

United States – H-3 Non-immigrant Visa Application Procedures and Fees

The H-3 Nonimmigrant classification allows noncitizens to go to the United States temporarily as either a Trainee or a Special Education Exchange Visitor for training purposes.

A *Trainee* may be in any field of endeavor other than graduate medical education or training, and such training must not be available in the noncitizen's home country. A *Special Education Exchange Visitor* is to participate in a program that provides for practical training and experience in the education of children with physical, mental, emotional disabilities.

An H-3 trainee must be invited by a U.S. employer or organization to receive the training, and such training may be in any field pertaining to Agriculture, Commerce, Communications, Finance, Government, Transportation or Other Professions.

To meet USCIS's H-3 visa requirements, the U.S. employer or organization must establish a comprehensive training program supported by a thorough description and supporting documents.

This visa classification cannot be used for employment in the U.S. It is designed to provide a noncitizen with job-related training for work that will ultimately be performed outside the U.S.

Family members of an H-3 nonimmigrant visa holder, including spouse and children under the age of 21, are entitled to accompany the trainee while on H-3 status. However, H-3 dependents are not permitted to work in the U.S.

The period of stay in the U.S. for a Trainee is up to 2 years, and for a Special Education Exchange Visitor, 18 months.

During the validity of the visa, the H-3 visa holder can enjoy the privileges of entering, exiting or remaining in the U.S. Upon completion of the period of stay, the visa holder must leave the U.S. as there is no extension facility for this visa.

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1. Application Procedures and Fees

Our fees for handling the application of a H-3 visa in the United States is USD6,500. An additional USD1,500 will be charged for each dependent visa. In particular, our fees cover the following services:

- (1) Providing general advice regarding the H-3 visa application;
- (2) Assistance with the preparation of the required documents;
- (3) Review application documents prepared by applicant(s) and employing company;
- (4) Preparation of authorization letter(s) and application form(s);
- (5) Submission of application to the USCIS;
- (6) Liaison with the USCIS regarding the application;
- (7) Report the application status to the client;
- (8) Visa application processing at the U.S. Embassy upon approval;
- (9) Preparing applicant for the interview at the U.S. Embassy.

Note:

- (1) The fees quoted above exclude government fees.
- (2) The fees stated are exclusive of delivery charges, if any.
- (3) The fees stated exclude documents translation fees. Please contact us for a quotation if you wish to engage our translation services.
- (4) Premium processing service is available for an extra fee of USD2,500 (USCIS will process the petition within 15 calendar days).

2. Payment Term and Method

Upon receipt of confirmation of engagement, we will issue an invoice and email it together with detailed wire instructions to you. Because of the nature of services, we require full payment in advance. In addition, once service is commenced, no service fees will be refunded. We currently only accept check, cash or TT and credit card payment through PayPal. If invoice is settled by PayPal, an extra 5% service fee will be charged.

If Taiwan uniform invoice is required, a Business Tax at 5% of the invoiced amount will be charged and collected.

3. Eligibility Criteria

To qualify for an H-3 visa, the following eligibility requirements must be met:

The Trainee:

- (1) Must be invited by an individual or organization for the purpose of receiving training, in any field including but not limited to:
 - (a) Agriculture
 - (b) Commerce

- (c) Communications
 - (d) Finance
 - (e) Government
 - (f) Transportation
 - (g) Other Professions
- (2) Must not be receiving a graduate medical education or training in the U.S.;
 - (3) Must be receiving the training to advance his/her career outside the U.S.;
 - (4) Must not have a similar training that is available in his/her home country;
 - (5) Must not engage in productive employment unless such employment is incidental and necessary to the training;
 - (6) Must not be placed in a position which is in the normal operation of the business and in which U.S. citizens and resident workers are regularly employed.

For Special Education Exchange Visitor:

- (1) The petition must be filed by a facility which has professionally trained staff and a structured program for providing education to children with physical, mental, or emotional disabilities;
- (2) The professional facility must provide training and hands-on experience to participants in the special education exchange visitor program.

Note:

- (1) A numerical limit (or “cap”) of no more than 50 special education exchange visitors in a fiscal year;
- (2) The period of stay for the approved special education exchange visitor may be allowed to remain in the United States for up to 18 months.

For Dependents:

- (1) Visas (H-4) are available for an accompanying spouse and minor children (unmarried and under age 21) of H-3 beneficiary.

Note:

- (1) Dependents of H-3 beneficiary may not accept employment in the United States. Children are expected to attend school, and adults can attend school part-time under the terms of the H-4 visa.
- (2) The dependents of H-3 beneficiary can enter, exit or remain in the United States continuously while the H-3 visa is valid.

