



SANCHEZ-ROIG
ATTORNEYS AT LAW

Basic Overview of O-1 and P-1B Visas

	O-1B Arts	O-1B Motion Picture & Television	O-1A Science, Education, Business, or Athletics	P-1B Entertainment Group	P1-A Athlete	EB-1A(EA)/I-140
Applies to	Individual	Individual	Individual	Group (Established for 1 year with at least 75% of members)	Individual or Team	Individual
Definition & Beneficiary Standard	<i>Arts</i> includes any field of creative activity or endeavor including but not limited to, fine arts, visual arts, culinary arts, and performing arts. Extraordinary ability in the field of arts means distinction; Distinction means a high level of achievement in the field of the arts evidenced by a degree of skill and recognition substantially above that ordinarily encountered. Alien must be recognized as being prominent in his or her field of endeavor.	...demonstrated record of extraordinary achievement in motion picture &/or television productions... recognition significantly above that ordinarily encountered extent that the person is recognized as outstanding, notable, or leading in the motion picture or television field.	Extraordinary ability in sciences, education, business, or athletics. Sustained national or international acclaim. One of small percentage who have risen to very top of their field.	International recognition for sustained and substantial period. . In Available for foreign-based entertainment groups, or foreign individuals performing as member of US based entertainment group. Initial Required Evidence: (1) the group has been established & performing regularly for a period of at least 1 year; (2) statement from the petitioner listing each member of the group & the exact dates for which each member has been employed on a regular basis by the group.	International recognition	Extraordinary ability in sciences, arts, education, business, or athletics through sustained national or international acclaim. Achievements have been recognized in field of expertise. Individual of small percentage who has risen to top of field.
Event Standard	Must be coming to US to continue in area of extraordinary ability; need not require services of O-1 caliber person.	Must be coming to US to continue in area of extraordinary achievement; need not require services of O-1 caliber person.	Must be coming to US to continue in area of extraordinary ability; need not require services of O-1 caliber person.	Distinguished reputation requiring services of group with international reputation.	Distinguished reputation requiring services of athlete or team with international reputation.	N/A

Evidentiary Criteria or Standard	Nominated for, or has been the recipient of, significant national or international awards or prizes in the particular field such as an Academy Award, an Emmy, a Grammy, or Director's Guild Award.	Nominated for, or has been the recipient of, significant national or international awards or prizes in the particular field such as an Academy Award, an Emmy, a Grammy, or a Director's Guild Award.	Major, internationally recognized award, such as the Nobel Prize.	Group has been nominated or recipient of significant international awards or prizes for outstanding achievement in its field or by three of the following different types of documentation.	Contract, if applicable, PLUS 2 of the following: (a) Prior season participation with US sports league; (b) Participation to significant extent in international competition with national team; (c) Participation to significant extent in prior season with US university; (d) Written statement from official of major US sports league or official governing body of sport detailing international recognition; (e) Written statement from sports media or recognized expert in sport detailing international recognition; (f) Evidence that or ranking if sport has international rankings; (g) Evidence of receipt of significant honor or award in sport.	Evidence of a one-time achievement (that is, a major, internationally recognized award) such as Nobel Prize.
OR at LEAST 3 of the following:					Different for P-1A (see above criteria)	
Lesser Prizes or Awards			Nationally or internationally recognized prizes or awards for excellence in the field of endeavor.			Receipt of lesser nationally or internationally recognized prizes or awards for excellence in field of endeavor
Defined Roles for Organizations & Establishments w/Distinguished Reputation	Performed, and will perform, in a lead, starring, or critical role for organizations and establishments that have a distinguished reputation <i>evidenced by</i> articles in newspapers, trade journals, publications, or testimonials.	Performed, and will perform, in a lead, starring, or critical role for organizations and establishments that have a distinguished reputation <i>evidenced by</i> articles in newspapers, trade journals, publications, or testimonials.	Has been employed in critical or essential capacity for organizations and establishments that have a distinguished reputation.	Performed, and will perform, services as a leading or starring group for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials.		Performed in a leading or critical role for organizations or establishments that have a distinguished reputation

Defined Roles for Productions or Events Having Distinguished Reputation	Performed, and will perform, services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements.	Performed, and will perform, services as a lead or starring participant in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications contracts, or endorsements...		Group has performed, and will perform, as a starring or leading entertainment group in productions or events which have a distinguished reputation as evidenced by critical reviews, advertisements, publicity releases, publications, contracts, or endorsements.		
High Salary or Will Command High Salary	Has commanded high salary or will command high salary or other substantial remuneration for services in relation to others in the field, as evidenced by contracts or other reliable evidence.	Has commanded high salary or will command high salary or other substantial remuneration for services in relation to others in the field, as evidenced by contracts or other reliable evidence.	Has commanded high salary or will command high salary or other remuneration for services, evidenced by contracts or other reliable evidence.	Group has commanded high salary or will command high salary or other substantial remuneration for services comparable to others similarly situated in the field as evidenced by contracts or other reliable evidence.		Has commanded high salary or other significantly high remuneration for services in relation to others in field.
Critical Reviews or Published Material	Has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications.	Has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the individual in major newspapers, trade journals, magazines, or other publications.	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.	Group has achieved international recognition and acclaim for outstanding achievement in its field as evidenced by reviews in major newspapers, trade journals, magazines, or other published material.		Published material about alien in professional or major trade publications or other major media, relating to the alien's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation.
Major Commercial or Critically Acclaim Successes	A record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, box office receipts, motion picture or television ratings, and other occupational achievements reported in trade journals, major newspapers, or other publications.	A record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, box office receipts, motion picture or television ratings, and other occupational achievements reported in trade journals, major newspapers, or other publications.		Evidence that the group has a record of major commercial or critically acclaimed successes, as evidenced by such indicators as ratings; standing in the field; box office receipts; record, cassette, or video sales; and other achievements in the field as reported in trade journals, major newspapers, or other publications.		Commercial successes in the performing arts, as shown by box office receipts or record, cassette, compact disk, or video sales

