

Is the O Visa for Extra-Ordinary Ability for You?

Are you one of the top people in your field or have you won a major international award or have you received national or international acclaim and recognition in your field of work? If so, you may qualify for an O visa. O visas are issued to non-immigrants with extra-ordinary ability in the sciences, arts, education, business, or athletics. No

Numerical Cap:

Although there is no numerical cap on the annual admissions of these non-immigrants, O visas require that its visa holders must intend to work in the area of extra-ordinary ability claimed.

No Limit on Duration of Stay:

Another advantage of the O visa is that there is no explicit statutory limitation on the period of stay for O visa holders. An initial period of stay can be approved for 3 years and extensions of stay for an O-1 visa holder can be granted in increments of 1 year.

Pending GC application is OK:

An O visa holder can have a green card application pending while on an O-1 status and the O-1 beneficiary does not need to show that s/he is maintaining a residence abroad to which s/he intends to return.

Free-lancing is not allowed:

An O visa holder can only be admitted to perform services in “specific, identified events, performances, competitions, or engagements” and an O-visa holder cannot enter the United States to free lance

.Application process:

The procedure for an O visa is in three steps:

(1) An O beneficiary cannot petition for himself and an employer, manager or agent is required to sign the application form and generally, a petition can be approved only after the employer, manager, or agent consults with a peer group, management organization, or labor organization, who attests that they have no objection to the applicant being granted an O visa.

- (2) An approval by the USCIS of an O petition supported by the above mentioned advisory opinion from an employer, manager, or agent.
- (3) Issuance by a U.S. Consulate of an O visa based on the approved petition.

If you are not sure whether you qualify for an O visa or if you need additional guidance, feel free to contact our office.

If you would like to see a particular topic/issue covered in future issues please send me an email at

ISW_e-Sandesh@mithraslaw.com

with "ISW e-Sandesh" as the subject.

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