4. Validity of the Visa and Extension of Stay

H-3 trainees and externs can only extend their stay if their original stay was less than 2 years, and the total period of stay, together with the extension period, does not exceed 2 years.

H-3 special education exchange visitors can extend their stay in the United States only if their total period of stay does not exceed 18 months. Upon completion of the period of stay, the applicants are supposed to leave the U.S. as there is no extension facility for this visa.

5. Change of Visa Status

If the training in H-3 status lasts more than six months, then the person cannot change to L visa status or another H visa status until having been outside the U.S. for six months.

If the H-3 visa holder remains in the U.S. for the maximum period of time, he/she may not seek a change of status, extension, or readmission to the U.S. in H or L status until he/she has resided outside of the U.S. for a period of six months.

Other changes of status are allowed, but must be requested before the H-3 visa has expired.

6. Supporting Documents and Information

General Document Requirement

- (1) Photocopy of applicants' passport showing the status
- (2) If the beneficiary is in the United States, a copy of the I-94 or other proof of current lawful, unexpired immigration status

Specific Documents for Trainee:

- (1) The proposed training is not available in the noncitizen's native country;
- (2) The noncitizen will not be placed in a position which is in the normal operation of the business and in which U.S. citizens and resident workers are regularly employed;
- (3) The noncitizen will not engage in productive employment unless such employment is incidental and necessary to the training;
- (4) The training will benefit the beneficiary in pursuing a career outside the United States;
- (5) Proof that the petitioner has the physical facility and sufficiently trained staff to provide the training described in the petition;
- (6) An explanation from the petitioner regarding benefits it will obtain by providing the training, including why it is willing to incur the cost of the training.
- (7) A summary of the beneficiary's prior relevant training and experience, such as diplomas and letters from past employers.
- (8) If the beneficiary is a nonimmigrant student, evidence that the proposed training was not designed to extend the total allowable period of practical training.
- (9) A detailed written statement from the petitioner containing:
 - (a) The overall training schedule;
 - (b) Describes the type of training and supervision to be given;
 - (c) The structure of the training program;
 - (d) Sets the proportion of time that will be devoted to productive employment;

- (e) Shows the number of hours that will be spent, respectively, in classroom instruction and in on-the-job training;
- (f) Describes the career abroad for which the training will prepare the noncitizen;
- (g) What skills the beneficiary will acquire (and how these skills relate to pursuing a career abroad);
- (h) Indicates the reasons why such training cannot be obtained in the noncitizen's country and why it is necessary for the noncitizen to be trained in the United States;
- (i) Indicates the source of any remuneration received by the trainee and any benefit which will accrue to the employer/organization for providing the training.

Specific Documents for Special Education Exchange Visitor:

Document provided by U.S. professional facility:

- (1) The training the noncitizen will receive;
- (2) The facility's professional staff; and
- (3) The noncitizen's participation in the training program.

Document provided by the beneficiary:

- (1) Proof of nearing the completion of a baccalaureate or higher degree program in special education; **or**
- (2) Documents of earned a baccalaureate or higher degree in special education; **or**
- (3) Proof of having extensive prior training and experience teaching children with physical, mental or emotional disabilities.

Note:

- (1) Any custodial care of children must be incidental to the noncitizen's training.

Document Requirement for Dependents

- (1) Copies of each dependent's I-94 or other proof of lawful immigration status
- (2) Proof of the family relationship with the primary H-3 beneficiary, such as marriage and birth certificates

7. Important Notes

A training program may **NOT** be approved which:

- (1) Deals in generalities with no fixed schedule, objectives or means of evaluation;
- (2) Is incompatible with the nature of the petitioner's business or enterprise;
- (3) Is on behalf of a noncitizen who already possess substantial training and expertise in the proposed field of training;
- (4) Is in a field in which it is unlikely that the knowledge or skill will be used outside the United States;

- (5) Will result in productive employment beyond that which is incidental and necessary to the training;
- (6) Is designed to recruit and train noncitizens for the ultimate staffing of domestic operations in the United States;
- (7) Does not establish that the petitioner has the physical plant and sufficiently trained manpower to provide the training specified; or
- (8) Is designed to extend the total allowable period of practical training previously authorized a nonimmigrant student.

8. Procedures and Timeline

Typically, the duration associated with a visa petition approval is 4-6 weeks, but timing under this class varies greatly. Please confirm with our consultants prior to filing an application.

Please be noted that the U.S. organization sponsoring the submission of petition at least 6 months prior to the start of the Training program.

Once the petition is approved, the H-3 Visa processing time may take between 1-3 months. You may also pay a premium processing fee to USCIS to ensure the petition is processed within 15 calendar days.

If you need assistance or wish to obtain more information, please visit our official website at www.kaizenvis.com or contact us through the following:

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