

**FOGARTY INTERNATIONAL CENTER**  
**International Services Branch**

***O-1 VISA PETITION***

**I. STATUTORY CRITERIA**

- A. Eligibility: Alien of extraordinary ability who is among the small percentage of individuals who have risen to the very top of his or her field of endeavor, and who is coming temporarily to the United States to continue work in the area of extraordinary ability.
- B. Admission: Limited to the period of time required for the alien to complete a specific event or activity which requires the participation of an individual of extraordinary ability.

- II. Provide all documents and evidentiary support in quadruplicate (two for INS, 1 for peer review advisory opinion, 1 for individual's file). If possible, hard copies of all narrative material developed by the ICD shall also be submitted on diskette, if the narratives as prepared on WordPerfect 5.0 or 5.1. Original documents should not be included, although the INS reserves the right to request that they be submitted at a later date.

**III. REQUIRED DOCUMENTATION**

- A. \_\_\_\_\_ To comply with the criteria in I.B. above, provide a description of the specific scientific activity in which the individual will be involved.  
**[8 CFR 214.2(o)(2)(ii)(C)]**
  - \* State individual's specific area of expertise/extraordinary ability.
- B. \_\_\_\_\_ To comply with the criteria in I.A. above, an alien of extraordinary ability in the sciences must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise by providing evidence of:
  - 1. \_\_\_\_\_ **Receipt of a major, internationally recognized award, such as a Nobel prize [8 CFR 214.2(o)(3)(iii)(A)]**

**OR**

2. **At least three** of the criteria below. To each form of evidence provided, attach a cover page with a heading that includes the criteria--and the 8 CFR citation--being addressed, and a brief discussion of the significance of that criteria.

\_\_\_\_\_ **Documentation of alien's receipt of nationally or internationally recognized prize(s) or award(s) for excellence in the field of research. [8CFR 214.2(o)(3)(iii)(B)(1)]**

- \* Explain significance of particular prize(s) or award(s), including information regarding criteria used to select winner, about how many competed or were considered for the prize/award, and was the "competition" national or international.

\_\_\_\_\_ **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. [8 CFR 214.2(o)(3)(iii)(B)(2)]**

- \* Evidence is usually in the form of a letter written by an office holder within the association and which certifies that the alien is a member, describes the requirements for membership; if the alien holds an office in the association, the letter should mention that.

\_\_\_\_\_ **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. [8 CFR 214.2(o)(3)(iii)(B)(3)]**

- \* Include title, date, and author of such published material, and any necessary translation.
- \* In the absence of articles written by others about the alien, you may submit a search and analysis of the Science Citation Index, including copies of relevant sample pages and cover page of each issue used as evidence, and a discussion of the significance of these citations.

\_\_\_\_\_ **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 [8 CFR 214.2(o)(3)(iii)(B)(4)]**

- \* For example: letters requesting participation, copies of evaluations, grant reviews.

\_\_\_\_\_ **Evidence of the alien's original scientific, scholarly, or business-related contributions of major significance in the field. [8 CFR 214.2(o)(3)(iii)(B)(5)]**

- \* For example: patents

\_\_\_\_\_ **Evidence of alien's authorship of scholarly articles in the field, in professional journals or other major media. [8 CFR 214.2(o)(3)(iii)(B)(6)]**

- \* Include 4-5 reprints and provide a brief discussion of the significance and importance of each article.

\_\_\_\_\_ **Documentary evidence that the alien has been employed in a critical or essential capacity for organizations and establishments which have a distinguished reputation [8 CFR 214.2(o)(3)(iii)(B)(7)]**

- \* For example, provide a letter from the ICD Scientific Director, addressed to the Director, Vermont Service Center, Immigration and Naturalization Service, 75 Lower Welden Street, St. Albans, Vermont 05479-0001, explaining the importance of the foreign scientist's research and its critical or essential importance to the mission of the laboratory/institute. Include a paragraph about the ICD and NIH's distinguished reputation.

