

ImmiCore Law

A Professional Law Corporation

O-1 Aliens of Extraordinary Ability

INA §101(a)(15)(O); 8 CFR §214.2(o)

The O-1 visa is a temporary work visa for foreign nationals who have “extraordinary ability in the sciences, arts, education, business or athletics. Extraordinary ability means that a person has achieved a high level of expertise in a particular field. In order to qualify for the visa, the aliens of extraordinary ability must demonstrate “sustained national or international acclaim” in their field of endeavor.

O-1 visa holders must be entering the United States to perform temporary services that require their expertise for a U.S. employer or an agent of an international employer. The petition may not be filed more than six months before the services are needed.

O-1A is for Extraordinary Ability in the fields of Science, Education, Business, or Athletics –

Extraordinary ability in the field of science, education, business, or athletics means a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor.

O-1B is for Extraordinary Ability in the Arts –

Extraordinary ability in the field of arts means distinction. Distinction means a high level of achievement in the field of 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.

Time Limitation

The O-1 Visa is granted for an initial stay of three years; however, the Visa may be extended in one year increments for the duration of the foreign employee’s work in the United States. Unlike most of the temporary nonimmigrant visas, there is no maximum length of stay in the U.S. for holders of the O-1 Visa.

Application Procedure

A person cannot apply for an O visa on their own behalf. Generally, the employer or agent must petition for the alien with the U.S. Citizenship and Immigration Services. Once the petition is approved, the person must then apply for an O-1 visa at a U.S. embassy or consulate. An O-1 visa may be granted for up to three years. O-1 visa status may be renewed in one-year increments, or until the project is finished.