

O Visas: Individuals of Extraordinary Ability

- The O-1 visa is a non-immigrant employment-based visa issued to the foreign nationals who have extraordinary ability in the sciences, arts, education, business or athletics.
- The extraordinary ability in the field of science, education, business, or athletics means a high level of achievement that is considerably above the normal
- O-1 visa category is not subject to any numerical limitations

Science, Education, Business, & Athletics

- Alien has achieved a major award (EX: Nobel Prize) & is at the top of his or her field

Artists

- Alien must show distinction in his or her field. Person is well known or has won a major award (EX: academy award)

TV/Movie Star

- Alien has a high level of achievement, must be notable or leading in the TV/Movie Industry

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Disadvantages of O-1 visa classification

- The proof to be submitted for qualifying extraordinary ability should be ***very high*** standards;
- O-1 worker visa petition should only be filed by a U.S. employer or a U.S. agent.

Forms Required

- Form I-129 and Supplement O
- Form G-28
- Form I-539 and G-28



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Generally, to qualify for O-1 classification, aliens of extraordinary ability in the sciences, education, business, or athletics must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise by providing evidence of:

Receipt of a major, internationally recognized award, such as the Nobel Prize; or at least **three** of the following:

- (1) Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in his field;
- (2) Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
- (3) Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation;

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- (4) Evidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought;
- (5) Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field;
- (6) Evidence of the alien's authorship of scholarly articles in the field, in professional journals, or other major media;
- (7) Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;
- (8) Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

The O-2 Visa

O-2 Visa: Support Staff of Artists/Athletes

Alien Must Show:

1. He/She is entering for a specific event(s)
2. He/She is an integral part of the performance
3. He/She has critical skills and experience with the principal that cannot be performed by anyone else
4. He/She has a foreign residence and there are no intentions to abandon that residence.

Advantages of the O-2

- The holder can travel freely in and out of the U.S and can engage in work activities;
- The holder can apply for O-3 visas for spouse and dependent children.



The O-2 Visa

Applying for the O-2 Visa

- To apply for O-2 visa, the alien must file the form DS-156 Nonimmigrant Visa Application.
- The visa must be petitioned by a U.S. employer U.S. agent or foreign employer through a U.S. agent.
- The application form should be filed at least six months before the alien plans to begin work.

O-2 Visa Documents

- One recent photograph (50mm x 50mm) of each applicant, with the entire face visible;
- a valid passport;
- an agreement between applicant and the O-1 visa holder that proves their professional relationship;
- an official agreement between the principal O-1 visa holder and alien detailing the terms and conditions of services;
- proof that alien is able to assist the O-1 visa holder; and
- proof of a prior professional relationship with the principal O-1 visa holder.

P Visas

P1-Athlete & Athletic Team & Entertainment Group

- Internationally recognized athlete performing at a specific athletic event.

P2-Artist & Entertainment Reciprocal Exchange

- The artist or entertainer is under a reciprocal exchange program between the U.S. and foreign organization

P3-Artist & Entertainer Integral to Performance

- The artist or entertainer's performance, teaching, or coaching is integral to the performance of a group performing under a commercial or non-commercial program that is culturally unique.



P Visas

Documents Required for each P Visa Category

- The Petition for Non-Immigrant Worker/Form I-129
- Supplement P
- Form G-28
- Form I-539
- Form G-28

Q-1 Visa

Q-1

- Individual entering the U.S. to obtain practical training, employment and the sharing of history, culture, philosophy and tradition of the alien's home country.

Forms Required

I-129, Supplement Q, Form G-28, Form I-539



Documents Required

1. Proof that the program will take place in a school, museum, business or place with access to the American public.
2. Proof of shared common cultural intent
3. Obtain Employer information about cultural exchange (EX: custom, heritage, philosophy, or tradition of alien's home
4. Resume
5. Brochures or other documents about employer

R-1 Visa

R-1

- Applies to Religious Workers
- Worker must (1) have been a member of a religious denomination with a bona fide not-for-profit religious organization in the U.S. for the 2 years prior to application; and (2) seek to enter U.S. for no longer than 5 years to carry on ministerial work
- Forms Required: I-129, Supplement R, Form G-28, Form I-539

Benefits of Having a R-1 Visa

- Individual can participate in full time study in the country,
- Individual can travel freely in and out of the US during the valid visa period,
- Individual can accept payment for services carried out,
- Individual can apply for lawful permanent resident status (“Green Card”).

R-1 Visa

Documentation Required

- Evidence that the applicant is working as a minister of religion, in a religious occupation, or for a bona fide non-profit religious community;
- Certificates that show the applicant has been a member of the religious group for at least two years prior to the visa application;
- Proof of the contract from the U.S. employer;
- IRS-supplied proof of the tax-exempt status of the religious organization in the U.S.;
- Proof that the applicant is eligible for the work designated in the United States;
- Credentials showing arrangements for financial support.
- Resume and degree showing alien has religious professional credentials