<table>
<thead>
<tr>
<th>Purpose of Visa Type</th>
<th>H-1B Specialty Occupation</th>
<th>TN Mexican and Canadian North American Free Trade Agreement (NAFTA) Workers</th>
<th>E-3 Australian in Specialty Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requires the theoretical and practical application of a body of highly specialized knowledge requiring completion of a specific course of higher education</td>
<td>Allows Citizens of Mexico and Canada to work in the US in a position covered under NAFTA professional list</td>
<td>Visa for Australian Citizens to work temporarily in specialty occupations in the US</td>
<td></td>
</tr>
<tr>
<td>A Bachelor’s degree in the related field must be a normal minimum requirement for the offer position</td>
<td>A Bachelor’s degree in the related field must be a normal minimum requirement for the offer position</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visa Quota</td>
<td>65,000 H-1B visa numbers are available during each fiscal year from October 1 to September 30 of the following year. Additional 20,000 for applicants receiving US degrees of Master’s or Higher Institutes of Higher Education and Non-Profit Government Research Institutes are exempt from the H-1B quota</td>
<td>None</td>
<td>10,500 annual during each fiscal year from October 1 to September 30 of the following year</td>
</tr>
<tr>
<td>None</td>
<td></td>
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<tr>
<td></td>
<td>Extensions of E-3 status do not count against the quota</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salary Requirement</td>
<td>YES</td>
<td>None</td>
<td>YES</td>
</tr>
<tr>
<td>Employer is required to pay equal-to or above the certified Prevailing Wage amount determined by the US Dept. of Labor throughout the approved period of H-1B employment</td>
<td></td>
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</tr>
<tr>
<td>Employer Sponsor</td>
<td>Yes – Requires Employer Sponsor</td>
<td>A job offer is required prior to the application for the TN status</td>
<td>A job offer is required prior to application for the E-3 status</td>
</tr>
<tr>
<td>Employment is only authorized for the approved period and the terms and conditions filed in the H-1B petition.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employer is required to offer return fare expenses if employment is terminated by the Employer before H-1B end date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eligible Employment Positions</td>
<td>Temporary academic and staff positions</td>
<td>Temporary positions that qualify under the NAFTA professional list</td>
<td>Temporary academic and staff positions</td>
</tr>
<tr>
<td>The H-1B visa status allows for the Beneficiary to begin employment in a Permanent job title. An approved petition for Adjustment to US Permanent Residency is still required for the Beneficiary to remain employed in a permanent status inside the US.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visa Costs and Petition Filing Fees - Paid to US Government</td>
<td>H-1B Sponsoring Employer is required to pay the following: - $320.00 H-1B Application Fee for initial and extension requests - $500.00 Fraud Prevention Fee (One Time Fee for New Employers) Optional: $1,000.00 Premium Processing Fee for expedited</td>
<td>No cost to the Employer for initial TN application</td>
<td>No cost to the Employer for initial E-3 application</td>
</tr>
<tr>
<td>Mexican and Canadian citizens are required to pay the Nonimmigrant Visa fee and Visa Issuance fee to the US Consulate. Canadian citizens are exempt from applying for a travel visa. May apply for visa status at the US Port of Entry</td>
<td>Australian citizens are required to pay the Visa Issuance fee to the US Consulate for the E-3 visa application and E-3 extension applications.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filing Instructions</td>
<td>Processing Time</td>
<td>Duration of Status</td>
<td>Extension of Status</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Employer files the following: - Prevailing Wage Determination Request and Labor Condition Application with the US Dept. of Labor - Form I-129 and H-1B Application Fees with supporting documentation to USCIS for review</td>
<td>Employer files the following: - Prevailing Wage Determination Request and Labor Condition Application with the US Dept. of Labor</td>
<td>Six year maximum period May only request up to three years at the time of filing the petition. May reset the H-1B eligibility for a new six year period by leaving the US for one full year</td>
<td>Indefinite extension requests after initial approved period, provided that the TN applicant demonstrates that he/she does not intend to remain or work permanently in the U.S</td>
</tr>
<tr>
<td>Beneficiary can request a change of status to H-1B from either inside the US OR: outside of the US by Consular Notification – Beneficiary must wait outside of the US until H-1B petition is approved. Confirmation of approval will be forwarded to the designated US Consulate location requested by the Beneficiary</td>
<td>TN status may be petitioned either through USCIS or Canadian/Mexican Citizens may apply for initial TN status at the US Consulates in Canada and Mexico</td>
<td>Qualified Mexican and Canadian Citizens are granted an initial period for up to 3 years</td>
<td>Indefinite extension requests after initial approved period, provided that the E-3 applicant demonstrates that he/she does not intend to remain or work permanently in the U.S</td>
</tr>
</tbody>
</table>

**Processing Time**

- Estimate between 4-6 months
- Processing time varies according to USCIS Service Centers
- TN Applicants* are required to apply for the initial TN visa at the US Consulate and have the following: - DS-160 Electronic Application Form - Proof of Mexican or Canadian Citizenship - Proof of Degree and/or Credentials demonstrating professional status - Employment Offer Letter that indicates the offered position is approved under the NAFTA professional list

*Canadian citizens are not required to have a travel visa for the TN status and may apply for the TN status at the US Port of Entry with the above documentation

