

E-3 Australian Citizens

The E-3 visa, enacted in May 2005, allows for the admission of an individual who is a national of the Commonwealth of Australia and is entering the U.S to perform services in a “specialty occupation.” A specialty occupation means an occupation that requires the 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.

E-3 workers may be admitted initially for a period up to two years, and extensions of stay may be granted indefinitely in increments of up to two years. There is no limit on the total length of stay for an E-3. Under current regulations, E-3 nonimmigrants shall maintain an intention to depart the U.S. upon the expiration of termination of E-3 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 petition.

There is an annual cap of 10,500 initial E-3 applications for principal visa holders.

Employers must file and receive an approved Labor Condition Application from the U.S. Department of Labor, exactly as is required of an H-1B, before an employee may obtain an E-3 visa or E-3 status. However, no petition for employees entering from outside the U.S. must be filed by the employer with USCIS in advance of the employee’s arrival. Only if a change of status or extension of stay is necessary does a petition (Form I-129) need to be filed with fee to USCIS.

Dependent spouse and children under 21 of an E-3 principal may also derive E-3 status regardless of the spouse or children’s nationality. Spouses may apply for work authorization to USCIS only upon arrival in the U.S. Maximum processing time is 90 days.

For Whom is E-3 the Best Option?

The E-3 is an attractive alternative to H-1B status for an Australian national who is coming to the U.S. with a spouse who hopes to work in the U.S. It is also an option for an individual who may not be eligible for H-1B status or who has exhausted the 6 year limit on H-1B status. The other advantage is that the petition does not require approval by USCIS which saves time and money. For a person contemplating an application for U.S. permanent resident status, the H-1B may be a more suitable option.

What Documentation Is Required for a Principal to Obtain an E-3 Visa Abroad or E-3 Status in the U.S.?

Citizens of Australia apply directly to the U.S consulate for an E-3 visa by presenting the following documents:

- **Certified Labor Condition Application**
Certified Labor Condition Application, filed with the Department of Labor. (For Yale employees, this document would be provided by OISS.)
- **Job Offer Letter**
Job offer letter describing the specialty occupation, the salary offered, the minimum requirements for the position and how the individual meets these requirements.
- **U.S. Bachelor's degree**
Evidence of a U.S. bachelor's degree in the field or its equivalent and U.S. professional license, if applicable.
- **Length of stay**

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

For complete information about applying for E-3 status, visit the [USCIS website's page on the E-3 visa](#) [1].

How Can an Application for an Extension Be Made?

Scholars in E-3 status have two options for extending their stay:

- **Re-application**

They may return to Australia and re-apply at the U.S. embassy or consulate with the same documentation that is required for an original application, or

- **Form I-129**

They may have their employer file form I-129 with USCIS. This option does not require the employee leave the U.S., but requires a USCIS fee of \$320 and can take approximately 3 months.

Source URL: <https://oiss.yale.edu/immigration/other-visa-options/e-3-australian-citizens>

Links

[1] <https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-3-specialty-occupation-workers-from-australia>