



McCandlish Holton
A PROFESSIONAL CORPORATION

O Visas

O visas are temporary visas available for aliens of extraordinary ability in the fields of science, education, business or athletics. O visas require employer sponsorship. An O visa is an excellent alternative to the H-1B for university professors and researchers. This summary focuses on aliens of extraordinary ability in the fields of science, education and business.

Requirements: Extraordinary ability must be demonstrated through sustained national and international acclaim and recognition for achievements in the field through evidence of the following:

- § Receipt of a major internationally-recognized award, such as the Nobel Prize; or
- § At least **three** of the following forms of documentation:
 - § Documentation of receipt of nationally or internationally recognized prizes or awards for excellence in the field;
 - § Documentation of membership in associations in the field which require outstanding achievements of their members, as judged by recognized national and international experts and their disciplines;
 - § Published material in professional and major trade publications or major media about the alien, relating to his/her work in the field. Must include the title, date, and author of such published material;
 - § Evidence of 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 sought;
 - § Evidence of original scientific, scholarly or business-related contributions of major significance in the field;

- § Evidence of authorship of scholarly articles in the field, in professional journals or other major media;
 - § Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have distinguished reputation; and
 - § 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.
- § If the above evidence does not readily apply to the occupation, then the employer can submit other comparable evidence to submit.

O visas also require a letter evidencing consultation with an appropriate “peer group” (such as a prominent association in the field of endeavor) stating that the peer group has no objection to issuance of the O visa. Some professions and specialties have no such peer group, in which case the employer can submit a letter attesting that no such peer group exists.

Length of Stay: An O visa is valid for three years with available extensions.

Spouse and Children: Can accompany the principal beneficiary as O-3 visa holders, but cannot work in that status.

Dual Intent: Filing of an immigrant visa will not in itself prevent entry or re-entry on an O or extension of O visa. However, this is not technically dual intent because the employee still must have an intent to return to the home country.