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Chapter 4 - O-1 Beneficiaries

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A. Standard for Classification

In order to qualify as an alien of “extraordinary ability” in the sciences, education, business, or athletics (commonly referred to as O-1A), or in arts (commonly referred to as O-1B (Arts)), a beneficiary must have “sustained national or international acclaim.”^[1] With regard to classification to work in motion picture and television productions (commonly referred to as O-1B (MPTV)), a beneficiary must have a demonstrated record of extraordinary achievement.^[2] In all cases, an O-1 beneficiary’s achievements must have been recognized in the field through extensive documentation.^[3]

The regulations define “extraordinary ability” as applied to the O-1 classification as follows:

- In the field of science, education, business, or athletics: a level of expertise indicating that the person is one of the small percentage who have arisen to the very top of the field of endeavor. ^[4]
- In the field of arts: distinction, defined as a high level of achievement in the field of arts, as evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that a person described as prominent is renowned, leading, or well-known in the field of arts. ^[5]

“Extraordinary achievement” in reference to aliens in the motion picture or television industry (including both performers and others) means a very high level of accomplishment in the motion picture or television industry, as evidenced by a degree of skill and recognition significantly above that ordinarily encountered to the extent that the person is recognized as outstanding, notable, or leading in the motion picture or television field.^[6]

Determining the Relevant Standard for Artists with Some Connection to MPTV

Some petitions may have elements of both O-1B (Arts) and O-1B (MPTV) classifications and it may not be clear which O-1B classification and definitional standard an officer should apply. For instance, an artist who would be coming to the United States to work as an artist, but some of the artist’s



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picture or television industry, it might be unclear whether an officer should apply the requirements for O-1B (Arts) or O-1B (MPTV).^[7] In addition, as new forms of media productions, including various types of internet content, emerge, it can be more difficult for officers to determine which productions constitute motion picture or television productions.

Analysis of whether a production is within the motion picture or television industry is not limited to whether it will air on a television screen or in a movie theater, as the industry has grown to encompass some online content. While static web materials and self-produced video blogs and social media content generally do not fall into the MPTV category, USCIS considers streaming movies, web series, commercials, and other programs with formats that correspond to more traditional motion picture and television productions to generally fall within the MPTV industry's purview. This interpretation of whether a beneficiary is working on a motion picture or television production, and is therefore subject to the O-1B MPTV requirements, generally aligns with that of industry organizations.^[8] Accordingly, USCIS may properly consider work on such productions to fall under the O-1B (MPTV) classification.

USCIS interprets the eligibility requirements for O-1B (MPTV) to apply if the beneficiary will perform services for motion picture or television productions while in the United States regardless of other prospective services outside the MPTV industry.^[9] If, however, an artist's work or appearance on an MPTV production is incidental to their non-MPTV work as an artist, the O-1B (MPTV) classification may not be appropriate, and the person may instead seek classification under O-1B (Arts). For example, USCIS does not necessarily consider artists who will be interviewed or will otherwise appear discussing, demonstrating, or promoting their work as an artist in an MPTV production to be working in the MPTV industry.^[10] This interpretation reflects USCIS' longstanding practice, and is consistent with the statute, which includes more stringent consultation requirements for aliens "seeking entry for a motion picture or television production," and describes eligibility for aliens in this industry separately from those in the "arts," notwithstanding the artistic nature of their work.^[11]

USCIS generally does consider the people employed by the production company to conduct the interview, film the broadcasts, or otherwise perform as paid professionals, to be working in the MPTV industry. Similarly, USCIS considers persons such as hosts or judges cast in a reality-based production to be working in the MPTV industry whereas USCIS does not consider the contestants to be working in the MPTV industry.

B. Determining Eligibility for O-1 Classification

For an O-1 Petition for a Nonimmigrant Worker ([Form I-129](#)), the officer must determine whether the beneficiary meets the relevant standard outlined in the statute and regulations."^[12] The regulations describe the various types of evidence the petitioner must submit in support of a petition for each type of O-1 beneficiary. In general, the petition must be accompanied by either evidence of receipt of (or in some categories nomination for) a qualifying award, or at least three alternate forms of evidence. However, an officer cannot make a favorable determination simply because the petitioner has submitted the forms of documentation described in the regulations.

