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O-1 VISA (EXTRAORDINARY ABILITY)

The non immigrant O-1 visa is for individuals who possess extraordinary ability in the sciences, arts, education, business, or athletics, or who have a demonstrated record of extraordinary achievement in the motion picture or television industry and have been recognized nationally or internationally for those achievements.

General Eligibility Criteria for the O-1 Visa

To qualify for an O-1 visa, the beneficiary must demonstrate extraordinary ability by sustained national or international acclaim and must be coming temporarily to the United States to continue work in the area of extraordinary ability.

- Extraordinary ability in the fields of science, education, business or athletics means a level of expertise indicating that the person is one of the small percentage who has risen to the top of his or her field under the O-1 visa.
- Extraordinary ability in the field of arts means distinction. Distinction means a high level of achievement in the field of the arts evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that a person described as prominent is renowned, leading, or well-known in the field of arts.
- Extraordinary ability in the field of motion picture or television industry, means the beneficiary must demonstrate extraordinary achievement evidenced by a degree of skill and recognition significantly above that ordinarily encountered to the extent the person is recognized as outstanding, notable or leading in the motion picture and/or television field under the O-1 visa.

Consultation Requirements for the O-1 Visa

Subject to certain exceptions, a written advisory opinion from a peer group (including labor organizations) or a person designated by the group with expertise in your area of ability is required. If the O-1 visa petition is for an individual with extraordinary achievement in motion picture or television, the consultation must come from an appropriate labor union and a management organization with expertise in the beneficiary's area of ability.

Agents as O-1 Visa Petitioners

A U.S. Agent may be the actual employer of the O-1 visa beneficiary, the representative of both the employer and the beneficiary, or a person or entity authorized by the employer to act for, or in place of, the employer as its agent to file the O1 visa petition.

Evidentiary Criteria for O-1A visa

To qualify for an O-1 visa, evidence that the beneficiary has received a major, international recognized award or evidence of at least (3) three of the following must be provided:

- Receipt of nationally or internationally recognized prizes or awards;
- Membership in associations in the field which require outstanding achievements;
- Published material in professional or major trade publications, newspapers or other major media about the beneficiary and the beneficiary's work in the field;
- Original scientific, scholarly, or business-related contributions of major significance;
- Authorship of scholarly articles in professional journals or other major media;
- A high salary or other remuneration for services;
- Participation on a panel, or individually, as a judge of the work of others in the same or in a field of specialization;
- Employment in a critical or essential capacity for organizations and establishments with a distinguished reputation.

If the above standards do not readily apply to your, the O-1 visa beneficiary's, occupation, you may submit comparable evidence in order to establish eligibility.

Evidentiary Criteria for O-1B Visa

Evidence that the beneficiary has received, or been nominated for, significant national or international awards or prizes in the particular field, such as an Academy Award, Emmy, Grammy or Director's Guild Award, or evidence of at least (3) three of the following:

- Performance in a lead or starring role in productions or events which have a distinguished reputation;
- National or international recognition for achievements;
- Performance in a lead or starring or critical role, role for organizations and establishments that have a distinguished reputation;
- Commercial or critically acclaimed successes;
- Recognition for achievements from organizations, critics, government or other experts in the field; or
- A high salary or other substantial remuneration.

If the above standards do not readily apply to your occupation in the arts, you may submit comparable evidence in order to establish eligibility (this exception does not apply to the motion picture or television industry).

Period of Stay Under O-1 visa

The initial period of stay can generally be granted for up to 3 years and extended for periods of 1 year depending on the foreign national's work under the O1 visa.