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E-3 Visa

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Overview

The E-3 visa allows for the admission of an alien who is a national of the Commonwealth of Australia and who is entering the U.S. to perform services in a ?specialty occupation.? The E-3 visa has many advantages over the other types of working visas, including the ability for spouses of E-3 recipients to apply for work authorization.

Who qualifies for the E-3 visa?

The E-3 visa classification currently applies only to nationals of Australia as well as their spouses and children. Please note, Permanent Residents of Australia do not qualify for the E-3 visa. Spouse and children need not be Australian citizens. However, the U.S. does not recognize De Facto relationships or same-sex Civil Partnerships for the purposes of immigration, and to qualify as a spouse you will need a marriage certificate from the Department of Births, Deaths and Marriages.

E-3 principal applicants must be going to the United States solely to work in a specialty occupation. The definition of ?specialty occupation? is one that requires: A theoretical and practical application of a body of specialized knowledge; and the attainment of a bachelor?s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States. Although there is no definitive list of occupations eligible for the E3 visa, a useful general guide for applicants to check if their occupation might be considered a graduate specialty profession and thus might be eligible for an E3 visa, is the Occupational Information Network website O*NET Online.

Application Process

You can apply for an E-3 visa at any U.S. Embassy or Consulate that processes non-immigrant petition-based visas. A list of U.S. Embassies and Consulates worldwide can be found at www.usembassy.state.gov ^[2]. However, because an E-3 Specialty Occupation Worker does not require a separate petition, E-3 status may be obtained either directly through the Department of State (by applying for an E-3 visa) or, in the case of an alien

already in the U.S., by applying to the Vermont Service Center for a change of status or extension of status on Form I-129. Supporting documents to be submitted with an E-3 application include

1) A job offer letter from the prospective United States-based employer. A treaty alien (i.e. the Australian applicant) in a specialty occupation must meet the general academic and occupational requirements for the position pursuant to Immigration and Nationality Act (INA) 214(i)(1) (please see www.uscis.gov [3]). In addition to the Electronic Visa Application Form (EVAF) DS-156, completed online (<http://evisaforms.state.gov/> [4]) and printed out, and, for male applicants aged between 16-45, Supplemental Application Form DS-157, the following documentary evidence must be submitted for an application for an E-3 visa:

2) An approved Labor Condition Application (LCA), which the U.S. employer obtains from the Department of Labor. You cannot book an interview appointment until you have received this form. A certified labor attestation must have been issued on behalf of the E-3 Specialty Occupation Worker (in the form specified by the Department of Labor.)

3) Evidence of academic or other qualifying credentials as required under Immigration and Nationality Act (INA) 214(i)(1) (see weblink above), and a job offer letter or other documentation from the employer establishing that upon entry into the United States the applicant will be engaged in qualifying work in a specialty occupation and that the alien will be paid the actual or prevailing wage referred to in INA 212(t)(1) (www.uscis.gov [5])

4) If your degree and higher-level qualifications are from an Australian institution, you do not usually need to provide certified copies or evidence of their U.S. equivalent, but please bring to your visa interview the original certificates, and if possible, transcripts for the course of study. If your qualification(s) are not from an Australian institution, a certified copy of the foreign degree and evidence that it is equivalent to the required U.S. degree could be used to satisfy the "qualifying credentials" requirement, but you may prefer to wait until your visa interview to confirm whether this is necessary. You should take your original certificates and transcripts to your visa interview, and if it is also necessary to produce certified copies of certificates and evidence of U.S. equivalence, you can send these to the Consulate after the interview, although your visa will not be approved until this is received. Likewise, a certified copy of a U.S. baccalaureate or higher degree, as required by the specialty occupation, would meet the minimum evidentiary standard.

5) In the absence of an academic or other qualifying credential(s), evidence of education and experience that is equivalent to the required U.S. degree.

6) Evidence establishing that the applicant's stay in the United States will be temporary.

7) A certified copy of any required license or other official permission to practice the occupation in the state of intended employment if so required or, where licensure is not necessary to commence immediately the intended specialty occupation employment upon admission, evidence that the alien will be obtaining the required license within a reasonable time after admission.

8) Evidence of payment of the Machine Readable Visa (MRV) Fee, also known as the application fee. This is payable at Australia Post, and applicants should bring the post office receipt to the interview as evidence of payment.

Admission

E-3 Specialty Occupation Workers may be admitted initially for a period not to exceed the validity period of the accompanying E-3 labor attestation (i.e., for a maximum of two years), and extensions of stay may be granted indefinitely in increments not to exceed the validity period of the accompanying E-3 labor attestation (i.e., for increments of up to two years each). As there is no limit on the total length of stay for an E-3 alien in the legislation, there is no specified number of extensions a qualifying E-3 Specialty Occupation Worker may be granted. Under the current regulations, an E-3 nonimmigrant shall maintain an intention to depart the United States upon the expiration of termination of E status. An application for initial admission, change of status or extension of stay in E-3 classification, however, may not be denied solely on the basis of an approved request for permanent labor certification or a filed or approved immigrant visa preference petition.

E-3 Specialty Occupation Workers may enter the United States up to 10 days prior to the commencement of their employment.

Notes On Change of Status

You may apply to change or extend your E-3 nonimmigrant visa status if you were lawfully admitted to the United States with a nonimmigrant visa, your nonimmigrant status remains valid, and you have not committed any crimes that would make you ineligible. You must apply for a change of status/extension of stay from the USCIS office at the Vermont Service Center before your authorized stay expires. This date is indicated in the lower right-hand corner of your Form I-94 (Arrival-Departure Record), which is stapled inside the passport on arrival.

An alien seeking to change status to E-3 must submit a certified copy of any license or other official permission to practice the specialty occupation in the jurisdiction of intended employment, if such licensure or other official permission is required in order to commence the duties of the specialty occupation. If licensure is unnecessary to start employment immediately in the intended specialty occupation, the alien must submit evidence that he or she otherwise meets the requirements for obtaining the license or taking the relevant jurisdiction's licensure examination, as well as evidence that he or she will, upon passage of the examination, be obtaining the required license within a reasonable period of time after being granted E-3 classification.

Note on Extension of Stay

For E-3 aliens applying to extend their stay in the U.S. in a specialty occupation that requires a license or other official permission to practice in the specialty occupation, the alien must submit, together with his or her extension application, a copy of the license or proof of other official permission to practice the occupation in the jurisdiction of intended employment.

Nonimmigrant Visas:

[E-3 Visa](#) ^[6]

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Links:

[1] <https://immigration.com/visa/e-3-visa>

[2] <http://www.usembassy.gov/>

[3] <http://www.uscis.gov/>

[4] <http://evisaforms.state.gov/>

[5] <http://www.uscis.gov>

[6] <https://immigration.com/visa/nonimmigrant-visas/e-visa/e-3-visa>