

O and P visas for persons of extraordinary ability, athletes, and entertainers

The O visa is available for foreign nationals who have demonstrated extraordinary ability or extraordinary achievement in a variety of fields, or those who have critical skills and experience with such an individual, in order to obtain a temporary work visa.

The O visa is set aside for foreign nationals of extraordinary ability in the sciences, arts, education, business, or athletics, certain foreign nationals accompanying or assisting the individual with extraordinary ability, and their family members. The foreign national would be required to prove that he or she possesses national or international acclaim or that he or she has received international awards. In addition, a foreign national who has critical skills and experience necessary to assist in the artistic or athletic performance of an O visa holder for a specific event, and who is also an integral part of the actual performance, may also qualify to obtain an O visa.

The law does not state a specific duration of the O visa. The initial period of stay can be approved for the time necessary to complete the event of activity or group of events or activities for which the foreign national is admitted into the US, up to a period of three years. Extension of an O visa and the supporting personnel can be granted in increments of up to one year to continue or complete the same event or activity for which they were admitted.

The position for which an O foreign national is being considered must meet *at least one of the following criteria* to establish that it requires someone of extraordinary ability: The services primarily involve a specific scientific or educational project, conference, convention, lecture, or exhibit sponsored by bona fide scientific or educational organization or establishments.

The position or services to be performed involve an event or activity which has a distinguished reputation or is a comparable newly organized event or activity. The services to be performed are in a lead or critical role in an activity for an organization or establishment that has a distinguished reputation or record of employing extraordinary persons.

The services consist of a specific business project that is appropriate for an extraordinary executive, manager, or highly technical person due to the complexity of the business project.

The foreign national must gather evidence that demonstrates extraordinary ability in the form of documentation of at least three of the following:

- A nationally or internationally recognized award or prize for excellence in their field.

- Membership in associations in the field for which the classification is sought, which require for membership outstanding achievement, as judged by national or international experts in their disciplines or fields.
- Published material in professional or other media about the alien. This should include the title, date, and author of the published material and any translation, if necessary.
- Evidence of the foreign national's participation on a panel or individually as a judge of the work of others in the same or an allied field.
- Evidence of the foreign national's original scientific, scholarly or business-related contributions of major significance in the field.
- Evidence of the foreign national's authorship of scholarly articles in the field in professional journals or the major media.
- Evidence that the foreign national has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.
- Evidence that the foreign national has commanded a high salary or other significantly high remuneration for services in relation to others in the field, as proven by contracts or other evidence.

The P nonimmigrant visa is available to foreign entertainment groups, athletes, or entertainers who wish to enter the United States temporarily to perform under a reciprocal exchange program or a program that is uniquely cultural. The only other visa in which entertainers or athletes may be admitted to the United States is the H-2B visa, requiring a labor certification approval.

The P visa may be issued to a foreign national who is temporarily coming to the United States to perform individually or as part of a team at an athletic competition with an internationally recognized level of performance; to perform with an entertainment group that has been internationally recognized in its field, provided the individual has had at least a one-year relationship with the group as a performer or provides functions integral to the performance; to perform in a reciprocal exchange program between a US organization and one or more foreign exchange organizations that provide for the exchange of arts and entertainers; to perform, teach, or coach as an individual or part of a group on a program that is culturally unique; or is a dependent of a P visa holder in one of the above categories.

The O visa may be granted for the period of time required to accomplish the event or activities stated in the petition, but may not exceed three years. Further extensions are available.

P visas may be granted for the period required to complete the competition or event. The maximum initial term allowed for an individual athlete is five years, for a total period of stay not to exceed 10 years. The maximum initial term allowed for athletic teams, entertainers, and entertainment groups is one year. Extensions in these categories may be

granted in increments of one year to continue or complete the activity or event for which they were admitted.

Please note that O and P visa holders may apply for permanent residence through a labor certification process or an extraordinary ability case. These individuals should consult with an attorney about the immigrant visa possibilities.