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## E-3 VISAS

### **-What is an E-3 Visa?**

-The E-3 is a new visa category only for Australians coming to the US to work temporarily in a specialty occupation.

### **-Who qualifies for the E-3 visa?**

-The new E-3 visa classification currently applies only to nationals of Australia as well as their spouses and children. E-3 principal applicants must be coming to the United States solely to work in a specialty occupation. The spouse and children need not be Australian citizens.

### **-Are there other requirements for qualifying for an E-3 visa?**

-To qualify, applicants must meet the definition of "specialty occupation" set forth at INA 214(i)(1). Applicants must also submit job offer letters from a United States-based employer, evidence of a Department of Labor attestation (certified ETA 9035 or 9035E), evidence of a bachelor's degree and proof of payment of the application fee.

### **-What is a specialty occupation?**

-In general, a specialty occupation is one that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States. The Department's regulations governing E-3 visas incorporate the definitions contained in section 214(i)(1) of the Immigration and Nationality Act (INA).

**-May spouses work?**

-E-3 spouses are entitled to work in the United States and may apply for an Employment Authorization Document ([Form I-765](#)) through USCIS.

**-Is there a limit to the amount of E-3 visas?**

-Yes, there will be a maximum of 10,500 E-3 visas issued annually. Spouses and children of principal applicants do not count against the numerical limitations.

**-Do I need a petition by my employer to the Department of Homeland Security?**

-The United States-based employer of an E-3 principal is not required to submit a petition to the Department of Homeland Security as a prerequisite for visa issuance. However, the employer must obtain a Labor Condition Application, ETA Form 9035 from the Department of Labor.

**-How long will my visa be valid?**

-The validity of the visa should not exceed the validity period of the LCA. The Department of State and DHS have agreed to a 24-month maximum validity period for E-3 visas. This validity may be renewed.

**-What is the fee for an E-3 visa?**

-Other than the normal application fee, there is no issuance fee.

**- Is there a new visa for Americans who want to work in Australia in "specialty occupations?"**

- The 457 visa will accommodate Americans who wish to work in Australia. We refer you to the Government of Australia for further comment.

To schedule an appointment, please refer to our website on <http://sydney.usconsulate.gov/consular/niv.html>