July 22, 2022

Policy Alert

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

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the USCIS Policy Manual to further 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.

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. This update provides additional guidance regarding evaluation of evidence submitted in support of O-1A petitions for beneficiaries in sciences, education, business, or athletics. Specifically, this update adds another example to the non-exhaustive list of positive factors that officers may consider as part of the totality analysis for O-1A eligibility.

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

• Clarifies that being named on a competitive government grant for STEM research can be a positive factor towards demonstrating that a beneficiary is at the top of the beneficiary’s field.

Summary of Changes

Affected Section: Volume 2 > Part M > Chapter 4 > Section C, O-1A Beneficiaries in Sciences, Education, Business, or Athletics

• Adds new bullet at the end of the bulleted list in Subsection 4 (Evaluating the Totality of the Evidence).


To provide feedback on this update, email USCIS at policyfeedback@uscis.dhs.gov.
Citation

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