As explained in the preamble to the final rule, the evidentiary requirements are not the standard for the classification, but are instead the mechanism for establishing whether the standard is met.^[13] Accordingly, the fact that the petitioner has produced evidence satisfying at least three evidentiary criteria does not necessarily establish that the beneficiary is eligible for the O-1 classification.^[14] Rather, USCIS must determine eligibility based on whether the totality of the evidence submitted demonstrates that the beneficiary meets the relevant standard.

More specifically, an officer first determines whether the petitioner has submitted evidence meeting the minimum number of criteria or submitted evidence that the beneficiary received a qualifying award (or nomination, if applicable). If the petitioner meets the evidentiary requirements, the officer must then consider all the evidence in the record in its totality to determine if the beneficiary is an alien of extraordinary ability or achievement as defined in [INA 101\(a\)\(15\)\(O\)\(i\)](#) and [8 CFR 214.2\(o\)](#).

Satisfying the Evidentiary Requirements

The analysis in this step is limited to determining whether the evidence submitted is comprised of either a qualifying award (or nomination, if applicable), or at least three of the applicable alternate criteria. In determining whether an evidentiary criterion is met, an officer should evaluate the evidence to determine if it falls within the parameters of the applicable regulation. While an officer should consider whether the submitted evidence meets the language of the regulations to determine whether a particular regulatory criterion has been met, no determination is made during this step as to whether or not the evidence is indicative that the beneficiary meets the applicable definitional standard for the classification.[\[15\]](#)

Totality Determination

Providing required evidence does not, in itself, establish that the beneficiary meets the standard for classification as an alien of extraordinary ability or extraordinary achievement. Accordingly, when the evidentiary requirements specified above are satisfied, an officer proceeds to evaluate the totality of all the evidence in the record to determine whether it establishes that the:

- O-1A beneficiary has sustained national or international acclaim and is one of the small percentage who have arisen to the very top of his or her field; [\[16\]](#)
- O-1B (Arts) beneficiary has sustained national or international acclaim and has achieved distinction in the field of arts; [\[17\]](#) or
- O-1B (MPTV) beneficiary has a record of extraordinary achievement in the motion picture and television industry such that he or she has a very high level of accomplishment in the motion picture or television industry evidenced by a degree of skill and recognition significantly above that ordinarily encountered to the extent that the person is recognized as outstanding, notable, or leading in the field. [\[18\]](#)

If the officer determines that the petitioner has failed to meet these standards, the officer should articulate the specific reasons as to why the petitioner, by a preponderance of the evidence, has not demonstrated that the beneficiary is a person of extraordinary ability or achievement based on the relevant statutory and regulatory language.

C. O-1A Beneficiaries in Sciences, Education, Business, or Athletics

1. Establishing Eligibility

In support of an O-1A Petition for a Nonimmigrant Worker ([Form I-129](#)), the petitioner must establish that the beneficiary:

- Has extraordinary ability in the sciences, education, business, or athletics, which has been demonstrated by sustained national or international acclaim;
- Has achievements that have been recognized in the field through extensive documentation; and
- Is coming to continue work in the area of extraordinary ability (but not necessarily that the particular duties to be performed require someone of such extraordinary ability). [\[19\]](#)

2. Supporting Documentation

The supporting documentation for an O-1A petition must include evidence that the beneficiary has received a major internationally recognized award (such as the Nobel Prize)[\[20\]](#) or satisfies at least three[\[21\]](#) of the following evidentiary criteria:

Criterion 1: Documentation of the beneficiary's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.^[22]

First, USCIS determines whether the person was the recipient of prizes or awards in the field of endeavor.^[23] A person may rely on a team award, provided the person is one of the recipients of the award.^[24]

Second, USCIS determines whether the award is a lesser nationally or internationally recognized prize or award which the beneficiary received for excellence in the field of endeavor. This criterion does not require an award or prize to have the same level of recognition and prestige associated with the Nobel Prize or another award that would qualify as a one-time achievement, nor does it require an award or prize to be received at an advanced stage of the beneficiary's career.

