



Advancing Career Opportunities: US Work Visa Information Session

Jennifer Parser

Regional Director, American Australian Association Ltd.
NY Immigration Attorney

US and Australia: A Thriving Partnership

- Total trade between the US and Australia was AU\$39.6 billion in 2006.
- Australia is the 11th largest market for US service exports:
 - AU\$9.2 billion in 2006
- Australia is the 14th largest market for US goods:
 - AU\$17.2 billion in 2004
- US assets in Australia totalled AU\$180 billion in 2004.
- Australian firms in the US employ over 66,000 Americans.

US Nonimmigrant Visa Law: the Basics

- Let's look at it from the US government's point of view!
 - Need visa for even a part-time job offer or acceptance at an accredited academic institution.
 - Applicant for job-related visa is prospective employer, not employee.
 - Student visa carries very strict requirements due to 9/11 and the academic institution's SEVIS filing obligations.
- All nonimmigrant visas are job-driven, meaning the employer is the petitioner and the prospective employee is the beneficiary of that petition.

J-1: Exchange Visitor

- AAA Inc. as sponsoring organisation for up to 18 months, nonrenewable, non-extendible.
- Must be internship/traineeship, e.g.: not gainfully employed and meant to be in another visa category.
- Salary cap of about US\$3,000/month.
- Fees range according to the organisation used. The AAA Inc. charges US\$1500.

Lucky to be Aussie!

E-3: Australian Specialty Occupation Visa

- Available to Australian citizens only.
- US government response to lack of H-1B visas (H-1B quota 65,000; 10,500 E-3 visas).
- Like H-1B, for “specialty occupations”, meaning B.A. or equivalent degree and/or experience in occupation related to job being offered.
- Valid for two years.
- May be extended or renewed.

Lucky to be Aussie!

E-3: Australian Specialty Occupation Visa

- Steps involved: state Department of Labor's wage corroboration and federal US Department of Labor approval of wage in advance.
- US Consulate interview: be careful of nonimmigrant intent!
- Issued 2-3 days after the interview.
- No fee for the E-3 visa.
- Spouse can work but needs "Employment Authorization Document" ("EAD") issued from within the US. Spouse must produce a valid marriage certificate.
- Unfortunately no pre-certification if desire is to obtain permanent US residence (**Green Card**).

H-1B Visa

- Applicant needs to have the equivalent of a Bachelor's degree. Can be a foreign degree that has been evaluated to equal a Bachelor's, a foreign degree plus work experience, or just work experience equal to a Bachelor's degree.
- Nonimmigrant work visa good for 6 years in 2 three year increments.
- Unfortunately no pre-certification if desire is to obtain permanent US residence (**Green Card**).
- Portable between employers but must reapply.
- Takes 90-120 days unless an expedite fee of US\$1,000. is paid.
- Filing fee is US\$190.

L-1A/B: Intracompany Transferee

- Need to show corporate affiliation between foreign and US companies and have worked for the foreign company for 1 of previous 3 years, proven by wages receipts, a letter of employment and tax returns.
- Visa is valid for 6, in some cases 7, years.
- Only for executives/managers.
- Pre-certification permitted if permanent US residence desired.

E-1/E-2: Treaty Trader/Treaty Investor

- 2 years' validity except for start-up businesses.
- Renewable indefinitely.
- Must demonstrate trade or investment with US significant enough to generate employment in the US; e.g.: not just for visa holder and family.
- Like E-3, consular processing is required plus interview.
- AU\$136.50 filing fee.

'A' Visa – Diplomatic Visa

- There are several diplomatic or “A” type visas available to Australian diplomatic and consular personnel.
- In a couples’ situation, if one spouse gets an A visa, the other spouse must obtain an A visa as well, *regardless of their immigration and work status in the US.*
- If the primary A visa holder loses his or her job (at the Australian Embassy or Consulate, for example), the spouse also loses his or her visa allowing him or her to remain in the US.

The 'Green Card Lottery'

- The visa lottery occurs annually in October, making available 50,000 immigrant visas to natives of countries that are eligible to participate, meaning countries which have a rate of fewer than 50,000 immigrants coming to the US in the last 5 years.
- The winner of the lottery can apply for a green card and bring in a spouse and unmarried children under 21.
- You must have a high school diploma or equivalent, or two years' of work experience in a position that either requires 2 years of training or 2 years of work experience.
- You can apply online: <http://travel.state.gov>. It takes up to a year to find out if you won and only winners are notified.

Permanent Resident Visa (Green Card)

- Can get through employment or family-derived.
- Employment-derived requires “pre-certification” by US Department of Labor, the (dreaded) PERM filing.

Questions?



American Australian Association Limited
Level 43 MLC Centre
19 Martin Place
Sydney NSW 2000

T: 9338.6988

F: 9338 6990

infosydney@aaanyc.org

Executive Director: Geoff Gray

www.americanaustralian.org.au

Useful Websites

- <http://www.uscis.gov/portal/site/uscis>
- For additional E-3 information:
- http://www.dfat.gov.au/geo/us/e3_visa.html
- <http://sydney.usconsulate.gov/consular/visa-e3.html>
- For additional J-1 information:
- <http://www.americanaustralian.org>

Thank you for attending this session



The American Australian Association Ltd. is a non-profit organisation devoted to relations between the US and Australia and is affiliated with the US-based American Australian Association (www.americanaustralian.org) which was established in 1948 with similar objectives.

The purposes of the Association in Australia are to promote friendship, cooperation and understanding between the peoples of the United States and Australia and New Zealand, and to strengthen relations between these countries through creating a better understanding of their cultures and societies.

The Association will develop and undertake educational scholarships and programmes, conferences and seminars and other cultural events which will aid in the development of the US and Australian bilateral relationship. In 2006, the Association formed a joint initiative with the Australian Government and established the United States Studies Centre (USSC) at The University of Sydney. The Centre will offer a range of postgraduate research studies at the Masters and PhD levels, facilitate professional academic exchanges, operate as a research centre of excellence on US studies and produce scholarly articles and reports.