**Duration of Status**

- Six year maximum period
- May only request up to three years at the time of filing the petition. May reset the H-1B eligibility for a new six year period by leaving the US for one full year

**Extension of Status**

- Must be filed prior to current status end date
- Up to six years maximum period May only request up to 3 years for each petition filing

**Secondary Employment**

- Only eligible if a concurrent H-1B petition is filed by a secondary Employer prior to begin date of the second employment

**Employer is required to pay the $320.00 TN extension application fee if a extension from inside the US is filed**

**Employer is required to pay the Nonimmigrant Visa fee and Visa Issuance fee to the US Consulate**

**TN Applicants* are required to apply for the initial TN visa at the US Consulate and have the following:**

1. DS-160 Electronic Application Form
2. Proof of Mexican or Canadian Citizenship
3. Proof of Degree and/or Credentials demonstrating professional status
4. Employment Offer Letter that indicates the offered position is approved under the NAFTA professional list

*Canadian citizens are not required to have a travel visa for the TN status and may apply for the TN status at the US Port of Entry with the above documentation

**E-3 Applicants must apply for the visa and extensions outside of the US, preferably at one of the US Consulates in Australia (Sydney, Melbourne, or Perth)**

Some US Consulate locations outside of Australia are not as familiar with the E3 visa and may be unfamiliar with the processing of such visas

**Secondary Employment**

- Only eligible if a concurrent petition is filed by a secondary Employer prior to begin date of employment

**Processing Time**

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- Processing time varies according to USCIS Service Centers
- TN status may be petitioned either through USCIS or Canadian/Mexican Citizens may apply for initial TN status at the US Consulates in Canada and Mexico
- Canadian Citizens may apply for initial TN status at the US Port of Entry

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1. DS-160 Electronic Application Form
2. Proof of Mexican or Canadian Citizenship
3. Proof of Degree and/or Credentials demonstrating professional status
4. Employment Offer Letter that indicates the offered position is approved under the NAFTA professional list

*Canadian citizens are not required to have a travel visa for the TN status and may apply for the TN status at the US Port of Entry with the above documentation

**E-3 Applicants must apply for the visa and extensions outside of the US, preferably at one of the US Consulates in Australia (Sydney, Melbourne, or Perth)**

Some US Consulate locations outside of Australia are not as familiar with the E3 visa and may be unfamiliar with the processing of such visas

**Secondary Employment**

- Only eligible if a concurrent petition is filed by a secondary Employer prior to begin date of employment
| Change of Employer                                      | H-1B employment authorization is specific to the approved Sponsoring Employer | TN employment authorization is specific to the approved Sponsoring Employer | E-3 holders may request a change of employer from inside the US
|                                                      | An H-1B Transfer or Concurrent Petition must be filed with USCIS before the H-1B Beneficiary may change Employer OR begin secondary employment | TN Holders may either file a transfer or concurrent employment petition with USCIS OR depart the US and re-enter with two job offer letters prior to the start of new employment | A Labor Condition Application must be filed by the new employer within 10 days or less of new employment and a transfer OR concurrent petition filed with USCIS |

| Grace Period - Employment is not allowed during grace period | None | None | Ten day grace period after employment ends |
|                                                          | Beneficiary traveling into the US in H-1B/H-4 status may be given a ten day grace period on the I-94 card, but it is not always guaranteed | Last date of TN status is noted on the I-94 card | |
|                                                          | No grace period allowed before departure from the US if employment ends prior to the approved H-1B end date | |

| Visa Restrictions / Home Residency Return Requirements | Individuals who are subjected to the J-1 212(E) Two-Year Home-Country Physical Presence (Foreign Residence) Requirement may not apply for the H-1B status until the requirement is satisfied | TN Applicants must declare stay is temporary, without the intent to establish permanent residency in the US | E-3 Applicants must declare intent to depart the US upon the end of employment |
|                                                       | H-1B Applicants are not required to declare intent to return home | |

| Travel Restrictions | Beneficiary of a pending Change of Status Petition to H-1B is not permitted to travel outside of the US. Only petitions filed with Consular Notification are allowed foreign travel and the Applicant must wait outside of the US until the H-1B petition is approved and apply for the H-1B travel visa at the US Consulate for entry to the US in H-1B status. Continuing H-1B visa holders are permitted to travel during a pending petition for Adjustment to US Permanent Residency | TN status holders are not permitted to travel outside of the U.S. if a Change of Status Petition or Adjustment to US Permanent Residency Petition is pending with USCIS | E-3 status holders are not permitted to travel outside of the U.S. if a Change of Status Petition or Adjustment to US Permanent Residency Petition is pending with USCIS |

| Spouse and Children - Defined as married spouse and children under the age of 21 | H-4 Dependents are not eligible for employment authorization | TD Dependents are not eligible for employment authorization | Work: E-3D Dependents may apply for employment authorization based on financial necessity. E-3D Dependent files for the I-765 – Application for Employment Authorization petition along with $340 fee to US Citizenship and Immigration Services for review |
|                                                                             | Study: H-4 Dependents are eligible to study in the US in the H-4 Dependent Status | Study: TD Dependents are eligible to study in the US in the TD Dependent Status | Study: E3D Dependents are eligible to study in the US in the E3D Dependent Status |