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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.¹ 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).

¹ See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)](#).

Citation

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