



U.S. Citizenship  
and Immigration  
Services

# O, P, Q VISA CLASSIFICATION OVERVIEW

---



**VERMONT SERVICE CENTER OPEN HOUSE**

---

9/15/2017

# O – Petition for Aliens of Extraordinary Ability or Achievement



U.S. Citizenship  
and Immigration  
Services

- The O visa classification was created by the Immigration Act of 1990 (IMMACT 90) and further amended under the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991.
- Previously, people who fit this classification were approved under the H-1 visa classification.

# O Visa Classifications



U.S. Citizenship  
and Immigration  
Services

The O visa classification is divided into the following categories:

- O-1A – Extraordinary ability in the sciences, education, business, or athletics, meaning the beneficiary is one of the small percentage who have risen to the very top of the field of endeavor
- O-1B – Extraordinary ability in the arts, a distinction where the beneficiary is described as prominent in the field of endeavor
- O-1B - Motion picture or television industry, where the beneficiary has a demonstrated record of extraordinary achievement

## O Visa Classifications (continued)



U.S. Citizenship  
and Immigration  
Services

- O-2 – Support staff who accompany an O-1 nonimmigrant with extraordinary ability in the arts or athletics or extraordinary achievement in the motion picture or television industry and are coming to the U.S. to provide essential support services in a specific event or performance.
- O-3 – Spouse and unmarried child under the age of 21 of an O-1 or O-2 nonimmigrant who is accompanying or following to join the O-1 or O-2.

# P – Petition for Certain Artists, Athletes, and Entertainers



U.S. Citizenship  
and Immigration  
Services

- The P visa classification was established by the Immigration Act of 1990 (IMMACT 90), and further amended under the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991.
- Previously, people who fit this classification were approved under the H-1 visa classification as “Aliens of Distinguished Merit and Ability.”



## P Classifications

The P classification is divided into six categories:

- P-1A – Three categories of athletes
- P-1B – Members of an internationally recognized entertainment group
- P-2 – Artist or entertainer under a reciprocal exchange program
- P-3 – Artist or entertainer in culturally unique program
- P-1S/P-2S/P-3S – Essential support personnel
- P-4 – Spouse and unmarried minor children of a P-1, P-2, or P-3 nonimmigrant

# Additional Requirements & Considerations for O and P Petitions



U.S. Citizenship  
and Immigration  
Services

O and P petitions generally require written advisory opinions from a U.S. organization with expertise in the nonimmigrant's area of ability, if one exists.

- O-1A petitions and O-1B petitions in the arts must include an advisory opinion from a peer group (may include labor organization) or from person(s) with expertise in the area of the foreign national's ability.
- O-1B petitions in motion picture and television must provide a written advisory opinion from both a labor organization and a management organization.

# Additional Requirements & Considerations for O and P Petitions (continued)



U.S. Citizenship  
and Immigration  
Services

- All O-2 petitions must have an advisory opinion from an appropriate labor organization.
- O-2 petitions in the motion picture or television industry require advisory opinions from both labor and management organizations.
- All P petitions must contain an advisory opinion from an appropriate labor organization, unless the petitioner establishes that one does not exist.

## Q – Petition for International Cultural Exchange Visitor



U.S. Citizenship  
and Immigration  
Services

- Coming temporarily to participate in an international exchange program approved for the purpose of providing practical training and employment, and the sharing of the history, culture, and traditions of the beneficiary's country of nationality.
- Program activities must take place in a school, museum, business, or other establishment where the American public, or a segment of the public sharing a common cultural interest, is exposed to aspects of a foreign culture as part of a structured program.

## Q- Petition for International Cultural Exchange Visitor (cont.)



U.S. Citizenship  
and Immigration  
Services

- Program's cultural component must be an essential and integral part of the employment or training, and designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the alien's country of nationality.
- Program's work component must serve as the vehicle to achieve the objectives of the cultural component.

# Filing Tips for Form I-129 O, P, Q Petitions



U.S. Citizenship  
and Immigration  
Services

- General Information
- Filing as an Agent
- Contracts and Itineraries

# Filing Tips for Form I-129 O, P, Q Petitions



U.S. Citizenship  
and Immigration  
Services

- Evidentiary Criteria
- Classification
- Consultations
- Documentation

# Recent Draft Policy Memos



U.S. Citizenship  
and Immigration  
Services

- “Updates to the November 20, 2009 Memorandum on Requirements for Agents and Sponsors Filing as Petitioners for the O and P Visa Classifications” posted for public comment on July 16, 2015.
- “Comparable Evidence Provision for O Nonimmigrant Visa Classifications” posted for public comment on January 21, 2016.
- Updates

# Executive Order 13788, Buy American and Hire American



U.S. Citizenship  
and Immigration  
Services

On April 18, 2017, President Trump signed the Buy American and Hire American Executive Order (BAHA EO), which among other things, seeks to:

- Create higher wages and employment rates for U.S. workers and to protect their economic interests by rigorously enforcing and administering our immigration laws.
- **Propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of United States workers in the administration of our immigration system, including through the prevention of fraud or abuse.**

## Buy American and Hire American (continued)



U.S. Citizenship  
and Immigration  
Services

- To implement the BAHA EO, USCIS is working on a combination of rulemaking, policy memoranda, and operational changes (e.g. fraud prevention).
- Programs being reviewed include E-Verify, employment-based immigration categories, and employment authorization documents.

# Buy American and Hire American (continued)



U.S. Citizenship  
and Immigration  
Services

- On July 25<sup>th</sup> USCIS launched a new USCIS web page on BAHA EO initiatives.
- The BAHA EO web page will be periodically updated with new information.
- The BAHA EO website includes:
  - Information for the public on how to report fraud
  - Datasets
  - EAD reports
  - Policy Memoranda
- On July 26<sup>th</sup> USCIS hosted a public listening session on how USCIS can better protect U.S. workers and their wages.

# Questions?



U.S. Citizenship  
and Immigration  
Services

**Pre-submitted question – Deference**

# About This Presentation



U.S. Citizenship  
and Immigration  
Services

- Author: USCIS/SCOPS
- Date of last revision: September 15, 2017. This presentation is current only as of the date of last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.

# Disclaimer



U.S. Citizenship  
and Immigration  
Services

This presentation is intended solely for informational purposes. It is not intended to, does not, and may not be relied upon to create or confer any rights or benefits, substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This presentation does not have the force of law or of a DHS directive.

# Dissemination



U.S. Citizenship  
and Immigration  
Services

- This presentation may not be reproduced or further disseminated without the express written consent of SCOPS.
- Please contact the Communications and Customer Service Branch of SCOPS HQ for additional information.