



E-3 Visas for the United States

In the context of the finalisation of the negotiations for the Australia-United States Free Trade Agreement (AUSFTA), the United States created a new visa category – the E-3 – which to date is available only to Australians seeking to work in the United States.

The E-3 visa has a number of features that distinguish it from the standard US H-1B visa, such as those that the table below shows:

E-3 Visa	H-1B Visa
Available for temporary entry to work in a “specialty occupation” – ie requiring a tertiary educational qualification	Available for temporary entry to work in a “specialty occupation” – ie requiring a tertiary educational qualification
Requires US employer to sponsor	Requires US employer to sponsor
Available only to Australians (10,500 per fiscal year)	Available to all nationalities (65,000 per fiscal year)
Spouses (who do not have to be Australian citizens) are entitled to work in the US	Generally spouses are not entitled to work in the US, except in certain circumstances
Can be renewed indefinitely (in two-year increments)	Generally valid for a maximum of six years
The sponsoring employer must file a Labor Condition Application (LCA) with the US Department of Labor	The sponsoring employer must file a Labor Condition Application (LCA) with the US Department of Labor and an I-129 Petition with US Citizenship and Immigration Services (USCIS)

The Australian Government is not able to respond to enquiries about applying for the E-3 visa. For such enquiries, refer to the link to [E-3 visas](http://canberra.usembassy.gov/e3visa.html) on the website of the US Embassy in Canberra (<http://canberra.usembassy.gov/e3visa.html>).

Note: This information is provided as a guide only. It is not intended to be relied upon or to be comprehensive. Individuals should seek their own advice consistent with their circumstances.