



APPLICATION PACKET FOR E-3 (AUSTRALIANS ONLY)

Application Process in the same for initial E-3's and extensions of the E-3

Eligibility: Cornell will sponsor an E-3 petitions for qualified individuals with Academic Positions. The E-3 category available to Australian nationals in a "specialty occupation;" a position "which requires theoretical and practical application of a body of highly specialized knowledge and attainment..."

Length of Stay: The E-3 category allows for entry of up to two years, at a time. The E-3 is a non-immigrant visa, and the applicant must satisfy the consular officer that s/he intends to depart the US upon termination of E-3 status. The E-3 may be renewed in increments of two years. There is no grace period for the E-3 employees. So, the individual is expected to leave the US on the last day of employment.

E-3 Processing: All E-3 applications, including extensions and amendments, require three steps:

- **Step 1:** ISSO must first obtain an "E-3 wage" by comparing a prevailing wage determination from the Department of Labor (DOL) to the actual wage data provided by the hiring department. The hiring department must pay the higher of the two wages. At the same time, The hiring department will to post a notice of LCA filing for 10 consecutive business days at a conspicuous place.
- **Step 2:** When the E-3 wage has been determined, and the 10-day posting is complete, the ISSO files a Labor Condition Application (LCA) with DOL affirming that Cornell will meet the prevailing wage and other legal requirements of the E-3.
- **Step 3:** After receiving LCA certification, ISSO will notify the hiring department to pick up the certified LCA. The prospective E-3 employee will make a visa appointment at a US Consulate/Embassy to obtain an E-3 visa (and E-3D visas for his/her dependents, if applicable).

Dependent Status: The spouse and unmarried children under 21 years of age of E-3 employees may apply E-3D status. The spouse of an E-3 nonimmigrant may apply for an EAD (Employment Authorization Document) to work in the US.

Employment Restrictions: The E-3 is specific to the employer and job/position for an individual E-3 employee. E-3 employment authorized for Cornell does not allow employment with another department, at another location, or for a different employer. E-3 employees are not allowed to accept honoraria from outside sources.

TO BE COMPLETED BY HIRING UNIT
E-3 Prevailing Wage Data & Actual Wage Statement

Date received by ISSO

(E-3 Employee's Name)

E-3 Cover Sheet: Submitted With Application

Department/Hiring Unit : _____

Primary Human Resource Contact (print or stamp): Name: Phone: Email:	Alternate Human Resource Contact (print or stamp): Name: Phone: Email:
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Employers must gain the approval of the Department of Labor before filing an application to the USCIS for an E-3 Australian Treat Worker. Please notice the four conditions of employment to which the employer must attest before gaining the approval of the Department of Labor.

Four conditions:

1. E-3 nonimmigrants will be paid at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in questions **or** the prevailing wage level for the occupation in the area of employment, **whichever is higher**.
2. The employment of E-3 nonimmigrant will not adversely affect the working conditions of workers similarly employed in the intended area of employment.
3. On the date the application is signed and submitted, there is no strike, lockout or work stoppage in the course of a labor dispute in the occupation in which E-3 nonimmigrants will be employed at the place of employment
4. That notice of the application has been provided to workers employed in the occupations in which E-3 nonimmigrants will be employed, either to the bargaining representative of workers in

the occupations in which E-3 nonimmigrants will be employed; or that a notice of this filing is **posted for 10 days in a conspicuous place** where E-3 nonimmigrants will be employed.

Regulations require that the employer document “a full, clear explanation of the system that the employer used to set the ‘actual wage’ the employer has paid or will pay workers in the occupation for which the E-3 nonimmigrant is sought, including any periodic increases which the system may provide...” This information must be retained in the employee’s personnel file and in a public access file. In order to meet federal regulations, you must provide the following information and confirmation. All questions must be answered. Please attach additional sheets if necessary.

INFORMATION REQUIRED FOR PREVAILING WAGE DETERMINATION:

1. Name of alien employee:
2. Title of position offered:
3. Annual salary or hourly rate:
4. Hours worked per week:
5. **Minimum** degree required for the position:
6. Field(s) of Study required or accepted:
7. Years of experience or training **REQUIRED** for position, describe in detail:

8. List all work sites for this position.
 ___ Cornell University Campus, Ithaca, NY
 ___ Other (list) :

9. Job duties for this position (be as detailed as possible, attach a description, if necessary):

10. Job Title of the Supervisor
11. Will the position supervise other employees? If yes, how many?
12. Will travel be a required part of duties? If yes, explain.
13. Are there any other working conditions that affect the rate of pay? If yes, explain.

