

The **E-3 visa** is a special nonimmigrant work visa exclusively available to Australian nationals who seek employment in the **United States under a specialty occupation**. While the visa provides a streamlined pathway for skilled Australian professionals, many E-3 visa holders find themselves needing to switch employers.

Transferring an E-3 visa to a new employer is **not automatic**—the process requires careful legal steps to ensure compliance with [U.S. immigration laws](#) and to avoid status violations. This guide provides a **comprehensive breakdown** of the E-3 [visa transfer process](#), its requirements, and key considerations for Australian nationals in the U.S.

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## What Is an E-3 Visa Transfer?

An **E-3 visa transfer** refers to the process by which an existing E-3 visa holder **switches employers** without having to apply for a brand-new visa from scratch. However, since the E-3 visa is **employer-specific**, a transfer still requires **filing a new petition with the U.S. Citizenship and Immigration Services (USCIS)** or applying for a new visa stamp at a U.S. consulate.

Unlike H-1B visas, **no E-3 visa portability rule** allows employees to start working with a new employer while the petition is pending. The new petition **must be approved** before employment begins.

## Key Requirements for an E-3 Visa Transfer

### A New Job Offer from a U.S. Employer

- The new employer must offer a position that qualifies as a **specialty occupation** under the E-3 visa.
- The job must **require at least a bachelor's degree** or its equivalent in a related field.

### New Labor Condition Application (LCA) Approval

- The employer must file a new [LCA](#) (Form ETA 9035) with the **U.S. Department of Labor (DOL)**.
- The LCA certifies that the employer will pay the **prevailing wage** and comply with labor conditions.

### Filing Form I-129 with USCIS (if applying from within the U.S.)

- The new employer must file [Form I-129, Petition for a Nonimmigrant Worker](#), along with supporting documentation.
- The **petition must be approved before** the applicant can start working for the new employer.

### Consular Processing Option (if applying from outside the U.S.)

- If the employee chooses to apply from outside the U.S., they must **schedule an E-3 visa appointment** at a U.S. consulate and provide the new employer's petition approval.

## Step-by-Step Process for an E-3 Visa Transfer

### Step 1: Secure a Job Offer and Get a New LCA

- The new employer files an **LCA (ETA Form 9035)** with the **DOL**.
- Once the LCA is **certified**, the employer can proceed with filing the **E-3 transfer petition**.

### Step 2: Choose the Filing Method

#### Option 1: Change of Employer via USCIS (I-129 Petition)

- If you are **already in the U.S.**, your new employer can file [Form I-129](#) to request a **change of employer**.
- You must **wait for USCIS approval** before starting work.

#### Option 2: Consular Processing (New Visa Stamp Required)

- If you are **outside the U.S.**, you must schedule a visa appointment at a U.S. embassy/consulate.
- Bring your **approved LCA, job offer letter, and supporting documents** for your visa interview.

### Step 3: Wait for Approval & Begin Work

- **USCIS processing** for Form I-129 takes **2-4 months**, but **premium processing (15 days)** is available.
- If applying at a **U.S. consulate**, the approval timeline depends on appointment availability.

## Common Challenges and Risks in E-3 Visa Transfers

## 1. Timing Issues & Work Interruptions

- Unlike [H-1B transfers](#), **E-3 visa holders cannot start working for a new employer until the petition is approved.**
- If transferring within the U.S., **delays in processing** may result in a gap in employment.

## 2. Prevailing Wage & LCA Compliance

- The **DOL mandates** that employers pay E-3 workers at least the **prevailing wage** for the occupation.
- Failure to comply may result in **visa denials or legal penalties.**

## 3. Dependents' Status (E-3D Visa Holders)

- If you have dependents on **E-3D visas**, they must also file a **status update** when you change employers.
- Spouses with **E-3 work authorization (EAD)** do not need a separate transfer approval.

## Maintaining Legal Status During an E-3 Transfer

To avoid issues during the transfer, E-3 visa holders should:

- ☐ **Ensure continuous employment** – Avoid gaps between jobs to maintain legal status.
- ☐ **Keep records of LCAs and pay stubs** – Maintain proof of legal employment.
- ☐ **File the transfer petition early** – Allow enough time for USCIS processing.
- ☐ **Check visa expiry dates** – If your visa is expiring soon, consider renewing it during the transfer.

## Frequently Asked Questions (FAQs)

## 1. Can I change employers while on an E-3 visa?

Yes, but you must have an **approved petition before starting work** with the new employer.

## 2. Can my new employer reuse my old LCA?

No, **each employer must file a new LCA** for an E-3 transfer.

## 3. Can I travel internationally while my E-3 transfer is pending?

Yes, but if you leave the U.S., you may need to **apply for a new visa stamp** at a U.S. consulate before re-entering.

## 4. Can I extend my E-3 visa during the transfer?

Yes, E-3 visa holders can request an **extension of stay** along with the employer transfer application.

## 5. What happens if my transfer petition is denied?

If your **USCIS petition is denied**, you must **immediately stop working** for the new employer.

## Conclusion

Transferring an E-3 visa to a new employer is **possible but requires careful planning** to maintain legal status. Unlike H-1B visa holders, E-3 workers must **wait for USCIS approval** before starting work, making **timing and documentation critical**.

Understanding the **legal framework, filing requirements, and potential risks** will help **Australian professionals** transition smoothly between jobs while staying compliant with **U.S. immigration laws**.

## **Visa Transfers: What Happens When You Change Employers in the U.S.?**



Navigating the U.S. immigration system is complex, and transferring your visa when switching employers can add another layer of intricacy.

## **H-1B Visa Transfers: A Step-by-Step Guide for Employees and Employers**



The H-1B visa is a cornerstone of U.S. employment-based immigration, allowing skilled workers to contribute their expertise to American businesses.