

Mobility: immigration alert

February 2021

United States

USCIS allows premium processing for E-3 petitions

Executive summary

Effective 24 February 2021, the U.S. Citizenship and Immigration Services (USCIS) has permitted the option for expedited premium processing of petitions seeking E-3 classification. This applies for both initial petitions and extensions of status.

The E-3 classification

E-3 work authorized status is available for individuals who:

- ▶ Are citizens of Australia
- ▶ Possess qualifying academic, experiential and other credentials that fit the offer of employment in the U.S.
- ▶ Will be paid the greater of an actual or prevailing wage
- ▶ Will be employed in a position that qualifies as a specialty occupation

Employees may apply for an E-3 visa directly at a U.S. Consulate abroad, or, if they are within the U.S., have their employers file an I-129 petition with USCIS. The premium processing option is only available for petitions filed with the USCIS for persons physically situated in the U.S..

Premium processing for E-3 classification

The government filing fee to request premium processing service with the USCIS is \$2,500.

A petition filed under premium processing is typically adjudicated within 15 calendar days. If further information or documents are required, USCIS may issue a Request for Evidence which tolls the 15 day adjudication period. Once the U.S. employer submits requested additional information, the USCIS then has another 15 calendar days in which to adjudicate the petition.

Currently, and without using the premium processing service, E-3 petitions filed with USCIS are being adjudicated in approximately two to five months of receipt.

EY Law will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our US immigration professionals.

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ey.com/en_ca

George Reis, Managing Partner
+1 416 943 2535
george.reis@ca.ey.com

Batia Stein, Partner
+1 416 943 3593
batia.j.stein@ca.ey.com

Roxanne Israel, Partner
+1 403 206 5086
roxanne.n.israel@ca.ey.com

Authored by:
Joo Young Seo, Business Immigration Attorney
+1 416 943 3548
joo.young.seo@ca.ey.com

Alex Israel, Partner
+1 416 943 2698
alex.d.israel@ca.ey.com

Christopher Gordon, Partner
+1 416 943 2544
christopher.d.gordon@ca.ey.com

Jonathan Leebosh, Partner
+1 604 899 3560
jonathan.e.leebosh@ca.ey.com