Examples of relevant evidence may include, but are not limited to:

- Awards from well-known national institutions and well-known professional associations;
- Certain doctoral dissertation awards and scholarships; and
- Certain awards recognizing presentations at nationally or internationally recognized conferences.

Considerations:

Relevant considerations include, but are not limited to:

- The criteria used to grant the awards or prizes;
- The national or international significance of the awards or prizes in the field;
- The number of awardees or prize recipients; and
- Limitations on eligible competitors.

While many scholastic awards do not demonstrate the requisite level of recognition, there may be some that are nationally or internationally recognized as awards for excellence such that they may satisfy the requirements of this criterion.

For example, an award available only to persons within a single locality, employer, or school may have little national or international recognition, while an award open to members of a well-known national institution (including an R1 or R2 doctoral university)^[25] or professional organization may be nationally recognized.

Criterion 2: Documentation of the beneficiary'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.[\[26\]](#)

USCIS determines if the association for which the person claims present or past membership requires that members have outstanding achievements in the field as judged by recognized experts in that field.

Examples of relevant evidence may include, but are not limited to:

- Membership in certain professional associations; and
- Fellowships with certain organizations or institutions.

Considerations:

The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts.

Associations may have multiple levels of membership. The petitioner must show that in order to obtain the level of membership afforded to the beneficiary, the beneficiary was judged by recognized national or international experts as having attained outstanding achievements in the field for which classification is sought.

As a possible example, membership in the Institute of Electrical and Electronics Engineers (IEEE) at the IEEE fellow level requires, in part, that a nominee have “accomplishments that have contributed importantly to the advancement or application of engineering, science and technology, bringing the realization of significant value to society,” and nominations are judged by an IEEE council of experts and a committee of current IEEE fellows.[\[27\]](#) As another possible example, membership as a fellow in the Association for the Advancement of Artificial Intelligence (AAAI) is based on recognition of a nominee’s “significant, sustained contributions” to the field of artificial intelligence, and is judged by a panel of current AAAI fellows.[\[28\]](#)

Relevant factors that may lead an officer to a conclusion that the person's membership in one or more associations was not based on outstanding achievements in the field include, but are not limited to, instances where the person's membership was based:

- Solely on a level of education or years of experience in a particular field;
- On the payment of a fee or by subscribing to an association's publications; or
- On a requirement, compulsory or otherwise, for employment in certain occupations, such as union membership.

Criterion 3: Published material in professional or major trade publications or major media about the beneficiary, relating to the beneficiary's work in the field for which classification is sought. This evidence must include the title, date, and author of such published material and any necessary translation.^[29]

First, USCIS determines whether the published material was related to the person and the person's specific work in the field for which classification is sought.

Examples of relevant evidence may include, but are not limited to:

- Professional or major print publications (newspaper articles, popular and academic journal articles, books, textbooks, or similar publications) regarding the beneficiary and the beneficiary's work;
- Professional or major online publications regarding the beneficiary and the beneficiary's work; and
- Transcript of professional or major audio or video coverage of the beneficiary and the beneficiary's work.

Considerations:

Published material that includes only a brief citation or passing reference to the beneficiary's work is not "about" the beneficiary, relating to the beneficiary's work in the field, as required under this criterion. However, the beneficiary and the beneficiary's work need not be the only subject of the material; published material that covers a broader topic but includes a substantial discussion of the beneficiary's work in the field and mentions the beneficiary in connection to the work may be considered material "about" the beneficiary relating to their work.

Moreover, officers may consider material that focuses solely or primarily on work or research being undertaken by the beneficiary or by a team of which the beneficiary is a member, provided that the material mentions the beneficiary in connection with the work, or other evidence in the record documents the beneficiary's significant role in the work or research.

Second, USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication.

In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications) and the relative circulation, readership, or viewership (for major trade publications and other major media).

Criterion 4: Evidence of the beneficiary'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 for which classification is sought.[\[30\]](#)

USCIS determines whether the person has acted as the judge of the work of others in the same or an allied field of specialization.

Examples of relevant evidence may include, but are not limited to:

- Reviewer of abstracts or papers submitted for presentation at scholarly conferences in the respective field;
- Peer reviewer for scholarly publications;
- Member of doctoral dissertation committees; and
- Peer reviewer for government research funding programs.

