



E-3 VISA APPLICATION PROCEDURES

1) What is an E-3 visa?

The following guidelines provide general information on the process of applying for an E-3 visa.¹ We recommend reading through these guidelines in their entirety before beginning the application process. These guidelines also apply to your spouse and children under the age of 21 who will accompany you to the United States in E-3D dependent status.

The E-3 visa classification allows Australian national professionals to enter the United States to work in a specialty occupation. The spouse and children need not be Australian citizens. Upon arrival in the United States, E-3D spouses may apply for work authorization.

Please note that the different embassies and consulates around the world have different visa application procedures, and these procedures change frequently. We therefore recommend that you consult the specific consulate or embassy's website for the most up-to-date information on its procedures before booking an appointment. A directory of all U.S. embassies and consulates may be found online at <https://usembassy.gov/>. Once you find the appropriate consular post's homepage, you should navigate to the "Nonimmigrant Visa" page, which should provide the necessary information to schedule your visa appointment.

Please also note that if you will be applying for your E-3 visa in a country other than your country of nationality or residence ("third country national" or "TCN" visa applications), you may be required to apply for a visa to enter that country. You will also be required to present evidence of your legal stay or entry in that country when applying for the E-3 visa. U.S. consular posts also have discretion not to adjudicate TCN applications or may impose special requirements or longer wait times on such applications. Please check with our office for policies at specific embassies or consular posts.



1.2) Completing the Form DS-160 visa application

Each visa applicant (including each accompanying family member) must complete a Form DS-160 before booking a visa appointment. Completing a Form DS-160 is done online at the U.S. Department of State website at <https://ceac.state.gov/genniv/>. You will upload a digital photo as part of the electronic-filing ("e-filing") process.

Photo specifications are standard, face-forward passport photos². You will need to make at least one attempt to upload a photo to generate the barcode required for appointment booking. Note that characters such as ñ, é, ü, ç are not recognized by the system.

Answers to some of the questions are noted below.

- **Are you the principal applicant?**
The answer is "Yes." For your family members, the answer is "No."
- **U.S. Address**
If you do not already have a residence in the United States, please indicate "in care of" the employer name and address where you will work.

¹This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability, accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios, and the frequent changes to immigration policy and procedures. Please also note that this memo does not cover procedures for any other visa classifications.

² See the Department of State's website for complete specifications at: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/photos.html>.



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- **Purpose of Trip to United States**
Select "Australian Specialty Work (E3)." There will be an additional pull-down menu to specify whether you are applying as the principal alien (E-3) or a dependent (E-3D) spouse or child.
- **Intended Length of Stay in the United States**
The answer is "2 years."
- **Do you have an application receipt/petition number?**
The answer is "No".
- **LCA Number**
TO BE PROVIDED
- **LCA Validity Dates**
TO BE PROVIDED

For more information on completing the Form DS-160 Visa Application, please contact our office or visit: <https://travel.state.gov/content/visas/en/forms/ds-160-online-nonimmigrant-visa-application/frequently-asked-questions.html>.

Upon e-filing, a barcode number will be generated. Please save and print your DS-160 Confirmation Sheet (you will bring this to your visa appointment). We also advise that you save a copy of the Form DS-160 application in its entirety for your records.



1.3) Booking a visa appointment

There are nearly 300 U.S. embassies and consular posts around the world and most of them have different visa appointment booking procedures. You will therefore need to refer to the specific post's website for its latest instructions. Please also feel free to contact our office if you have questions. In most cases, you will have to call an "appointment call center" and pay an appointment booking fee using a credit card to book the appointment.

Important Note: You will need to take the original letter of support and a photocopy of the certified Labor Condition Application (Form ETA 9035), and other supporting documentation to your visa interview. **For this reason, please do not book your appointment until you have submitted all of the requested information to prepare these application materials to your company's Immigration Coordinator, and you have been notified by the Coordinator that you may go ahead and book an appointment. Please also notify the Coordinator the date of your visa appointment as soon as you have booked it.**

For some consulates and embassies, appointments must be scheduled several weeks prior to your desired interview date. You should therefore book an appointment as far in advance as possible.



1.4) Payment of visa fees

As with appointment booking procedures, U.S. embassies and consulates have different procedures for paying the \$205 USD MRV (Machine Readable Visa) fee. Please consult the specific post's website for the latest payment procedures. In most cases, the appointment call center will advise you of these procedures.



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1.5) Required documentation

You will need to submit the following documents to the U.S. consulate or embassy at the time of your appointment:

- **Form DS-160.** Once the DS-160 has been e-filed, please print a copy of the Confirmation Page with the barcode and the completed application, and bring these with you to the U.S. embassy or consulate at the time of your appointment.

