



Bernstein & Associates
immigration attorneys

**TEMPORARY
WORKER VISA
(BUSINESS, SCIENCE,
EDUCATION, ATHLETICS)**

O-1 VISA

**O-1 Temporary Worker Visa
(Business, Science, Education,
Athletics).**

In order to properly document your petition, it is necessary for you to obtain the following items:

I. Provide us with required information and INS documents

- a. Please complete O-1 questionnaire
- b. Original Arrival/Departure card (I-94)
- c. Original Form I-20 ID (for F-1 or M-1 student)

II. Documentation of Alien's Extraordinary Ability

- a. Resume or Curriculum Vitae
- b. Receipt of a major, internationally-recognized award, or:
- c. At least *three* of the following forms of documentation:
 - 1. Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
 - 2. Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or

international experts in their disciplines or fields;

- 3. Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation;
- 4. Evidence of the alien's 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 is sought;
- 5. Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field;
- 6. Evidence of the alien's authorship of scholarly articles in the field, in professional journals, or other major media;
- 7. Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;
- 8. Evidence that the alien has commanded and now

commands a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

III. Documentation regarding petitioning employer.

- a. Brochures or other promotional materials about the company, its products or services.
- b. Prospectus or annual report.
- c. Newspaper or magazine articles about company or its products or services.

IV. Evidence for establishing that a position requires the services of an alien of extraordinary ability of achievement.

- a. The position or services to be performed involve an event(s), production(s), or an activity(ies) which has a distinguished reputation or involves a comparable, newly-organized event(s), production(s), or activity(ies);
- b. The services to be performed are in a lead, starring, or critical role in an activity for an organization or establishment that has a distinguished reputation or record of employing extraordinary persons;
- c. The services primarily involve a scientific or educational project, conference, convention, lecture, or exhibit sponsored by bona fide scientific or educational organizations or establishments, or

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

V. Mandatory peer group consultation.

- a. Consultation with an appropriate peer group, labor, and/or management organization regarding the nature of the work to be done and the alien's qualifications is mandatory before a petition for an O-1 or O-2 classification can be approved. The peer group shall be an appropriate association or entity with expertise in that area. The advisory opinion provided by the peer group must describe the alien's ability and achievements in the field of endeavor, described the nature of the duties to be performed, and state whether the position requires the services of an alien of extraordinary ability. The written opinion shall contain a statement of facts which support the conclusion reached in the opinion and must be signed by an authorized official of the group or organization.

VI. Additional evidence.

- a. Affidavits, contracts, awards, and similar documentation must reflect the nature of the alien's achievement and be executed by the person in charge of the institution, firm, establishment, or organization where the work was

performed.

- b. Affidavits written by present or former employers or recognized experts certifying to the recognition and extraordinary ability, which shall specifically describe the alien's recognition and ability or achievement in factual terms and set forth the expertise of the affiant and the manner in which the affiant acquired such information.
- c. Copies of any written contracts between the petitioner and the alien beneficiary or, if there is no written contract, a summary of the terms of the oral agreement under which the alien will be employed.
- d. An explanation of the nature of the events or activities, the beginning and ending dates for the events or activities, and a copy of any itinerary for the events or activities.

Check List for O-1 Visa for an Alien of Extraordinary Ability

- Resume or Curriculum Vitae;
- Copy of Passport photo page, I-94 (if in the United States), city and country of birth, and US social security number (if previously issued);
- Receipt of a major, internationally-recognized award, and/or
- At least *three* of the following forms of documentation:
 1. Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
 2. Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields;
 3. Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation;
 4. Evidence of the alien's 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 is sought;
 5. Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field;
 6. Evidence of the alien's authorship of scholarly articles in the field, in professional journals, or other major media;
 7. Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;
 8. Evidence that the alien has commanded and now commands a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

- Documentation regarding petitioning employer:
 1. Brochures or other promotional materials about the company, its products or services.
 2. Prospectus or annual report.
 3. Newspaper or magazine articles about company or its products or services.

- Define the position to establish that the position requires the services of an alien of extraordinary ability of achievement;

- Mandatory peer group consultation and/or an advisory opinion with a labor organization (***the attorney will work with the client to identify the proper peer group or labor union and will prepare the request for the advisory opinion***)

USCIS requires a written consultation with an appropriate peer group, labor, and/or management organization regarding the nature of the work to be done and the alien's qualifications is mandatory before a petition for an O-1 classification can be approved.

The peer group shall be an appropriate association with expertise in that area or a labor union. The advisory opinion provided by the peer group must describe the alien's ability and achievements in the field of endeavor, described the nature of the duties to be performed, and state whether the position requires the services of an alien of extraordinary ability. The written opinion shall contain a statement of facts which support the conclusion reached in the opinion and must be signed by an authorized official of the group or organization.

- Additional evidence:
 1. Letters of support written by present or former employers or recognized experts in the field describing their relationship to the alien and the alien's extraordinary ability or achievement. The letters should include a CV of the author when available. (***the attorney will provide sample letters of support as a reference***)
 2. Copies of any written contracts between the petitioner and the alien, or if there is no written contract, a summary of the terms of the oral agreement under which the alien will be employed.