



January 21, 2022

PA-2022-03

Policy Alert

SUBJECT: O-1 Nonimmigrant Status for Persons of Extraordinary Ability or Achievement

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify how USCIS evaluates evidence to determine eligibility for O-1A nonimmigrants of extraordinary ability, with a focus on persons in science, technology, engineering, or mathematics (STEM) fields, as well as how USCIS determines whether an O-1 beneficiary's prospective work is within the beneficiary's area of extraordinary ability or achievement.

Background

O-1 nonimmigrant status is available to persons of extraordinary ability in the sciences, arts, business, education, and athletics, and persons with a record of extraordinary achievement in the motion picture or television (MPTV) industry.¹

This update provides additional guidance regarding evaluation of evidence submitted in support of O-1A petitions for beneficiaries in sciences, education, business, or athletics, including examples and considerations that may be especially relevant for persons in STEM fields. In addition, this update provides guidance regarding the requirement that all O-1 beneficiaries are coming to the United States to continue work in their area of extraordinary ability or achievement, in particular how that requirement relates to beneficiaries transitioning to a new occupation.

This guidance, contained in Volume 2 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Adds a chart in an appendix describing examples of evidence that may satisfy the O-1A evidentiary criteria, as well as considerations that are relevant to evaluating such evidence (with a focus on evidence and considerations that are relevant to STEM fields).
- Provides examples of qualifying comparable evidence that petitioners could provide in support of a petition for a beneficiary in a STEM field.

¹ See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)](#).

- Clarifies how officers evaluate the totality of the evidence to determine O-1A eligibility and provides examples of positive factors that officers may consider.
- Explains that when evaluating whether a beneficiary of extraordinary ability is coming to work in the beneficiary’s “area of extraordinary ability,” officers focus on whether the prospective work involves skillsets, knowledge, or expertise shared with the occupation(s) in which the beneficiary garnered acclaim.
- Clarifies that for a beneficiary with a record of extraordinary achievement in MPTV productions, USCIS interprets the beneficiary’s “area of extraordinary achievement” to include any proposed work within the MPTV industry.

Citation

Volume 2: Nonimmigrants, Part M, Nonimmigrants of Extraordinary Ability or Achievement, Chapter 4, O-1 Beneficiaries [[2 USCIS-PM M.4](#)].