Significant Recognition from Experts in the Field (Expert Letters)	Received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field in which the alien is engaged. Such testimonials must be in a form which clearly indicates the author's authority, expertise, and knowledge of alien's achievements.	Received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field in which the alien is engaged. Such testimonials must be in a form which clearly indicates the author's authority, expertise, and knowledge of alien's achievements.		Evidence that the group has achieved significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field. Such testimonials must be in a form that clearly indicates the author's authority, expertise, and knowledge of the alien's achievements.		Evidence that beneficiary has received significant recognition from experts in field.
Memberships			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.			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
Artistic Exhibitions & Showcases						Display of the alien's work in the field at artistic exhibitions or showcases
Judging Others	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.		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.			Participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specialization for which classification is sought.
Significant Contributions to Field of Endeavor			Original scientific, scholarly, or business-related contributions of major significance in the field.			Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field.
Scholarly Articles - Authorship			Authorship of scholarly articles in the field, in professional journals, or other major media.			Authorship of scholarly articles in the field, in professional or major trade publications or other major media.
Comparable Evidence	If the criteria...do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to establish the beneficiary's eligibility	No comparable evidence.	If the criteria...do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence in order to establish the beneficiary's eligibility			If the standards do not readily apply to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.

PETITION BASICS						
Employer or Agent Sponsor (Petitioner) Required	Cannot self-petition; visa requires US employer, sponsoring organization, established US agent, or foreign employer through an established US agent.	Cannot self-petition; visa requires US employer, sponsoring organization, established US agent, or foreign employer through an established US agent.	Cannot self-petition; visa requires US employer, sponsoring organization, established US agent, or foreign employer through an established US agent.	Cannot self-petition; visa requires US employer, sponsoring organization, established US agent, or foreign employer through an established US agent.	Cannot self-petition; visa requires US employer, sponsoring organization, established US agent, or foreign employer through an established US agent.	Can self-petition.
Advisory Opinion or Consultation Required	Must include advisory opinion from a labor or consulting organization, reputable peer group, or experts in area of ability. Exception: Where petitioner can demonstrate that peer group or labor organization does not exist; decision will be based on evidence of record.	Must include written consultation from appropriate labor union and a management organization with expertise in field of ability.	Must include advisory opinion from a labor or consulting organization, reputable peer group, or experts in area of ability.	Must include written consultation from appropriate labor organization.	Must include written consultation from appropriate labor organization.	N/A
Contract or Summary of Terms	Written contract between petitioner and beneficiary; or summary of the terms of orgal agreement under which beneficiary will be employed. Summary of terms must include employer offer and beneficiary acceptance of offer.	Written contract between petitioner and beneficiary; or summary of the terms of orgal agreement under which beneficiary will be employed. Summary of terms must include employer offer and beneficiary acceptance of offer.	Written contract between petitioner and beneficiary; or summary of the terms of orgal agreement under which beneficiary will be employed. Summary of terms must include employer offer and beneficiary acceptance of offer.	Written contract between petitioner and beneficiary; or summary of the terms of orgal agreement under which beneficiary will be employed. Summary of terms must include employer offer and beneficiary acceptance of offer.	A copy of contract with major US sports league or team, or contract in individual sport commensurate with international recognition in the sport, if normally used in sport.	N/A
Itineraries	Itinerary of the nature of events or activities, which includes beginning and ending dates of activities, and name and address of where event or activity will take place for the validity period requested. Additional events can be added as these arise and are confirmed.	Itinerary of the nature of events or activities, which includes beginning and ending dates of activities, and name and address of where event or activity will take place for the validity period requested. Additional events can be added as these arise and are confirmed.	Itinerary of the nature of events or activities, which includes beginning and ending dates of activities, and name and address of where event or activity will take place for the validity period requested. Additional events can be added as these arise and are confirmed.	Itinerary with dates and locations of performances. Additional events can be added as these arise and are confirmed.	Explanation of event and itinerary.	N/A
Other Basics						
Dual Intent	Dual intent permitted for principal but NOT for support personnel.	Dual intent permitted for principal but NOT for support personnel.	Dual intent permitted for principal but NOT for support personnel.	No dual intent.	No dual intent.	N/A

Essential Support Personnel	Yes, available. May file concurrently with principal alien; Requires labor consultation.	Yes, available. May file concurrently with principal alien; Requires pre-existing relationship or essentiality based on work required in & out of US; Requires management & labor consultation.	Available only for athlete. May file concurrently with principal alien; Labor consultation required.	Yes, available. May file concurrently with principal alien; Requires prior experience with principal alien & labor consultation.	Yes, available. May file concurrently with principal alien; Requires prior experience with principal alien & labor consultation.	N/A
Admission Period & Extension	Up to 3 years; 1-year annual extensions to complete same event or add new event.	Up to 3 years; 1-year annual extensions to complete same event or add new event.	Up to 3 years; 1-year annual extensions to complete same event or add new event.	1 year; 1-year annual extensions to complete same event or add new event.	5 years (Individual); 1-year (Group); Extension increments up to 5 years for total 10 years; (Group) Increments up to 1 year to continue or complete event.	N/A
Labor Requirements	No	No	No	No	No	No

Prepared by:
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