



University of Colorado Denver
Office of International Affairs
International Student & Scholar Services

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E-3 NONIMMIGRANT VISA (2009)

E-3 nonimmigrant visas are available to Australian citizens and nationals who are engaged in specialty occupations and coming to the United States to engage in their specialty occupation.

It is similar to an H-1B visa, in that the employer is required to obtain a prevailing wage and file a Labor Condition Application for the position. In other respects, it is similar to other E visas:

- No prior petition to the USCIS is required, unless the beneficiary requires a change of nonimmigrant status.
- The initial E-3 visa can be issued for up to five years.
- Each entry can be for up to two years.
- An E-3 visa and E-3 status can be extended indefinitely.
- Dependents of E-3 visa holders can request permission to work while in the United States.
- Medical doctors can provide clinical services, provided that they have the license required by the state in which they will be practicing.
- E-3 visa applicants must prove that they are coming temporarily to the United States to take up employment, but they do not have to maintain a residence in Australia.
- Premium processing is not applicable
- Extension applications need to be filed 6 months prior to end of E-3 status because the scholar is not allocated 240-day extension period while petition is pending adjudication

If the employee is in the United States, a Form I-129 Nonimmigrant Petition must be filed with the USCIS California Service Center requesting a change of status to E-3 (or extension if the employee is already in E status).

REQUESTING ASSISTANCE WITH E-3 VISA PROCESSING

After making the usual offer to the incoming faculty or staff member, as required by Human Resources, requesting a waiver from GME if the person will be obtaining clinical training, and arranging for the appropriate medical license, if needed, the Department should submit the following to ISS:

- A copy of the offer letter.
- A copy of the prospective staff member's current curriculum vitae and academic credentials, including medical license(s).
- A copy of the identity page of the prospective staff member's Australian passport.
- A memo to ISS requesting assistance with E-3 visa processing (see template).
- An actual wage memorandum (see template).

IF THE POTENTIAL E-3 IS IN THE US AND WE ARE FILING FORM I-129 WITH USCIS

- A Federal Express Label with the departmental account code for us to use to file the petition.
- USCIS Filing fee of \$320.00 made out to the U.S. Department of Homeland Security. (ISS must sign the payment voucher and a copy of the official G-1055 form listing the fees must be attached to the voucher)

Once ISS has received the request for E-3 visa assistance, ISS will request a Prevailing Wage determination from the Colorado Department of Labor and Employment. Once that has been received, ISS will file the Labor Condition Application with the U.S. Department of Labor.

Once ISS has received the certified Labor Condition Application, we will provide a posting notice to the department, and copies of the appropriate documentation, depending on whether the prospective employee is applying for E-3 status in the US or in Australia.