



University of Colorado Denver

**Office of International Affairs  
International Student & Scholar Services**

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## **O-1 Petition for Scholar of Extraordinary Ability**

### **Who is Eligible for O-1 Status**

O-1 nonimmigrant visa status is available to an individual who has extraordinary ability in the sciences, arts, education, business, or athletics. This extraordinary ability must have been demonstrated by *sustained national or international acclaim*. The scholar must be coming temporarily to the United States to continue to work in her or his area of extraordinary ability. Furthermore, this person is *one of the small percentage of those who have arisen to the very top of the field of endeavor*. Sometimes the government interprets that to mean the top 5 to 10 percent!

### **Types of Evidence and Documentation Required to Prove Eligibility for O-1 Status**

The evidence included with the petition must include at least three of the following types of evidence.

#### **1. Nationally or internationally recognized major prizes and awards (other than a Nobel Prize, Olympic Gold Medal, Pulitzer Prize, Oscar, etc.)**

These should be awards that are recognized as prestigious, but do not rise to the level of a Nobel or Pulitzer Prize. It is best to provide a copy of the award plus a letter or other attachment to explain the significance of the prize or award. The award of a postdoctoral fellowship is not considered to be prestigious enough to meet the criteria for evidence in this category. Student awards, unless truly exceptional in stature and/or recognition, should not be included. Grant awards may be included depending on the individual's role in the grant, which should be identified and explained. An award for outstanding research as a young scientist is also not sufficient.

#### **2. Membership in professional associations and organizations that require outstanding achievements as a requirement for membership.**

These organizations should "require outstanding achievements of their members" as judged by experts. Evidence of the association's membership criteria should be included, showing that the applicant's membership meets this standard. If the association has a multi-tiered membership structure, it must be documented that the applicant has been granted membership at the appropriate level. Leadership positions in these associations or membership in committees should be described in detail.

#### **3. Published material about the foreign national**

Copies of articles, reviews, editorials, or any other type of printed references about the applicant's work should be submitted. Citation listings alone, or print-outs of *Medline* abstracts, do not suffice, by themselves, to meet this criterion, though they should be included. The ideal evidence is a copy of an article or a portion of an article in which an author describes and evaluates the applicant's work and notes that she meets the criteria of sustained national or international acclaim and that she has risen to the top of her field.

#### **4. Participation as the judge of the work of others**

There are several ways to provide evidence of this criterion. Peers and/or mentors in the applicant's academic field can write letters attesting to the applicant's participation on a panel, review committee, awards committee, editorial board, etc. Copies of letters can be submitted that ask the applicant to judge an event, review a paper or article, or thank the applicant for participation as a reviewer or judge. Scholars who have served as reviewers for scholarly journals can submit proof of their service, often times confirmed by the journal's editor-in-chief.

#### **5. Original contributions of major significance to the field**

Letters from recognized experts in the field are the most substantial form of evidence to document this category. While documentation of this category can take many forms, it is essential to include letters from established people in the field that describe in some detail the significance of the applicant's work to the field as a whole. These letters should come from institutions other than UCDHSC, preferably from institutions with substantial national or international recognition. It is also good if some of the letters come from institutions in other countries. These experts should also comment on the other categories of evidence applicable to this scholar. The letters should not come only from supervisors with whom the scholar has worked, but also from others who know the scholar's work either by reputation, through collaboration, or by hearing her speak at professional meetings. A sample of this type of letter is attached as a separate document. Depending on the scholar, three to five expert letters should be enough. Other forms of evidence include copies of patents, letters or certificates in recognition of a contribution, or any other printed material to confirm a major achievement.

#### **6. Authorship of scholarly articles or books**

A complete list of scholarly articles, chapters, books, reviews, etc. with full citations should be provided on a *curriculum vitae*, along with copies of the first pages of several current articles and abstracts and title pages of books.

#### **7. Leading or critical role for organizations with distinguished reputation**

Expert opinion letters should describe the applicant's role within any qualifying institution for which the scholar has worked to establish that the applicant is in a position of leadership or vital importance to the institution. An assistant professor is more likely to meet this criterion than a postdoctoral fellow.

#### **8. High salary or other significantly high remuneration relative to others in the field**

The criterion is relative and depends on a comparison to what others earn who are in the same academic field or similar positions of leadership and responsibility.

## **9. Evidence comparable to the above criteria**

Recognizing that the listed criteria may not fit every case that may be eligible to establish extraordinary ability, the INS permits an applicant to submit any other type of evidence that clearly demonstrates the applicant's extraordinary ability. The quality of any evidence submitted under this category must be of the same caliber as requested by the other criteria. This might include evidence of playing a significant role in a grant.

### **Letters from recognized experts in the field**

It is imperative to obtain expert opinion letters from objective, established people in the field. These letters will provide the USCIS with the foundation on which to judge an applicant's petition.

There is no required or recommended minimum number of letters. We suggest three to five for a well-established scholar and more for a scholar who is less well known. The CIS will review the letters for quality rather than quantity and to see whether the letters serve these three important purposes:

- To establish the applicant's standing in the field
- To describe the significance of his or her original contributions
- To provide documentary evidence for some of the eligibility criteria that may be difficult to document, for example, judging the work of others, or playing a crucial or leadership role in an institution

Because the main letter in support of the petition will come from the head of the scholar's academic department or division, no more than one additional letter should come from the authors within UCD. Letters should be solicited from individuals representing as varied a group of well-recognized institutions as possible, such as experts from these sectors in the U.S. and abroad:

- Academic institutions
- Government institutions
- Private industry
- Professional associations
- Publishers

It is also important to note that letters describing an applicant's potential contributions rather than actual, current, ongoing accomplishments of major significance will carry less weight with the USCIS and may even harm the overall quality of the petition.

### **Consultation with Relevant Peer Group**

The petition also requires a consultation with a person or person with expertise in the area of the scholar's ability. This could be combined with one of the letters discussed above or with the petitioning department's letter. It could also come in the form of a separate letter from someone identified as an expert in the area of the scholar's extraordinary ability or who can speak on behalf of an important professional association in the field.