



September 17, 2020

PA-2020-14

## Policy Alert

SUBJECT: O Nonimmigrant Visa Classification

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to update and consolidate guidance related to O nonimmigrant classifications.

### Background

O-1 nonimmigrant status is available to aliens of “extraordinary ability” in the sciences, arts, business, education, and athletics, and aliens with a record of “extraordinary achievement” in the motion picture or television industry, who are coming to the United States temporarily to work in their area of ability or achievement. In addition, O-2 status is available for essential support personnel coming solely to assist an O-1 artist or athlete. An employer or agent must submit a Petition for a Nonimmigrant Worker (Form I-129) on the beneficiary’s behalf.

This guidance, contained in Volume 2 of the Policy Manual, replaces guidance found in Adjudicator’s Field Manual (AFM) Chapter 33, as well as the AFM’s related appendices and any related policy memoranda.<sup>1</sup> The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

### Policy Highlights

- Expands upon existing guidance for evaluating O-1 eligibility, including how officers determine if the petitioner has satisfied the evidentiary criteria and established in the totality of the evidence that the beneficiary has extraordinary ability, or extraordinary achievement in the motion picture and television industry, as applicable.
- Clarifies the circumstances under which a petitioner may rely upon “comparable evidence” to meet the evidentiary requirements for certain O-1 beneficiaries.

**Citation:** Volume 2: Nonimmigrants, Part M, Aliens of Extraordinary Ability or Achievement (O) [[2 USCIS-PM M](#)].

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<sup>1</sup> USCIS is also incorporating existing guidance relating to nonimmigrant athletes and entertainers (otherwise known as the P nonimmigrant classification) into Policy Manual Volume 2, Nonimmigrants, Part N, Athletes and Entertainers [[2 USCIS-PM N](#)].