Considerations:

The petitioner must show that the beneficiary has not only been invited to judge the work of others, but also that the beneficiary actually participated in the judging of the work of others in the same or allied field of specialization.

For example, a petitioner might document a beneficiary's peer review work by submitting a copy of a request from a journal to the beneficiary to do the review, accompanied by evidence confirming that the beneficiary actually completed the review.

Criterion 5: Evidence of the beneficiary's original scientific, scholarly, or business-related contributions of major significance in the field.[\[31\]](#)

First, USCIS determines whether the person has made original contributions in the field.

Second, USCIS determines whether the original contributions are of major significance to the field.

Examples of relevant evidence may include, but are not limited to:

- Published materials about the significance of the beneficiary's original work;
- Testimonials, letters, and affidavits about the beneficiary's original work and its significance in the field;
- Documentation that the beneficiary's original work was cited at a level indicative of major significance in the field;
- Documentation that the beneficiary's original work was published in a scholarly journal of distinguished reputation in the field;
- Patents or licenses deriving from the beneficiary's work;
- Evidence of commercial use of the beneficiary's work, such as commercialization of a research innovation;
- Contributions to repositories of software, data, designs, protocols, or other technical resources with evidence of significant scientific, scholarly, or business-related impact in the field; and
- A letter or other documentation from an interested government agency, including a quasi-governmental entity, that explains in detail the significance of the individual's original work to the field, especially as related to the funding interests and mission of the agency or entity.

Considerations:

Analysis under this criterion focuses on whether the beneficiary's original work constitutes major, significant contributions to the field.

Evidence that the beneficiary's work was funded, patented, or published, while potentially demonstrating the work's originality, will not necessarily establish, on its own, that the work is of major significance to the field. However, published research that has provoked widespread commentary on its importance from others working in the field, and documentation that it has been highly cited relative to other works in that field, may be probative of the significance of the beneficiary's contributions to the field of endeavor.

Similarly, evidence that the beneficiary developed a patented technology that has attracted significant attention or commercialization may establish the significance of the beneficiary's original contribution to the field. If a patent remains pending, USCIS will likely require additional supporting evidence to document the originality of the beneficiary's contribution.

Detailed letters from experts in the field explaining the nature and significance of the beneficiary's contribution(s) may also provide valuable context for evaluating the claimed original contributions of major significance, particularly when the record includes documentation corroborating the claimed significance.

Criterion 5: Evidence of the beneficiary's original scientific, scholarly, or business-related contributions of major significance in the field.[\[31\]](#)

Submitted letters should specifically describe the beneficiary's contribution and its significance to the field and should also set forth the basis of the writer's knowledge and expertise.

Criterion 6: Evidence of the beneficiary's authorship of scholarly articles in the field, in professional journals, or other major media.[\[32\]](#)

First, USCIS determines whether the person has authored scholarly articles in the field.

Examples of relevant evidence may include, but are not limited to:

- Publications in professionally-relevant journals; and
- Published conference presentations at nationally or internationally recognized conferences. [\[33\]](#)

Considerations:

In order to meet this criterion, the beneficiary must be a listed author of the submitted article or articles but need not be the sole or first author. A petitioner need not provide evidence that the beneficiary's published work has been cited to meet this criterion.[\[34\]](#)

In addition, the articles must be scholarly. In the academic arena, a scholarly article reports on original research, experimentation, or philosophical discourse. It is written by a researcher or expert in the field who is often affiliated with a college, university, or research institution. The article is normally peer-reviewed.

In general, it should have footnotes, endnotes, or a bibliography, and may include graphs, charts, videos, or pictures as illustrations of the concepts expressed in the article. In non-academic arenas, a scholarly article should be written for learned persons in that field.

Second, USCIS determines whether the publication qualifies as a professional publication, major trade publication, or major media publication.

In evaluating whether a submitted publication is a professional publication, major trade publication, or major media, relevant factors include the intended audience (for professional and major trade publications)[\[35\]](#) and the relative circulation, readership, or viewership (for major trade publications and other major media).