Important Note: The U.S. embassy or consulate will not be able to process your visa if you do not have the Form DS-160 confirmation page in your possession.

- **Photograph.** As noted above, you will need to upload a digital photograph as part of the Form DS-160 visa application. You are also required to bring an identical hardcopy photograph at the time of your interview.
- **Appointment Notice.** For most posts, this will be generated and emailed to you once you have booked your appointment. Note that some posts do not generate a notice, and you will only be given a confirmation number over the phone.
- **Receipt for Visa Application (MRV) Fee.** Each applicant is required to pay the non-refundable visa application fee of US \$190 prior to the appointment date. Please refer to the embassy or consulate's website on specific instructions to pay this fee.
- **Valid Passport.** Each applicant must bring a passport containing at least two blank pages and any expired passports with previous U.S. visa(s).

Important Note: The passport must have at least six months of validity.

- **Photocopy of the Certified Labor Condition Application (Form ETA 9035)** signed by the U.S. employer's designated official.
- **Company Letter of Support** signed by the U.S. employer's designated official.
- **Recent Pay Statements.** If you are already working at the petitioning employer, you should bring recent pay statements to further confirm your employment.
- **Original or Certified Copy of Degrees and Transcripts.** Although not strictly required by most consulates and embassies, we recommend that you bring your original post-secondary degrees and transcripts, in case the consular officer wishes to see them. You must also provide a certified translation in English, if applicable.
- **Original or Certified Copy of Marriage and Children's Birth Certificates, if your dependents will be applying for visas with you.** Although not strictly required by most consulates and embassies, we recommend that you bring your original certificates, in case the consular officer wishes to see them. You must also provide a certified translation in English, if applicable.
- **Third Country National (TCN).** If you are applying as a TCN, you must bring evidence of your visa status in the country where you will be applying for your visa at the time of the interview.
- **Additional Documentation.** Some embassies and consulates also require additional documentation for E-3 visa applicants. Please consult the post's website or contact our office.



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1.6) The visa interview

Please review the information provided on your visa appointment notice, which usually provides specific information on the appointment procedures for the consulate or embassy where you will be applying. Goeschl Law Corporation will provide you with the E-3 visa application package that you must take with you to the appointment. You and your family members should arrive no more than 30 minutes prior to the appointment, and bring all of the required documentation listed in the instructions included with this package. Note that at some posts, children under the age of 14 are not required to go in person to the interview.

Visa interviews usually only last a few minutes, but you may be required to wait several hours before you meet with the consular official conducting the interview. You will likely be asked about your educational and employment background, and your job duties in the United States. Please ensure that your answers to these questions are consistent with the information provided in the Labor Condition Application (Form ETA-9035) and accompanying letter from the company. If the information on the Form ETA-9035 or in the letter of support is incorrect, please notify your company Immigration Coordinator or our office right away. Although the E-3 visa does not require that you prove to the consular officer that you will only be staying temporarily in the U.S., you could still be denied for an E-3 visa if the consular officer believes that you plan on applying for a green card while in the U.S. in E-3 status.

At the conclusion of the interview, the consular officer will either notify you that the visa application has been approved, denied or that additional “administrative processing” is necessary (see below). If approved, you should receive your passport with the issued visa. If “administrative processing” is required, or in the unlikely event that the visa is denied, please notify the appropriate contact person at your company, or an attorney at our office right away.



1.7) Application processing time and “administrative processing”

Most U.S. embassies and consular posts require 3 to 10 business days to process E-3 visa applications from the time of the visa interview, and return the visaed passport to the applicant. Some consular posts permit visa applicants to retrieve their visaed passports from a designated pickup site. If the pickup service is available, it will appear as an option when you schedule your visa appointment. As noted above, although most E-3 visa applications are processed within a few days of submission, some applications are referred for “administrative processing” which can take several weeks or even months. Such processing is more likely for persons who are nationals of certain countries, have a certain type of professional or political background, and/or have been previously arrested.

Please notify Goeschl Law Corporation if you or one of your family members have ever been arrested or have had previous immigration violations as soon as possible prior to making your visa appointment. We will advise you if we believe that administrative process delays are likely in your case. However, the decision to refer an application for such processing is entirely within the discretion of the consular officer reviewing your application, so any application may be subject to such processing. Visa applications are also occasionally delayed by weather conditions and other unforeseeable circumstances. For these reasons, we recommend that you do not make non-refundable or non-changeable travel plans to the United States until your passport with the issued visa has been returned to you by the U.S. Consulate or Embassy.

Please contact our office if you need additional assistance with your E-3 visa application.