

E-3 Certain Specialty Occupation Professionals from Australia

The E-3 classification applies only to nationals of Australia. The Australian national be coming to the United States solely to perform services in a specialty occupation. The specialty occupation 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.

Eligibility Criteria

To qualify for an E-3 visa, Australians must demonstrate that:

- Are a national of Australia
- Have a legitimate offer of employment in the United States
- Possess the necessary academic or other qualifying credentials
- Will fill a position that qualifies as a specialty occupation

Specialty Occupation

The job must meet one of the following criteria to qualify as a specialty occupation:

- Bachelor's or higher degree or its equivalent is normally the minimum entry requirement for the position
- The degree requirement for the job is common to the industry or the job is so complex or unique that it can be performed only by an individual with a degree
- The employer normally requires a degree or its equivalent for the position
- The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree.*

For you to qualify to accept a job offer in a specialty occupation you must meet one of the following criteria:

- Have completed a U.S. bachelor's or higher degree required by the specific specialty occupation from an accredited college or university
- Hold a foreign degree that is the equivalent to a U.S. bachelor's or higher degree in the specialty occupation
- Hold an unrestricted state license, registration, or certification which authorizes you to fully practice the specialty occupation and be engaged in that specialty in the state of intended employment

- Have education, training, or progressively responsible experience in the specialty that is equivalent to the completion of such a degree, and have recognition of expertise in the specialty through progressively responsible positions directly related to the specialty.

Applying for an E-3 Visa from Within the United States

The Form I-129, Petition for Nonimmigrant Worker is used to apply for a change of status to obtain E-3 nonimmigrant temporary worker classification.

Supporting Documents

- Job offer letter or other documentation from the employer establishing that you will be engaged in a specialty occupation and that you will be paid the higher of the actual or prevailing wage
- Evaluation of Credentials or evidence of US degree
- Contract or summary of Terms of Employment

Period of Stay/Extension of Stay

The initial period of stay allowed is 2 years, and extensions are for periods up to 2 years with no maximum number of extensions.

Change of Employment

The beneficiary may change of employers, but must wait until the change of employer petition is approved in order to commence employment with new employer.

Family of E-3 Visa Holders

Spouse and unmarried children under 21 years of age are entitled to the same E-3 classification. The spouse is entitled to work authorization, but not your children.