

## **E-3 Nonimmigrant Visa Australian Specialty Worker Nonimmigrant Visa**

### **Treaty Investment Visa**

The E-3 nonimmigrant visa classification allows for the admission of a temporary worker who is **national of Australia** and is entering the U.S. to perform services in a **“specialty occupation.”**

**Note:** *The E-3 nonimmigrant visa classification should not be confused with the separate and independent H-1B nonimmigrant category for “specialty occupation” worker or with the E-1, Treaty Trader, or E-2, Treaty Investor categories; however, the E-3 visa category contains elements of these three nonimmigrant visa classifications.*

There is an annual cap of **10,500** new E-3 workers. For purposes of the cap, “new E-3 workers” are those who, coming from abroad, are admitted initially in E-3 classification or those who change their nonimmigrant status to E-3 classification or change employers while in E-3 status.

### **Requirements and Eligibility**

To qualify for E-3 classification, an alien must (1) be an Australian national who is seeking employment with a U.S. employer (2) in a specialty occupation requiring possession of a bachelor’s degree or higher (or its equivalent), and (3) possess the appropriate degree (or its equivalent) in the field in which the alien wishes to work.

E-3 nonimmigrant status is initially granted for a period of no more than two years. Extensions of stay may be granted indefinitely in increments not to exceed two years.

If the worker is outside the U.S. an E-3 visa may be issued from any U.S. consulate without first applying for petition approval through the United States Citizenship & Immigration Services (USCIS) Those nonimmigrant aliens who are already legally in the United States may apply to change their status to that of an E-3 specialty worker and, upon expiration, may apply to extend their stay in E-3 classification.

### **Work Authorization for Spouse**

The spouses of E visa holders are allowed work authorization in the U.S. Spouses of E visa holders, based on the admission as an E-3 spouse **or** may file for a work authorization card with the USCIS Service Center and pay the applicable filing fees or they may now apply for a Social Security Card authorized for work as the spouse of an E visa holder.

### **Licensing**

Qualifications for positions in the United States vary by industry and by state. Check with your industry and states professional licensing bodies to determine eligibility requirements.

### **“Visa” for international travel or “Change of Status” in the United States**

To travel outside the US and return in the E-3 visa classification, you must apply for and be issued the E-3 visa, usually from the US Embassy or Consulate in your home country. If you are in the US in a different visa classification, you may have the option to file to “change status,” but this is not a visa to allow for travel.

## **E-3 Nonimmigrant Visa Document List**

### **E-3 Applicant**

- ❑ Australian Passport of E-3 Applicant and all dependents' passports valid for at least 6 months Note: Dependents are not required to be Australian citizens
- ❑ Evidence of nonimmigrant status if present in the U.S. (visa, I-94, approval notices)
- ❑ Résumé (with detailed description of job duties and dates of employment for previous employment)
- ❑ Diplomas, degrees, and certificates and educational equivalency to U.S. degree
- ❑ License if required

### **U.S. Company or Business Enterprise**

- ❑ A letter from the prospective U.S. employer describing the alien's occupation is a specialty occupation requiring a bachelor's degree, the alien's anticipated length of stay, and salary/remuneration arrangements
- ❑ Evidence that the prospective U.S. employer has filed with the Department of Labor a labor condition application (LCA) specifically designated for E-3 Specialty Occupations and confirming that the prevailing wage will be paid for the occupation
- ❑ Certificate of Incorporation and Articles of Incorporation or other evidence of business organization
- ❑ The IRS letter assigning the company's FEIN, Federal or State tax return, or a pre-printed IRS tax coupon
- ❑ Dun and Bradstreet registration at [www.dnb.com](http://www.dnb.com) (for USCIS VIBE program)
- ❑ Business information (history, facilities, products, number of employees, clients)
- ❑ Corporate tax returns (IRS 1120, IRS 941, TWC C-3) or Financial Documentation evidencing employer's ability to pay wage
- ❑ Brochures, catalogs, promotional and product literature, and advertisements

**Fong•Ilgan, LLP** works with clients to simplify U.S. immigration. To discuss your case with an experienced board-certified attorney, please contact our office at 713.772.2300.