

	<b>H-1B</b>	<b>E-3</b>	<b>TN</b>	<b>H-1BI</b>
<b>DESCRIPTION</b>	The H-1B is one of the most common nonimmigrant visas. It allows foreign nationals to temporarily come to the US to work for a US employer in a professional capacity.	The E-3 is a nonimmigrant visa that allows Australian citizens to temporarily come to the US to work for a US employer in a professional capacity.	The TN is a nonimmigrant visa that allows citizens of NAFTA countries (Canada and Mexico) to work in certain designated professions in the US.	Referred to as the fast-track H-1BI visa, this visa-type allows for Chilean and Singaporean citizens to come to the US to work for a US Employer in a professional capacity (like the H-1B).
<b>CITIZENSHIP ELIGIBILITY</b>	Any and all.	Australian citizens.	Canadian and Mexican citizens.	Chilean and Singaporean citizens.
<b>QUALIFICATIONS</b>	To qualify for this visa, the foreign national must have a legitimate offer of employment in the US with a salary that complies with Department of Labor requirements, fill a position that qualifies as a specialty occupation (i.e., a professional job that requires a bachelor's degree or higher in a specific field of study), and hold at least a bachelor's degree (or the equivalent work experience) in a field related to the position.	To qualify for this visa, the Australian must have a legitimate offer of employment in the US with a salary that complies with Department of Labor requirements, fill a position that qualifies as a specialty occupation (i.e., a professional job that requires a bachelor's degree or higher in a specific field of study), and hold at least a bachelor's degree (or the equivalent work experience) in a field related to the position.	A citizen of a NAFTA country may work in a profession in the US as long as the profession is recognized by NAFTA, the foreign national possesses the specific criteria for that profession as listed in NAFTA, the prospective position in the US requires someone in that professional capacity, and the foreign national is coming to the US to work for a US employer.	Qualifications for the H-1BI are interpreted identically to the H-1B qualifications with the exception of four professions that allow for alternative credentials to the specialized bachelor's degree: agricultural manager and physical therapist (for Chile) and management consultant and disaster relief claims adjuster (for Chile and Singapore).
<b>SPOUSAL WORK AUTHORIZATION</b>	YES (LIMITED). Dependent family members are granted H-4 classification and in very limited circumstances are entitled to work authorization.	YES. Dependent family members are entitled to the same E-3 classification and spouses are entitled to work authorization obtained by filing form I-765, Application for Employment Authorization.	NO. Dependent family members are granted TD classification but are NOT entitled to work authorization.	NO. Dependent family members are granted H-4 status but NOT entitled to work authorization.
<b>DURATION</b>	H-1B visas are granted in 3-year increments for a maximum period of 6 years. H-1B extensions can be filed beyond 6 years if the beneficiary has had the first stage of their Green Card petition (i.e., the labor certification) filed before the end of their 5th year in H-1B status or their 2nd stage (i.e., an I-140 Immigrant Petition) approved before the end of their 6th year. While the Green Card case remains pending, the beneficiary is able to renew their H-1B.	E-3 visas can be granted for a validity period of up to 2 years and can be extended while in the US for 2-year increments. There is no cap on the number of years an E-3 worker may remain in the US as long as the worker is maintaining the terms of his/her authorized stay.	TNs can be granted for up to 3 years and extended in 3-year increments for as long as the worker is maintaining the terms of their authorized stay.	H-1BI visas are granted by the US Embassy/Consulate for up to 18 months but an H-1BI visa holder will only be granted entry to the US for 1-year at every US entry. Extensions of stay filed in the US are granted in 1-year increments. There is no 6-year limit like the H-1B.
<b>PROCESSING TIME</b>	H-1B petitions are filed with USCIS in the United States. Processing times vary based on USCIS' backlog. For the most up-to-date processing times, please see: <a href="https://egov.uscis.gov/cris/processTimesDisplayInit.do">https://egov.uscis.gov/cris/processTimesDisplayInit.do</a>	Unlike many other visa types, Australians can apply for the E-3 directly at a US Embassy/Consulate abroad without first having a petition approved by USCIS. Therefore processing times are only dependent on the Embassy/Consulate's calendar and not on USCIS.	For Canadians, the TN can be applied for directly at the US port of entry. Please note only those ports designated as "Class A" will accept TN applications.	The H-1BI can be applied for directly at a US Embassy/Consulate abroad without first having a petition approved by USCIS.
<b>PORTABILITY</b> (i.e., the ability for visa holders to begin working for a new employer upon the receipt of that employer's petition at USCIS instead of waiting until the new petition is approved)	YES. The H-1B visa holder can port to a new employer upon receipt of the new employer's H-1B petition at USCIS.	NO. A foreign national in E-3 status must wait for the new petition (or application at the US Embassy/Consulate abroad) to be approved in order to begin working for a new US employer.	NO. A foreign national in TN status must wait for the new petition (or application at the border) to be approved in order to begin working for a new US employer.	NO. A foreign national in H-1BI status must wait for the new petition (or application at the US Consulate abroad) to be approved in order to begin working for a new US employer.
<b>PREMIUM PROCESSING</b> (i.e., a response in 15 calendar days)	YES. An H-1B can be premium processed by USCIS for the additional fee; however, USCIS may temporarily suspend premium processing for H-1B cap cases.	NO. If applying from within the US as a change-of-employer or a change-of-status this petition cannot be premium processed; however, since these petitions can be processed directly at a US Embassy/Consulate, the foreign national may be able to obtain the visa in a relatively short amount of time depending on the Embassy/Consulate's interview calendar.	YES. If applying in the US, the TN can be premium processed by USCIS for the additional fee.	NO. But like the E-3, since it can be applied for directly at the consulate, timing may not be too terribly long.
<b>POSSIBLE COMPLICATIONS</b>	With limited exception, H-1Bs are subject to an annual cap. Typically, more apply each year than there are visas available. When that happens, the government goes to a lottery system to pick those who will get a chance to have their petitions adjudicated.	E-3s are not "dual intent" like the H1B; therefore, Australians on this visa type must have the intent to return home at the end of their authorized stay.	TNs are not "dual intent." Foreign nationals on this visa type must have the intent to return home at the end of their authorized stay.	H-1BIs are not "dual intent." Foreign nationals on this visa type must have the intent to return home at the end of their authorized stay.
<b>ADDITIONAL COMMENTS</b>	H-1B petitions are not subject to the annual cap when the beneficiary was previously granted status as an H-1B in the past 6 years or is changing employers or extending their stay with their current employer. A petition also may not be subject to the annual cap if the employer meets certain specific requirements. For example, a nonprofit entity related to or "affiliated" with an institution of higher education (the definition of "affiliate" has been an issue of contention).	There is a 10,500 yearly cap but this is generally not reached. Additionally, as Tim Tams and Lamingtons are difficult to find here, please bring some by the office.	Canadian citizens are not required to obtain a visa in their passport to enter the US and instead can apply at a port of entry. Mexican citizens will need to apply for a visa at the US Embassy/Consulate before being able to enter US.	There is a numerical limit of visas which reduces the H-1B Cap to the extent used but traditionally does not become oversubscribed in any given year. For Chile the cap is 1,400 and for Singapore it is 5,400.

