

Athletes/Entertainers/Artists (O-1)

This visa option is available for persons of "extraordinary ability in the fields of science, art, education, business, or athletics which has been demonstrated by sustained national or international acclaim." "Extraordinary ability" refers to a level of expertise showing a person is one of the small percentage who have risen to the very top of their field. "Sustained national or international acclaim" must be shown by "extensive documentation" of recognition for achievements in the field of expertise". The person holding the visa must be coming to the United States to continue working in the area of extraordinary ability.

EVIDENCE REQUIRED:

Receipt of a "major, internationally-recognized award, such as the Nobel Prize" OR evidence of at least THREE of the following:

- Receipt of a national or international prize or award for excellence in the field;
- Membership in associations in the field which require outstanding achievements of their members, judged by recognized national or international experts in the discipline or field;
- Published material in professional or major trade publications or major media about the applicant relating to his/her work in the field;
- Participation by the applicant on a panel or individually as a judge of other people's work in the field;
- Original scientific, scholarly or business related contributions of major significance to the field;
- Authorship by the applicant of scholarly articles in the field in professional journals or other major media;
- Employment in a critical or essential capacity for organizations that have a distinguished reputation;
- Receipt of a high salary or other remuneration for services;
- Other comparable evidence bearing on extraordinary abilities in the field. This could include things such as patents/copyrights for products/ideas that have had significant sales worldwide or similar impacts.

In addition to the above, an advisory opinion from a peer group, labor or management organization in the field is required. A peer group is a group or organization comprised of practitioners in the applicant's occupation of similar standing that is governed by such practitioners. These groups include collective bargaining representatives. For people of extraordinary ability in the motion picture and television industries, a record of extraordinary achievement must be demonstrated. In this case, a very high level of accomplishment is required to a degree of recognition that is "significantly higher than average, recognized as outstanding, notable or leading."

O-2 VISAS

O-2 visas are available for "accompanying aliens" who provide "essential support" to an O-1 artist or athlete. O-2s cannot work separate and apart from O-1s. O-2 visas must be applied for at the same time as O-1s. O-2s must assist in the O-1's performance, be "integral" to the performance and have critical skills and experience with the O-1 that are not general in nature or possessed by U.S. workers.

O-2s accompanying extraordinary achievement O-1s in motion picture and television production must also have essential skills and substantial pre-existing or longstanding working relationships with the O-1 holder, or be essential to significant pre- or post- production work inside and outside the U.S. which is required to successfully complete the production.

VALIDITY PERIODS:

This is a temporary visa, hence the activities to be performed must be temporary in nature. A schedule of events and/or an employment agreement is required. Visas are issued initially for three years or less if requested, followed by one-year extensions.

DEPENDENTS:

Spouses and minor children dependents receive O-3 visas with the same period of admission as the lead O-1. Dependents may not work unless granted employment authorization.

PROCESSING TIMES:

This petition can be approved very quickly if exigent circumstances are shown and only if the petitioner plans ahead. Otherwise, normal processing is 2-4 weeks depending upon where the petition is filed. Depending upon where the applicant is, he or she may need to then go to a U.S. consulate abroad and apply for the actual visa. Processing times vary.