

E3 Visa Guide: Everything You Need to Know About the E3 Visa

The E3 visa is designated for Australian nationals in “specialty occupation” positions in the United States.

In this guide, I will discuss the important details of the E3 visa. If you have any questions regarding this visa, feel free to email me directly at Info@immigrationlawfirm ltd.com. I'm very responsive via email and I would be happy to help you.

Overview:

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1. What is the E3 visa?

The E3 visa is a for Australian citizens who will perform a “specialty occupation” in the United States.

To get the E3 visa, you must:

- be a citizen or national of Australia,
- have a job offer that requires at least a bachelors,
- have a bachelor's degree or equivalent, and
- if the position requires, a professional license.

E3 status is valid for up to 2 years and can be renewed indefinitely. Dependent spouses and children of E3 visa holders, obtain E3D status. The annual numerical limitation on this visa, of 10,500, has never been reached.

2. What are the benefits of an E3 visa?

There are several benefits to getting an E3 visa. Here are just a few:

- The E3 visa is dedicated to Australian nationals.
- There are 10,500 E3 visas available every year.
- The E3 visa is cheaper than the H1B and has fewer applicants.
- The E3 is a more convenient and accessible option.
- Your dependent spouse and children can come with you.
- Under the E3 visa, your spouse and children (unmarried, under 21 years of age) can enter the US as your dependents.
- Your children can attend school in the United States.

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- Additionally, your spouse can apply for the Employment Authorization Document (EAD). The EAD enables him/her to lawfully work. This differs from other visas such as the H1B where spouses are not eligible for work (with some exceptions).
- The E3 visa is renewable.
- The E3 is valid for 2 years. Yet, it can be renewed indefinitely. Thus, it is a good option for those who need to be in the US for an extended period of time.

3. E3 Visa Requirements

You must meet several requirements in order to be eligible for an E3 visa. An immigration lawyer, including myself or another member of my team, can help you determine if you meet the following conditions:

1. The assignment must be for a “specialty occupation” and require at least a bachelor’s degree or its equivalent.

You must have a legitimate offer of employment in a “specialty occupation” position. A specialty occupation is defined as “an occupation that requires theoretical and practical application of a body of highly specialized knowledge, and 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.”

2. You must have all the appropriate qualifications for the job duties.

You must have received a bachelor's degree or higher, or the equivalent. Professional experience can be viewed as equivalent to a bachelor's degree in some situations. Additionally, if a license is required for the profession, you must have that license. Alternatively, you can show the ability to obtain the license within a reasonable period of time.

3. You must have Australian citizenship.

You must have a valid Australian passport.

4. You must have a certified Labor Condition Application (LCA) from the DOL.

Your E3 visa application must include a certified Labor Condition Application (LCA). The LCA is signed by your employer. This ensures the workplace meets certain standards. These standards include:

- - not having a labor dispute at the worksite,
 - - not negatively impacting similar employees with the hiring of the foreign national,
 - - and paying the foreign national on an E3 visa fairly.

5. You must have the intent to depart the United States upon termination of status

You must show intent to depart the United States when your E3 status ends. However, unlike most other non-immigrant visa classifications, you do not need to demonstrate intent to remain in the United States for a specific amount of time nor do you need to maintain foreign residence.

4. E3 Visa Process

Getting an E3 visa is a multi-step process. There are two options:

- You can apply directly at a US consulate abroad or,
- if you are already within the United States, you can file a change of status.

An immigration lawyer, including myself or another member of my team, can help you through this process.

Regardless of which process you choose, you must first do the following:

Complete a Labor Condition Application

Please note that the LCA will be completed by the employer or their representative. It is **not** done by the person seeking E3 visa status. The LCA can not have been approved more than two years prior to the position start date.

Satisfy all E3 Visa requirements

These requirements, as listed above, are:

- a job offer at a position that is considered a “specialty occupation,”
- all required qualifications for the position are met,
- Australian citizenship,
- an approved LCA, and
- intent to depart the United States upon the termination of E3 status.

Prepare appropriate documents

Documents demonstrating satisfaction of the E3 requirements must be provided. These documents include, but are not limited to, a support statement from the US company where you will work and the LCA.

Applying for an E3 Visa Abroad

Applying for an E3 at the consulate is a good option if you are currently outside the United States or will be soon. Note, leaving and applying at the consulate is required if you are in the US under the Visa Waiver Program. This means you are ineligible to apply for a “change of status” inside the United States. Consular processing is faster than applying for E3 status inside

the US. The E3 is not eligible for premium processing. It is much faster than a change of status petition. Although, one disadvantage to note, is that you may have to pay for international airfare.

If you choose to submit a visa application, you must do the following:

Submit Form DS-160

- Form DS-160 is the Online non-immigrant Visa Application. You are required to complete this before you can schedule a meeting with a consular officer to determine if you will be granted an E3 visa.

Schedule a meeting with a US consular officer

- You will then schedule a meeting with a US consular officer. Consular officers in Australia, as well as many countries particularly in Europe and Canada, can grant E3 visas.

Meet with US consular officer

- You will then go to your scheduled interview date. You should bring a valid Australian passport as well as all other relevant documents to this interview. Through this interview, the consular officer will approve or reject you for an E3 visa. An immigration lawyer prep you for this interview.