DETERMINATION OF ACTUAL WAGE FOR THE POSITION

1. What is the pay rate **or** pay range for other workers in the same position in the department who have the same level of education, experience, and skills as the alien employee? (*can not be higher than the salary offered to E-3 applicant*):

2. If there is variation in the salaries of workers in the same job as that of the alien employee, specify and explain the factors that account for this variation (i.e. additional duties such as supervisory duties, differences in the number of publications produced, significant awards held, etc...)

3. Explain the system or factors used to determine the wage offered to the alien employee:

4. Explain the system used to evaluate the alien employee's performance and to provide for periodic pay increases.

CERTIFICATION

I certify that all information contained in this actual wage statement is true to the best of my knowledge. I can provide additional details pertaining to statements made regarding the actual wage for the occupation discussed if needed. I am aware of the conditions of employment for E-3 temporary workers. I authorize the International Students and Scholars Office to seek approval from the Department of Labor for an E-3 Australian Treaty visa on behalf of the above named individual.

Signature faculty advisor or supervisor _____
date

name and title (typed or printed)

signature of department chair _____
date

name and title (typed or printed)

E-3 Employment Posting (Completed and posted by Hiring Unit)

1. Full Legal Name of Employer: **Cornell University**

2. Federal Employer I.D.#: **150532082**

3. Employer's Telephone No. _____ 4. Employer's FAX No. _____

5. Hiring Unit Address _____

6. Address where documentation is kept:

ISSO B50 Caldwell Hall, Cornell Univ. Ithaca, NY 14850

7. OCCUPATIONAL INFORMATION

(a) Three-digit Occupational Group Code: **090**

(b) Job Title (indicate if part time): _____

(c) Rate of Pay _____

(d) Period of Employment: from _____ to _____

(e) Location(s) Where E-3 Nonimmigrant will work

8. EMPLOYER LABOR CONDITION STATEMENTS (Employers are required to develop and maintain documentation supporting labor condition statements 8(a) and 8(d). Check each box to indicate that the employer will comply with each statement.)

(a) E-3 nonimmigrants will be paid at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupation in the area of employment, whichever is higher.

(b) The employment of E-3 nonimmigrants will not adversely affect the working conditions of workers similarly employed in the area of intended employment.

(c) On the date this application is signed and submitted, there is not a strike, lockout or work stoppage in the course of a labor dispute in the occupation in which E-3 nonimmigrants will be employed at the place of employment. If such a strike or lockout occurs after this application is submitted, I will notify ETA within 3 days of the occurrence of such a strike or lockout and the application will not be used in support of petition filings with USCIS for E-3 nonimmigrants to work in the same occupation at the place of employment until ETA determines the strike or lockout has ceased.

(d) A copy of this application has been, or will be, provided to each E-3 nonimmigrant employed pursuant to this application, and, as of this date, notice of this application has been provided to workers employed in the occupation in which E-3 nonimmigrants will be employed:

(i) Notice of this filing has been provided to bargaining representative of workers in the occupation in which E-3 nonimmigrants will be employed; or

(ii) There is no such bargaining representative; therefore, a notice of this filing has been posted and was, or will remain, posted for 10 days in at least two conspicuous locations where E-3 nonimmigrants will be employed.

Complaints alleging misrepresentation of material facts in the labor condition application and/or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour Division of the United States Department of Labor.

Posted from _____ to _____

Name (printed): _____ Signature _____

E-3 Applicant Data Sheet

FAMILY NAME:

GIVEN NAME:

Full Middle Name:

All Other Names Used (including Maiden name, if applicable)

Gender:

Date of Birth :

Social Security:

A# (if any – you would have one if you had OPT as an F-1 student, check your EAD):

Country of Birth:

State/Province of Birth:

Country of Citizenship:

Email:

If in the US:

Date of (last) Arrival in the US:

I-94#:

Current Visa Status:

Current Expiration of Status (mm/dd/yyyy):

Passport#:

Date passport was issued:

Date passport expires:

What is your Foreign Address (REQUIRED even if you are currently living in the US!)?