

Visas based on “Extraordinary Ability” to come to the U.S. and work, explained by Immigration Attorney Magdalena Cuprys

In her newest article, Immigration Attorney Magdalena Cuprys, Esq. examines the O-1 Visa, designed specifically for those individuals of Extraordinary Ability.

MIAMI, FLORIDA, UNITED STATES, May 14, 2019 /EINPresswire.com/ -- Visa and Immigration matters have become more complicated in recent years. Thus, visa applicants and immigrants are considering options. In light of the fact that “regular” H-1B work visas are limited by a quota, which is usually used up within days after the quota opens (April 1 of each year), visa applicants may consider other, lesser used, options. One such option is the O Visa. According to Wikipedia, a total of 23,680 O-Visas (all different categories, see below) were issued in 2015. See https://en.wikipedia.org/wiki/O_visa#Statistics

This type of petition (application) requires a detailed and usually voluminous application package. Because of the complicated nature of the application procedures, it is advisable to consult with an experienced immigration attorney.



Magdalena Cuprys, immigration lawyer in Miami and Clewiston Florida

In her article on this subject in her Instruction Series on various Non-Immigrant Visas, Immigration Attorney [Magdalena Cuprys](#) provides a general overview of these visas for persons of “Extraordinary Ability” for entry into the United States. The complete article will be published on her Blog at <https://magdalenacuprysblog.blogspot.com/>

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*Magdalena Cuprys,
Immigration Lawyer*

A summary follows.

O-1 Visa: Individuals with Extraordinary Ability or Achievement

The O-1 nonimmigrant visa is for individuals who possess extraordinary ability in the sciences, arts, education, business, or athletics, or who have provable record of extraordinary achievement in the motion picture or

television industry, and have been recognized nationally or internationally for those achievements.

The "O" non-immigrant classification is commonly referred to with the following designations:

- O-1A: individuals with an extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion pictures or television industry)
- O-1B: individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry
- O-2: individuals who will accompany an O-1, artist or athlete, to assist in a specific event or performance. For an O-1A, the O-2's assistance must be an "integral part" of the O-1A's activity. For an O-1B, the O-2's assistance must be "essential" to the completion of the O-1B's production. The O-2 worker has critical skills and experience with the O-1 that cannot be readily performed by a U.S. worker and which are essential to the successful performance of the O-1
- O-3: individuals who are the spouse or children of O-1's and O-2's

General Eligibility Criteria

To qualify for an O-1 visa, the beneficiary (applicant) must demonstrate "extraordinary ability" by sustained national or international acclaim and must be coming temporarily to the U.S. to continue work in the area of extraordinary ability.

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

"Extraordinary ability" in the field of arts means "distinction." Distinction is a high level of achievement in the field of the arts, as evidenced by a degree of skill and recognition substantially above that ordinarily encountered. A person described as "prominent" is renowned, leading, or well-known in the field.

To qualify for an O-1 visa in the motion picture or television industry, the beneficiary must demonstrate extraordinary achievement, evidenced by a degree of skill and recognition significantly above that ordinarily encountered. The applicant must be recognized as outstanding, notable or leading in the motion picture and/or television industry.

CUPRYS & ASSOCIATES

Magdalena Ewa Cuprys, Attorney at Law

The Law Firm Cuprys & Associates is a full service, dynamic, and trustworthy law firm that specializes in immigration matters. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

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Consultation in Support of the Petition (Application)

These applications usually require a written advisory opinion (Consultation) from a peer group (such as a labor organization or representative industry group) or a person with expertise in the beneficiary's area of ability. If the O-1 petition is for an individual with extraordinary achievement in motion picture or television, the consultation must come from an appropriate labor union and a management organization with expertise in the beneficiary's area of ability.

Here is an excerpt from an actual advisory opinion that was used in a successful case:

Dear Sir or Madam:

We have reviewed the qualifications and credentials of Mr. _____, and are pleased to provide this Consultation Letter. We are the relevant peer organization for _____ professionals. The _____ Society for _____, has nearly _____ members dedicated to promoting and advancing _____ [...]. Mr. _____ is a top qualified and recognized professional in the area of _____, particularly: _____ (one of the industry's most important international standards), with particular expertise in _____ and its uses in _____. Mr. _____'s professional career in the _____ Industries has been in the area of _____. He is expert in _____ implementation, the _____ standard. [...]. Thus, Mr. _____ is at the very top of his field and we would be pleased if _____ is given the opportunity to employ Mr. _____, as he will certainly contribute measurably to the improvement of the _____. [...]

One such peer organization is The Alliance of Motion Picture and Television Producers (AMPTP), which is the trade association responsible for negotiating virtually all industry-wide guild and union contracts, including those with American Federation of Musicians (AFM); Directors Guild of America (DGA); International Alliance of Theatrical Stage Employees (IATSE); International Brotherhood of Electrical Workers (IBEW); Laborers Local 724; Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA); Teamsters, Local #399; and Writers Guild of America (WGA). See <https://amptp.org/>

Evidentiary Criteria for O-1A Application



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Services

Magdalena Cuprys is the principal of Serving Immigrants, a full-service [immigration law](#) firm offering a complete range of immigration services to both businesses and individuals. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

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The evidence in support of the petition should include that the beneficiary has received a major, internationally-recognized award, such as a Nobel Prize, or evidence of at least (3) three of the following:

- Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor
- Membership in associations in the field for which classification is sought which require outstanding achievements, as judged by recognized national or international experts in the field
- Published material in professional or major trade publications, newspapers or other major media about the beneficiary and the beneficiary's work in the field for which classification is sought
- Original scientific, scholarly, or business-related contributions of major significance in the field
- Authorship of scholarly articles in professional journals or other major media in the field for which classification is sought
- A high salary or other remuneration for services as evidenced by contracts or other reliable evidence
- Participation on a panel, or individually, as a judge of the work of others in the same or in a field of specialization allied to that field for which classification is sought
- Employment in a critical or essential capacity for organizations and establishments that have a distinguished reputation

If the above criteria do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to establish the beneficiary's eligibility.

This area of immigration and visa law is complex and demanding. Persons who would like to apply for a U.S. in this category should consult with a qualified immigration attorney before starting the application process, advises [Ms. Cuprys](#).

*** Magdalena Cuprys is the principal attorney of Serving Immigrants, a full-service immigration law firm offering a complete range of immigration services to both businesses and individuals. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases.

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