\_\_\_\_\_ **Documentary evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services. [8 CFR 214.2(o)(3)(iii)(B)(8)]**

- \* Provide evidence in the form of contracts or other reliable evidence. (Supply Form SF-50 and/or letters from previous employers.)

IV. **OTHER DOCUMENTARY EVIDENCE REQUIRED (in quadruplicate):**

\_\_\_ Curriculum vitae

\_\_\_ Bibliography

\_\_\_ Copies of doctoral degrees(s) (and translation if not in English). All translations must bear the following certification:

*I certify that I am competent to translate from \_\_\_\_\_ into English and that this is a true English translation of the attached document in the \_\_\_\_\_ language.*

*Signature of translator and date  
Name of translator, typed*

*(Translations should be provided by someone other than the O-1 applicant.)*

\_\_\_ Letters of recommendation. **[8 CFR 214.2(o)(2)(iii)(B)]**

- \* Provide 4-6 letters addressed to the NIH sponsor, from recognized experts describing the extraordinary ability and achievements of the alien. These experts should explain in the letter how they are able to judge the alien [i.e., briefly describe their own education, experience, position(s) held]. These letters should be from non-NIH sources.

\_\_\_ **Appointment/renewal package (Form 829-1 and attachments) must be submitted to ISB/FIC before the O-1 petition is submitted to Bldg. 1 for peer review.**

V. **ADDITIONAL BASIC INFORMATION ABOUT THE O-1 VISA**

- A. After receiving the documentation from the ICD, ISB will prepare the O-1 petition and supporting documentation, and send it to OD/OIR for a written peer review group (Drs. Gottesman, Chen and Wyatt) advisory opinion. The group will review the individual's qualifications, determine if he/she is of extraordinary ability in the sciences, and if he/she is coming to perform services in the area of extraordinary ability.
- B. An individual may enter the U.S. with an O-1 visa 10 days prior to the start date of the approved petition, but he/she may not begin work until the effective date of same.
- C. Although the regulations state that the dependent(s) of an O-1 (O-3 status) may accept employment if they have been granted employment authorization, INS has determined this to mean that they cannot work unless

they have their own employment-based nonimmigrant visa classification (e.g., H-1B, O-1, J-1):

- D. Change of visa status is not possible for J-1 Exchange Visitors who are subject to the two-year foreign residence requirement. These individuals and their dependents must leave the U.S. and apply for O-1/O-3 visas at a U.S. Consulate or Embassy abroad.
- E. Extensions of stay:
  - 1. Extensions of stay may be authorized in increments of up to 1 year only to continue the specific event for which the O-1 was admitted. INS included this rule to make sure the O-1 worker is continuing the same event that was stated in the original O-1 petition.
  - 2. The alien must be physically present in the U.S. at the time of filing the extension of stay. Leaving the U.S. while the application is pending will invalidate the extension request. In that case, the individual will have to apply for a new O-1 visa at a consular office abroad, for which advanced arrangements will have to be made by ISB/FIC.
- F. If employment terminates prior to the end date of the petition, for reasons other than voluntary resignation, the ICD must pay for the reasonable cost of return transportation of the alien (O-1) abroad (i.e., to the individual's last place of residence prior to entry into the U.S.)
- G. J-1 Exchange Visitors who have left the U.S. and reentered in O-1 classification without satisfying the two-year foreign residence requirement for obtaining a waiver thereof) are still subject to this requirement. In order to be eligible to adjust to permanent resident status or to apply for an H-1B visa or change of status, the alien must fulfill the requirement or obtain a waiver.
- H. O-1 workers are subject to withholding for Social Security taxes and retirement benefits. Each individual should consult his/her ICD personnel office about additional withholding for retirement/health benefits and Federal and state income taxes.
- I. O-1 workers and O-3 dependents may apply to the Department of State for renewal of their O-1 and O-3 visa stamps while in the United States. There are terms and conditions for such applications and individuals are advised to call their FIC Immigration Specialists for instructions and assistance at least 2 months prior to traveling outside the U.S. The Department of State Visa Office does not accept requests for expedited service.

**For additional information, call your FIC Immigration Specialist at (301) 496-6166 (Fax (301) 496-0847).**