

# Guide and FAQ about O-1 Petitions for Individuals with Extraordinary Ability or Achievement

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**\*This material is not intended to substitute as legal advice.**

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## 1. What is an O-1 visa?

The O-1 visa is especially helpful for highly accomplished athletes, high-level managers and executives, scientists, professors, physicians, artists, entertainers, and others in non-traditional occupations who can show sustained national or international acclaim or a demonstrated record of extraordinary achievement in the field and are coming to the U.S. to continue working in their field of expertise.

It accommodates a wide range of talented and accomplished foreign nationals who might not qualify for other employment-based visas such as the H-1B, TN, or L-1, or who are looking for an alternative to these visas.

We have successfully obtained the O-1 classification for many talented clients to help them further their careers in the U.S.

## 2. How does a foreign national apply for an O-1 visa?

The O visa is employer-specific, and your employer or designated agent will need to file Form I-129, with an O supplement with USCIS. The petition also needs to contain strong evidence to support that you are one among a small percentage who has reached the top of your field.

## 3. What documents should be submitted with the O-1 petition?

Examples of supporting documents and information that we consider submitting include:

- Eight to ten reference letters from experts in your field (some letters may be from people who know you personally or have worked with you, but most should be from third-party experts who are familiar with your work)
- Press about you and your professional accomplishments
- Award, prizes, or other recognitions for your work
- Your ranking in the field
- Endorsements, patents, or grants received as a result of your work
- Invitations or participation in prominent events in the field
- Name and reputation of the various venues and events in which you have performed, or will perform, including the number of attendees and box office numbers
- Information about prize money and/or your high compensation
- High social media or website following, such as daily views, likes, followers, and press impressions
- Evidence of your participation judging the work of others
- Evidence of your critical or leading role for the distinguished organization

## 4. What evidence is required to show that you are at the top of the field?

You can demonstrate extraordinary ability by submitting evidence of receipt of a major internationally-recognized award in the field such as a Noble Prize or submit evidence to fulfill at least three of the following categories:

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- You have participated as a judge of the work of peers in your field
- There is press about you and your work in professional publications or mainstream media
- You have published scholarly articles in professional publications
- You have been employed in an essential capacity by an organization with a distinguished reputation
- You can show evidence of original, scholarly, or business-related contributions of major significance
- You have received nationally or internationally recognized prizes/ awards
- You are a member of an association that requires outstanding achievements in your field
- You have a contract showing a high salary or other substantial remuneration for your work

## 5. What qualifies as an internationally recognized award?

The award needs to be considered prestigious and related to your activities in the United States. For example, an award for being a part of a team that won a distinguished championship or being a member of a national All-Star Team has fulfilled this requirement.

## 6. What could qualify as published materials?

USCIS accepts national and international materials published in major media. The coverage should include information “about the beneficiary” or “about the beneficiary’s work, achievements, or contributions to the field”.

Examples of evidence include articles where the beneficiary is quoted as an industry expert or praised for his or her achievements; a chapter in an industry textbook citing the beneficiary’s achievements; and participation in television newscasts.

## 7. What is evidence of participation as a judge of the work of others?

Examples include peer-reviewing articles; refereeing or editing a professional journal; judging competitions; evaluating research proposals; and providing official direction for a thesis or dissertation.

Evidence may include a statement from the editor of the professional publication or a statement from the organization that held the competition or evidence of the testing used to judge the specialized work of others.

The evidence should show that the beneficiary was selected because of his or her knowledge and recognition in the field.

## 8. How can original scientific, scholarly, or business-related contributions of major significance to the field be shown?

Generally, this is accomplished through letters and testimonials from experts in the field that are *not in the immediate circle of colleagues of the applicant*.

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The letters should describe the beneficiary's influence in the field, the practical applications of unique work and innovations, and how the work is distinguishable and at the top of the field.

Such innovations might be ground-breaking, revolutionary, state-of-the-art, or vital, and must impact the field beyond the employer's or beneficiary's clients or customers.

## **9. What articles can be submitted to show authorship of scholarly articles?**

The articles should be published in peer-reviewed publications "recognized as scholarly or scientific journals" or "top international publications," in the field.

Widespread and significant citations are important. For example, five articles cited three times each and one article cited twelve times has been deemed insufficient. Twelve scholarly articles with more than three citations each have been found sufficient.

USCIS looks for independent citations and does not give additional credibility to authors who cite their own works.

## **10. How can employment in a critical or essential capacity be shown?**

This is generally accomplished through expert letters and media coverage. The filing must establish how the beneficiary's work is critical and significant. The evidence can also include examples of the beneficiary's prior employment in key roles on major projects of distinguished reputation. The filing should explain the impact of the beneficiary's achievements on the industry and/or of practical application.

## **11. What is an advisory opinion for an O-1 petition?**

All O-1 petitions require an advisory consultation letter from a labor union or peer group. This letter should support your offered employment in the U.S. and confirm that you meet the applicable ability standard.

The appropriate consulting organization will depend on the type of work you will undertake in the U.S. If there is no applicable union in your field, a relevant professional society, trade organization, or expert in the field can be consulted for this letter.

## **12. What is the validity of O-1 status?**

The initial maximum stay is for up to three years to complete an event or activity which can include a scientific project, lecture series, tour, exhibit, business project, competition, academic year, or other engagement. A group of related activities can be considered an event. The period of an event may include vacations, promotional appearances, and activities incidental to the main event or activity.

USCIS will evaluate unlimited one-year extensions to continue the same event or activity.

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