H-3 Flowchart

Strategy Session

Confirm
Training unavailable in home country
Productive employment only incidental to training
Field of training (not graduate medical education)
Training will benefit trainee's career abroad

Evaluation of Qualifications
- Degree, license, transcripts
- Resume / CV

Evaluation of other evidence / facts
- Immigration status, hx and plans
- NI or immigrant intent?
- Prior IV or PERM filing?
- Length of training program?
- Purpose of training?
- Dependents?

Beneficiary completes immigration questionnaire and provides supporting evidence

Prepare training program including:
- Background of employer
- Overview of the training plan
- Employer benefits from providing training
- Why training must be obtained in the U.S.
- Time and type of training (hours of classroom, 1:1 instruction, hands-on)
- Means to provide training (trainers, classrooms, tools)
- Trainee benefits from the training and use abroad

Prepare H-3 petition and supplement & portfolio of supporting documents

Include form of remuneration

Final review of documents

File H-3 petition with USCIS

Avg. processing time: 4-6 months

Premium processing: 15 calendar days for gov't fee of $1,225

H-3 Approval

If in the U.S. in valid status - begin training program

If outside the U.S. - team assists with visa application at U.S. Consulate abroad

NOTES:

Length of training program: max of 24 months
If 24 months used, no extension, change of status or readmission to U.S. for at least 6 months.

Plan any filings before 18 months of training
H-1, H-2 and/or L status count toward the H-3 limitations.

No grace period post completion. Must be ready to exit U.S.

If time in the field as F-1/OPT, H-3 might be denied

Visa exempt Canadian citizens can apply at a designated POE
Mexican citizens must apply for visa. Reciprocity: one year.

*This material is only a general overview of the H-3 process and is not intended to substitute as legal advice.

MarksGray
LAWYERS FOR ENTERPRISE℠

Giselle Carson, Esq. | Shareholder
Business Immigration and Compliance
1200 Riverplace Boulevard, Suite 800
Jacksonville, FL 32207
Gcarson@marksgray.com
Tel: (904) 398 - 0900