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Press Release

USCIS ISSUES E-3 SPECIALTY OCCUPATION WORKER GUIDANCE

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) issued guidance today regarding E-3 nonimmigrant Specialty Occupation Workers. In particular, USCIS provided specific information on the eligibility requirements and documentation needed for individuals wishing to either change their nonimmigrant status to that of an E-3 worker or to extend their E-3 status.

Established by the REAL ID Act of 2005, the E-3 nonimmigrant classification allows for the admission of a temporary worker who is national of Australia and is entering the U.S. to perform services in a “specialty occupation.” As is generally the case, nonimmigrant aliens who are already legally in the United States may apply to change their status to that of an E-3 specialty worker and, eventually, apply to extend their stay in E-3 classification.

Note: *The new E-3 nonimmigrant category should not be confused with the separate and independent H-1B nonimmigrant category for “specialty occupation” workers.*

To qualify for E-3 classification, an alien must, among other things, be an Australian national who is seeking employment in a specialty occupation requiring possession of a bachelor’s degree or higher (or its equivalent), and possess the appropriate degree (or its equivalent) in the field in which the alien wishes to work. E-3 nonimmigrant status is initially granted for a period of no more than two years. Extensions of stay may be granted indefinitely in increments not to exceed two years.

Congress has established a yearly cap of 10,500 new E-3 workers. For purposes of the cap, “new E-3 workers” are those who, coming from abroad, are admitted initially in E-3 classification or those who change their nonimmigrant status to E-3 classification or change employers while in E-3 status. Unlike the dependent of an alien in H-1B nonimmigrant classification, the dependent spouse of an E-3 temporary worker may apply for and receive work authorization.

An alien seeking to be admitted in E-3 nonimmigrant classification at a U.S. Port-of-Entry must possess a valid E-3 visa issued by the U.S. Department of State. Aliens already in the United States may request a change of status to E-3 or extend their E-3 status by filing a Form I- 129 (Petition for a Nonimmigrant Worker) directly with the Vermont Service Center. The cost for filing the request for change of status or extension of stay is \$190. In addition to the Form I-129 , applicants must include the following documentation:

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- Proof of Australian nationality,
- A letter from the prospective U.S. employer describing the alien's occupation, the alien's anticipated length of stay, and salary/remuneration arrangements,
- Evidence that the alien meets the educational requirements for the position to be filled (a bachelor's degree or higher or its equivalent in the specific specialty occupation),
- Evidence that the alien meets any licensing or other occupational requirements, and
- Evidence that the prospective U.S. employer has filed with the Department of Labor a labor condition application (LCA) specifically designated for E-3 Specialty Occupations.

More information about the E-3 temporary work visa and temporary worker programs in general is available on the USCIS website at www.uscis.gov and on the Department of State website at www.state.gov.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.