



GENERAL INSTRUCTIONS FOR E-3 EMPLOYMENT PETITIONS

Requirements for E-3 Status

In order to obtain E-3 status, UC must be able to establish that the position meets the requirements of a “specialty occupation”. “Specialty occupation” is defined as an occupation which “requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor including, but not limited to, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology and the arts, and which requires the attainment of a Bachelor’s Degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States”. Therefore, the UC position must satisfy one of the following criteria:

- A baccalaureate degree or higher in a specific field of study must be the minimum entry requirement for the position;
- The degree must be common among organizations in the industry; or
- The particular duties of the position must be so specialized and complex that the knowledge necessary to execute the duties is normally associated with the attainment of a baccalaureate degree or higher.

The individual being hired must be able to demonstrate his/her qualifications for the position offered through documentation of the following:

- A U.S. baccalaureate degree or higher which is specifically related to and required by the specialty occupation;
- Work experience can help fulfill the baccalaureate degree requirement, but the work experience must be directly related to the proposed duties at UC. In such cases, three years of direct work experience counts for one year of education;
- A foreign degree which has been evaluated by an accredited firm or organization to be equivalent to a U.S. baccalaureate degree which is specifically related to and required by the specialty occupation, this is required for all foreign degrees except those obtained in Canada, the United Kingdom or Australia;

Wages

UC must attest that, for the entire period of employment, the wage paid to the E-3 worker will be **the greater of:**

- The actual wage rate paid to workers at the place of employment with similar skills and qualifications in the occupational classification in question. When appropriate, factors including education, work experience, job responsibilities and function, specialized knowledge and other legitimate business factors may be taken under consideration to substantiate higher wages paid to similarly situated workers; or
- The prevailing wage level for the occupational classification in the area of intended employment as established by the Department of Labor. We are required to pay at least 100% of the Prevailing Wage Determination.

The hiring department must create an iStart record for the employee (if not already employed at UC) and submit an E-3 worker eForm. **The hiring department must pay the employee at least the average of what others in the department with similar duties, skills and qualifications make.**

The Prevailing Wage Determination (PWD) will be obtained by UC International Services once all the required documents are submitted. The Prevailing Wage Determination is obtained from the Department of Labor. DOL determines the wage based upon a comparison between UC’s requirements

as to the degree, training, skills and work experience and the requirements considered by the U.S. Department of Labor to be normal for the occupation. The number of employees to be supervised by the foreign national is also a factor in the wage determination. If the department requires additional years of experience above the required degree, the PWD will be significantly higher. Hiring departments should take care when answering questions on the wage determination section and only put additional years of experience when it is actually a requirement for the job.

Fees

The employee may obtain an E-3 visa from a consulate outside the U. S. once he/she has been provided with a Certified Labor Condition Application and an offer letter. The E-3 employee will need to pay the customary visa fee. If the employee is overseas and does not require a change of status to E-3 or an extension of E-3 status then the \$325.00 fee is not required and an I-129 petition need not be filed with USCIS.

If circumstances warrant, an I-129 petition must be filed with USCIS.

Please note: Premium processing is not available

E-3 Cap

There is an annual cap that limits the number of E-3 visa that can be approved each year. That number is 10,500. Once this cap has been reached no further E-3 visas can be approved.

E-3 Application Process

Step I: The hiring Department must submit the E-3 eForm to UC International Services with :

1. A letter signed by the Head of the Department addressed to the U.S. Embassy stating the dates of the employment requested for the E-3 visa (not to exceed 2 years in duration), the salary being offered, and a description of job duties which demonstrate that the job requires at least a bachelor's degree in a specific field of study. The letter should also state that the department agrees to comply with all terms of the LCA until the end date.
2. A check made out to the Department of Homeland Security for \$325.00 (if the applicant is in the U.S.). The address to be put on checks is:

U.S. Department of Homeland Security,
Vermont Service Center,
ATTN: I-129,
75, Lower Welden Street,
St. Albans, VT 05479-0001

STEP II: The prospective employee must submit the following with the eForm request:

1. A copy of highest diploma **and related transcripts.**

If the degree is NOT from a university in the U.S., Canada, the United Kingdom, or Australia, an evaluation of the equivalent U.S. degree must be submitted. A list of companies that prepare credential evaluations is attached. An acceptable evaluation should:

- a) Consider formal education only, not practical training experience;
- b) state if the collegiate training was post secondary education, i.e., did the applicant complete the United States equivalent of high school studies before entering college;
- c) provide a detailed explanation of the materials evaluated, rather than a simple conclusive

statement;

d) briefly state the qualifications and experience of the evaluator providing the opinion.

2. Personal information such as:

a) Curriculum vitae;

b) copies of all current immigration documents (passport, visa, I-94 card) if the employee will not be applying for the E-3 visa at a U.S. Consulate/Embassy abroad.

c) if applying from within the U.S. and the applicant has dependents, Form I-539 and copies of all current immigration documents (passport, visa, I-94 card) for dependents.

STEP III: Upon receipt of the eForm and all documentation listed in Steps I and II, UC International Services will:

1. Obtain a Prevailing Wage Determination from the Department of Labor. Once UC International Services receives the PWD from the DOL we will be in contact with the hiring department if there is a wage problem.

2. Obtain a Certified Labor Condition Application (LCA) from the Department of Labor.

3. Prepare the I-129 application for E-3 status.

After the completion of all three steps the E-3 employee will be given all required documents and will send the application for E-3 status to the Department of Homeland Security. Upon approval of the petition or entry to the U.S. the visitor must report to UC International Services with their passport, visa and I-94 card for check-in and onboarding.