



H-3 Visa – Training in the U.S. to Further a Career at Home

Insights

11.11.13

Training in the U.S. may be required to prepare a foreign national for a new position or a new career in his or her home country. The H-3 Trainee visa category may be the perfect option for the foreign national to gain the skills and tools needed to advance in a career or launch a new venture.

The H-3 visa provides foreign nationals with training in the U.S. that is unavailable to them in their native country and will prepare them for work outside the U.S. The H-3 trainee must not fill a position that results in productive employment (except where it is incidental and necessary for the training) or be one in which a U.S. worker would normally be employed. A successful H-3 visa petition will include a detailed training program that includes the structure of the program, time periods for each phase of the training, the kind and percentage of training (classroom instruction, on-the-job training, productive, etc.), how the H-3 trainee will be evaluated as to the successful completion of each phase, a description of the training personnel and facilities available, and goals for each phase. The petition must also describe why the training is not available in the foreign national's home country, how it will prepare the foreign national for work in the home country, and how the training will benefit the U.S. company providing the training.

The H-3 visa petition first must be approved by the U.S. Citizenship and Immigration Services (USCIS) and once approved, the foreign national may apply for the H-3 visa at an U.S. Consulate. The H-3 training program may be for a period of up to two years and dependents can accompany the H-3 visa holder to the U.S. (although they will not be authorized to work). The H-3 foreign national would normally be required to spend at least six months at the conclusion of the training period outside the U.S. before changing status to an H or L visa.

The H-3 Trainee visa may be the solution when other trainee visa categories (e.g., J-1 Exchange Visitor or B-1 Business Visitor) are not suitable – perhaps because the training will be outside the trainee's field of study, the trainee will be paid on the U.S. payroll, or the training program is for a longer period than granted in the other trainee categories. The H-3 visa category is not subject to an annual quota or the supplemental USCIS filing fees that can come into play for other temporary work visas, such as the H-1B Professional or L-1 intra-company transfer categories.

The next time you have a need for training in the U.S., try the H-3 on for size. It may be the perfect fit.