Canadian), TN-2 (Mexico), E-1 (treaty trader) and E-2 (treaty investor) temporary nonimmigrant status (or acquire permanent residence based on an EB-5 investment) can do so based on a job/investment located in Puerto Rico.

The NAFTA specifically mentions Puerto Rico - and because PR is defined as being a part of the definition of the terms "United States" and "State" by the Immigration and Nationality Act AND is a part of the U.S. Custom Territory it would appear to qualify as a location for all other investment or trade visa categories.

The same does NOT apply to:

- the U.S. Virgin Islands and Guam even though they are included in the definition of the "United States" and "State" and their native-born inhabitants are U.S. citizens, because they are NOT mentioned by NAFTA (for TN status purposes) and because they are NOT part of the U.S. Customs Territory (for investment purposes). (Inhabitants are U.S. citizens).

-the Commonwealth of the Northern Marianas as it is NOT included in the definition of the "United States" or "State" and it is not a part of the U.S. Customs Territory. (Inhabitants are U.S. citizens).

-American Samoa and Swains Islands as they are defined as "outlying possessions" and not included in the definition of "United States" or "State" a part of the "United States" (Inhabitants are not citizens of the USA but they are merely "nationals").

- the 9 other islands over which the USA exercises sovereignty: Palmyra Atoll, Navassa Island, Johnston Atoll, Baker Island, Howland Island, Jarvis Island, Kingman Reef, Midway

Atoll, and Wake Atoll as they are uninhabited. (Not clear what the citizenship status would be as no one lives on them but it is likely that any native-born person, if any, would be a national but not a citizen of the USA. There have been few children born in Wake Islands who were citizens at birth because the parents were U.S. citizens).

-the Freely Associated States of the (1) Republic of the Marshall Islands, (2) Federated States of Micronesia and (3) Republic of Palau as they are sovereign states (independent countries) and their citizens are NOT citizens nor nationals of the United States.

source: <http://hpolatsek.com/topics-library/investors-temporary-and-permanent-status/investments-in-puerto-rico-e-2-and-eb-5/>