



UNIVERSITY OF RICHMOND
FOUNDED 1830

TO:
FROM: Nancy Colón
International Taxation Specialist
DATE:
RE: Explanation of an O-1 Visa

The O-1 visa classification is a type of employment visa under US immigration law that applies to aliens who have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and who are coming temporarily to the US to continue work in the area of extra ordinary ability.

To Explain:

1. Generally, to qualify for O-1 visa classification, aliens of extraordinary ability must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise by providing evidence of receipt of a major, internationally recognized award (such as the Nobel Prize) or at least three of the following forms of documentation:
 - a. Documentation of the alien's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor
 - b. Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields
 - c. Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought, which shall include the title, date, and author of such published material, and any necessary translation
 - d. Evidence of the alien's participation on a panel, or individually, as a judge of the work of others in the same or in an allied field of specialization to that for which classification is sought
 - e. Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field
 - f. Evidence of the alien's authorship of scholarly articles in the field, in professional journals, or other major media
 - g. Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation
 - h. Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration of rservices, evidenced by contracts or other reliable evidence.

*Office of International Taxation
Room G-13
Maryland Hall
University of Richmond
Tel: 804-287-6007
Fax: 804-287-6080
Email: ncolon@richmond.edu*

2. O Visa Classifications:
 - a. O-1: Visa holder
 - b. O-2: Alien's (support) accompanying O-1
 - c. O-3: Spouse or child of O-1 or O-2
3. O-1s are employer specific. They are sometimes self-employed, but only if their independent activities are approved as part of an itinerary.
4. Many O-1s are sponsored by agents and can therefore perform for others than the petitioning employer. Agents submit itineraries of planned performances. The payer should request proof that the O-1 performance was either included in a Form I-129 petition with case number approved by USCIS or that a substitution decision was formally made.
5. It is important to know that if the approved sponsor of an O-1 is another institution (not an agent), it is not lawful to make changes and additions to the itinerary beyond their authority. If the activities to be performed at the additional institution are within the activities approved for the sponsor institution, the sponsor institution can send the O-1 to the new institution on its behalf. If not, it is not permissible for the O-1 to perform services at the new institution or for it to accept them. Concurrent petitions, so that an employment-based alien may be approved to perform more than one service (for more than one sponsor) at the same time or during the same period.
6. An O-1 performer is not allowed unlimited opportunity for self-employment. An itinerary is supposed to be filed, but it would be unusual for any entity on that itinerary to actually see a copy of the petition or of the itinerary submitted and approved. This should be confronted at the booking stage, not the payment stage.

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