Criterion 7: Evidence that the beneficiary has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.[\[36\]](#)

First, USCIS determines whether the person has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment.

Examples of relevant evidence may include, but are not limited to:

- Faculty or research position for a distinguished academic department or program;
- Research position for a distinguished non-academic institution, government or quasi-governmental entity, or company;
- Principal or named investigator for a department, institution, or business that received a merit-based government award, such as an academic research or Small Business Innovation Research (SBIR) grant; [\[37\]](#)
- Member of a key committee or high-performing team within a distinguished organization;
- Founder or co-founder of, or contributor of intellectual property to, a startup business that has a distinguished reputation; and
- Critical or essential supporting role for a distinguished organization or a distinguished division of an institution, government or quasi-governmental entity, or company, as explained in detail by the director or a principal investigator of the relevant organization or division.

Considerations:

To show a critical role, the evidence should establish that the beneficiary has contributed in a way that is of significant importance to the organization or establishment's activities. To show an essential role, the evidence should establish that the beneficiary's role is (or was) integral to the entity. A leadership role in an organization often qualifies as critical or essential.

For a supporting role to be considered critical or essential, USCIS considers other factors, such as whether the beneficiary's performance in the role is (or was) integral or important to the organization or establishment's goals or activities, especially in relation to others in similar positions within the organization.

It is not the title of the beneficiary's role, but rather the beneficiary's duties and performance in the role that determines whether the role is (or was) critical or essential. Detailed letters from persons with personal knowledge of the significance of the beneficiary's role can be particularly helpful in analyzing this criterion. The organization need not have directly employed the beneficiary.

Similarly, a letter or other documentation from an interested government agency, including a quasi-governmental entity, can serve as relevant evidence if it demonstrates that the agency or entity either funds the beneficiary or funds work in which the beneficiary has a critical or essential role, and explains this role in the funded work.

Second, USCIS determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation.

Criterion 7: Evidence that the beneficiary has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.[\[36\]](#)

Relevant factors for evaluating the reputation of an organization or establishment can include the scale of its customer base, longevity, or relevant media coverage.

For academic departments, programs, and institutions, officers may also consider national rankings and receipt of government research grants as positive factors in some cases.

For a startup business, officers may consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders commensurate with funding rounds generally achieved for that startup's stage and industry, as a positive factor regarding its distinguished reputation.

Criterion 8: Evidence that the beneficiary has either commanded a high salary or will command a high salary or other remuneration for services as evidenced by contracts or other reliable evidence.^[38]

USCIS determines whether the person has commanded or will command a high salary or other remuneration.

Examples of relevant evidence may include, but are not limited to:

- Tax returns, pay statements, or other evidence of past salary or remuneration for services;
- Contract, job offer letter, or other evidence of prospective salary or remuneration for services; and
- Comparative wage or remuneration data for the beneficiary's field, such as geographical or position-appropriate compensation surveys.

Considerations:

If the petitioner is claiming to meet this criterion, then the burden is on the petitioner to provide appropriate evidence establishing that the beneficiary's compensation is high. Such evidence may include documentation demonstrating the beneficiary is highly compensated in relation to others in the field. Evidence regarding whether the person's compensation is high relative to that of others working in the field may take many forms. Examples may include, but are not limited to, geographical or position-appropriate compensation surveys and organizational justifications to pay above the compensation data.

The following webpages, among others, may be helpful in evaluating the relative compensation for a given field:

- The U.S. Bureau of Labor Statistics (BLS) [Overview of BLS Wage Data by Area and Occupation](#) webpage; and
- The U.S. Department of Labor's [Career One Stop](#)² webpage.

Officers should evaluate persons working outside of the United States based on the wage statistics or comparable evidence for that locality, rather than by simply converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States.

For entrepreneurs or founders of startup businesses, officers consider evidence that the business has received significant funding from government entities, venture capital funds, angel investors, or other such funders in evaluating the credibility of submitted contracts, job offer letters, or other evidence of prospective salary or remuneration for services.

