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ATTORNEYS AT LAW

E-3 Nonimmigrant Visa for Citizens

The E-3 is a new visa category available only for Australians seeking to enter the U.S. to work temporarily in a specialty occupation. The new E-3 visa classification currently applies only to nationals of Australia as well as their spouses and children. The spouse and children need not be Australian citizens.

The applicant for a specialty occupation must meet the academic and occupational requirements for the position. To qualify for an E-3 visa, an applicant must demonstrate:

- that he or she must have a legitimate offer of employment in the United States
- that the position he or she is coming to fill qualifies as specialty occupation employment
- that he or she is an Australian citizen
- that he or she has the necessary academic or other qualifying credentials
- that his or her stay will be temporary, and
- if required before the alien may commence employment in the specialty occupation, that he or she has the necessary license or other official permission to practice in the specialty occupation.

An approved Labor Condition Application certified by the U.S. Department of Labor is required. The Department of State and DHS have agreed to a 24-month maximum validity period for E-3 visas, however, the validity period may be extended. A maximum of 10,500 E-3 visas may be issued annually. Spouses and children of principal applicants do not count against the numerical limitations.