

# The Role of Advisory Opinion Letters for O-1 & P-1 visas

## The O-1 Visa

O-1 status is a non-immigrant visa category for foreign nationals who have risen to the top of their field in the areas of the sciences, education, business, arts, or athletics.

## The P-1 Visa

P-1 status is designed for internationally recognized athletes to participate in athletic events/competitions in the U.S. individually, part of a team or as members of an entertainment group.

## The Application

O-1 and P-1 visa applications need to be sponsored by a U.S. employer, organization or agent, as he/she cannot self-petition to the U.S. Citizenship and Immigration Services (USCIS).

A successful application requires evidence of meeting the criteria set out by USCIS for each visa category respectively, agreement between the foreign national and the sponsor, advisory opinion letter and other required documents and forms.

## The Role of the Advisory Opinion Letter

All O-1 and P-1 petitions require an advisory consultation letter from a labor union or peer group. This requirement resulted from a compromise with unions when this visa was created as part of IMMACT90.

The appropriate consulting organization will depend on the type of work or sports the foreign national will pursue in the U.S. If there is no applicable union in the field, a relevant professional association, trade, organization, or expert in the field can be the signer of this letter.

The advisory opinion letter serves to support the foreign national's offered employment / proposed athletic events in the U.S. and issue a "no objection" of the approval of the visa petition.

The letter should be signed by an authorized official of the organization and be on the official letterhead of the organization with contact information. We research, strategize, and assist our clients with identifying the advisory organization or expert and drafting the letter.

\*This material is only a general overview and is not intended to substitute as legal advice.