3. Comparable Evidence

If the listed criteria are not readily applicable to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.^[39]

When a Petitioner May Use Comparable Evidence

Petitioners should submit evidence outlined in the evidentiary criteria if the criteria readily apply to the beneficiary's occupation.^[40] However, if the petitioner establishes that a particular criterion is not readily applicable to the beneficiary's occupation, the petitioner may then submit evidence that is not specifically described in that criterion but is comparable to that criterion.^[41]

A petitioner is not required to show that all or a majority of the criteria do not readily apply to the beneficiary's occupation before USCIS will accept comparable evidence. Instead, for comparable evidence to be considered, the petitioner must explain why a particular evidentiary criterion listed in the regulations is not readily applicable to the beneficiary's occupation, as well as why the submitted evidence is "comparable" to that criterion. A general unsupported assertion that the listed criterion does not readily apply to the beneficiary's occupation is not probative. However, a statement alone can be sufficient if it is detailed, specific, and credible.

Although officers do not consider comparable evidence if the petitioner submits evidence in lieu of a particular criterion that is readily applicable to the beneficiary's occupation simply because the beneficiary cannot satisfy that criterion, a criterion need not be entirely inapplicable to the beneficiary's occupation. Rather, comparable evidence is allowed if the petitioner shows that a criterion is not easily applicable to the beneficiary's job or profession.^[42]

As with all O-1A petitions, officers may consider comparable evidence in support of petitions for beneficiaries working in STEM fields. Specifically, if a petitioner demonstrates that a particular criterion does not readily apply to the beneficiary's occupation, the petitioner may submit evidence that is of comparable significance to that criterion to establish sustained acclaim and recognition.

For instance, if the publication of scholarly articles is not readily applicable to a beneficiary whose occupation is in an industry rather than academia, a petitioner might demonstrate that the beneficiary's presentation of work at a major trade show is of comparable significance to that criterion. As another example, if the petitioner demonstrates that receipt of a high salary is not readily applicable to the beneficiary's position as an entrepreneur, the petitioner might present evidence that the beneficiary's highly valued equity holdings in the startup are of comparable significance to the high salary criterion.

Establishing Eligibility with Comparable Evidence

A petitioner relying on evidence that is comparable to one or more of the criteria listed at [8 CFR 214.2\(o\)\(3\)\(iii\)](#) [\(B\)](#) must still meet at least three separate evidentiary criteria to satisfy the evidence requirements, even if one or more of those criteria are met through evidence that is not specifically described in the regulation but is comparable.^[43] While a petitioner relying on comparable evidence is not limited to the kinds of evidence listed in the criteria, the use of comparable evidence does not change the standard for the classification. It remains the petitioner's burden to establish that the beneficiary has extraordinary ability in the beneficiary's field of endeavor.

4. Evaluating the Totality of the Evidence

When the evidentiary requirements specified above are satisfied, an officer proceeds to evaluate the totality of all the evidence in the record to determine whether the beneficiary has extraordinary ability with sustained national or international acclaim, as described in the O statute and regulations.^[44]

At this step, officers may consider any potentially relevant evidence, even if such evidence does not fit one of the above regulatory criteria or was not presented as comparable evidence.

The following are examples of situations where evidence might not directly correspond to the above regulatory criteria or might not be presented as comparable evidence, but would nonetheless be potentially relevant towards demonstrating, in the totality of the evidence, that an O-1A beneficiary is among the small percentage at the top of the field and that the beneficiary has sustained national or international acclaim:^[45]