Applying for an E3 Inside the United States

The second way to obtain an E3 is to file a “change of status” application. This option is available if you have maintained lawful non-immigrant status. Note

that E3s are not eligible for premium processing (an expedite option with USCIS). While this process is slower, you will not have to pay for airfare to return home. Furthermore, you will have the option to simultaneously apply for an employment authorization document for your spouse. If you choose to file an E3 change of status petition, you must submit the above listed documents along with the following to the Vermont Service Center:

Form G-28

- Form G-28 is the Notice of Entry of Appearance as Attorney or Accredited Representative. This document is completed by your attorney or another representative and gives them the ability to act on your behalf.

Form I-129

- Form I-129 is the Petition for a non-immigrant Worker. This form contains information about you, the petitioning company, and the job you will perform. This helps USCIS determine if you meet the conditions for the E3 visa.

A copy of the biographic page(s) of Australian passport(s) for the applicant and all dependents

- You must provide a copy of the biographic page(s) of your Australian passport(s) for yourself and any dependents. All passports must be valid six months past the expiration date of the petition.

A copy of your I-94

- You must also provide a [copy of your I-94](#) if you are present in the United States when filing. You must provide this even if you plan on leaving the United States while the approval is being determined.

Filing fee

- You must submit the associated fees for an E3 visa application, discussed in Section 8: E3 Visa Fees.

5. E3 Visa Processing Time

The visa processing time will depend on many factors. One factor is whether you filed a change or status petition or submitted a visa application. All E3 change of status petitions are filed at the USCIS Vermont Service Center. Here, the processing times can vary between 4 and 8 months. Alternatively, visa applications depend on the consulate's availability. These can vary from a few days to weeks. Some of the other influential factors is the time of year you submit your application and the documents you provide.

6. What are the documents required to get an E3 Visa?

There are many documents needed for your E3 petition. The required documents will vary depending on your situation.

Below is a general list of the required documents. Please be aware this may need to be tailored to your matter. An immigration lawyer, including myself or another member of my team, can help you determine what needs to be submitted:

- Labor Condition Application
- US Company Statement of Support

- Copies of your educational degrees, including transcripts and education evaluation (if needed)
- Copy of your resume
- Copy of an official job offer
- Copies of your professional licenses (if applicable)
- Experience letters (if explicable)
- Passports for you and any dependent spouse and children
- Documents demonstrating family relationship
- Prior US visa paperwork (if applicable)

7. E3 Visa Forms

There are multiple forms that are required for the E3 visa process. Here is a quick overview of some:

- **DS-160:** Form DS-160 is the Online non-immigrant Visa Application. The information provided in this form, as well as in your consular

interview, will determine if you are granted the E3 visa. You can learn more about the DS-160 by clicking [here](#).

- **Form I-129:** Form I-129 is the Petition for a non-immigrant Worker. This form can be used to request an extension or change of status to your E3 visa. You can learn more about the I-129 by clicking [here](#).
- **Form G-28:** Form G-28 is the Notice of Entry of Appearance as Attorney of Accredited Representative. This is used to indicate an attorney or other representative is assisting you with your immigration case. You can learn more about the G-28 by clicking [here](#).

8. E3 Visa Fees

At the time of publishing, the E3 visa fees are as follows:

- Immigration Lawyer Legal Fee: This fee will range depending on your matter.
- E3 Visa Fee: \$205
- EAD Fee: \$410
- I-129 Fee: \$460
- Visa Processing: E3 Visa Fee: \$205

- Change or Extension Status: I-129 Fee: \$460

9. E3 Visa Interview Questions

During your interview with the consular officer, you may be asked about a range of topics. This includes but is not limited to:

- your qualifications,
- your role with the US Company, and
- your ties to both Australia and the United States.

Be prepared to cover these topics with confidence and detail.

10. What happens after you get your E3 visa?

After being approved for an E3 visa, you can enter the United States. You should travel with your passport, E3 visa, and a copy of the approved LCA. You can enter 10 days before and stay 10 days after your approved stay. Note that you may not work during these periods. Once you arrive in the United States, you should forward a copy of your visa and I-94 to your attorney. You should also take care to note the expiration dates of you and your dependent's visas.

An E3 visa is valid for up to two years and you can apply for unlimited extensions. These extensions do not count towards the 10,500-visa annual

limit. As long as you fulfilled all the E3 conditions, your E3 visa status can be renewed indefinitely.

Note that you must update your application in order to maintain legal E3 status. If you change worksites, a new LCA and amended petition must be filed. If you change employers, you must either submit a change of employer petition or a new E3 visa application at a US consulate. If your employment stops prior to the expected date, you can stay in the United States until your status ends or 60 days is up, whichever is shorter. During this time, you may not work, but you may attempt to find other work and submit the appropriate change of employer request.

11. Conclusion

The E3 is a great visa option for Australian citizens. You should now have a much stronger understanding of the various aspects of the E3, including the benefits, requirements, and process.

If you have any questions on any of the information discussed in this guide, feel free to email me directly at Info@immigrationlawfirmltd.com. I'm very responsive via email and happy to assist.