- The record demonstrates that the beneficiary has published articles in particularly highly-ranked journals relative to other journals in the field, as demonstrated by, for example, evidence the petitioner provides regarding the journal's impact factor. ^[46] Depending on the level of recognition of the journals in question, as demonstrated by evidence in the record, there may be particular prestige or acclaim associated with publication in such journals, especially if the beneficiary is the most significant contributor to the publication, a senior author, or the sole author of the article or articles.
- The petitioner provides evidence demonstrating that the total rate of citations to the beneficiary's body of published work is high relative to others in the field, or the beneficiary has a high h-index ^[47] for the field. Depending on the field and the comparative data the petitioner provides, such evidence may indicate a beneficiary's high overall standing for the purpose of demonstrating that the beneficiary is among the small percentage at the top of the field. ^[48]
- The petitioner documents the beneficiary's employment or research experience is with leading institutions in the field (such as U.S. universities that have been recognized as having high or very high research activity by the Carnegie Classification of Institutions of Higher Education, ^[49] foreign universities with comparably high research activity, or a university that is highly regarded according to a widely recognized metric such as the QS World University Rankings ^[50]). Such employment or experience can be a positive factor toward demonstrating that the beneficiary is among the small percentage at the top of the field.
- The record establishes that the beneficiary has received unsolicited invitations to speak or present research at nationally or internationally recognized conferences in the field. Although such a role for the conference may not rise to the level of a critical or essential capacity, this type of invitation is generally indicative of a person's high standing and recognition for achievements in the field.
- The record establishes that the beneficiary is named as an investigator, scientist, or researcher on a peer-reviewed and competitively funded U.S. government grant or stipend for STEM research. This type of evidence can be a positive factor indicating a beneficiary is among the small percentage at the top of the beneficiary's field.
- The record includes a letter or other documentation from an interested government agency, including a quasi-governmental entity, that attests in detail to the beneficiary's sustained national or international acclaim.

In all cases, the petitioner has the burden of providing sufficient context regarding the above evidence and considerations to demonstrate that the evidence meets the relevant criteria and to establish the beneficiary's extraordinary ability in the totality of the circumstances.

With respect to demonstrating extraordinary ability in athletics, USCIS considers the fact that a male athlete has been competing against women as a negative factor in determining whether the alien is among the small percentage at the very top of the field.^[51]

D. O-1B Beneficiaries in the Arts

1. Establishing Eligibility

In support of an O-1B (Arts) Petition for a Nonimmigrant Worker ([Form I-129](#)), the petitioner must establish that the beneficiary:

- Has extraordinary ability in the arts which has been demonstrated by sustained national or international acclaim;
- Has achievements that have been recognized in the field through extensive documentation; and
- Is coming to work in the area of extraordinary ability (but not necessarily that the particular duties to be performed require someone of such extraordinary ability). [\[52\]](#)

2. Supporting Documentation

The supporting documentation for an O-1B (Arts) petition must include evidence that the beneficiary has received, or been nominated for, a significant national or international award or prize in the particular field (such as an Academy Award, Emmy, Grammy, or Director's Guild Award)[\[53\]](#) or at least three[\[54\]](#) of the following evidentiary criteria:

Criterion 1: Evidence that the beneficiary has 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.[\[55\]](#)

This criterion differs from the third criterion, which is specific to organizations and establishments.[\[56\]](#)

This criterion requires evidence of:

- The beneficiary's past lead or starring participation in distinguished productions or events; and
- The beneficiary's prospective lead or starring participation in distinguished productions or events.

Evidence may demonstrate a lead role by establishing that the person has a principal role in the event or production. A starring role means a position of great prominence relative to others in the event or production.[\[57\]](#)

In evaluating the distinguished reputation of a past production or event, officers may consider factors such as favorable critical reception, high attendance levels, commercial success, or another indicator that the petitioner establishes would tend to distinguish the reputation of an event or production in the relevant field.

With regard to demonstrating the distinguished reputation of a prospective event, a petitioner may submit documentation such as advance publicity, endorsements, or other evidence regarding the level of anticipation of the relevant event or production. However, as the available evidence relating to the reputation of a prospective production or event will often be limited, officers may also consider factors such as the reputation of similar past events or productions by the same individuals or entities.

In evaluating whether the beneficiary's participation in a past or future event or production qualifies as lead or starring, officers may consider, for example, whether the beneficiary's role is highlighted or featured in advertisements, publicity releases, critical reviews, or other materials. The contractual terms offered to the beneficiary may also be relevant to establishing the lead or starring nature of the beneficiary's participation, especially with regard to a prospective event or production.

This criterion does not require that the beneficiary will have a lead or starring role in the specific U.S. events or productions for which O-1 classification is sought, or that such events or productions have a distinguished reputation. It is sufficient for the petitioner to otherwise demonstrate that the beneficiary has performed and will perform a qualifying role in a qualifying production within or outside of the United States.

To meet this criterion, the petitioner must submit evidence in the form of critical reviews, advertisements, publicity releases, publications, contracts, or endorsements. Advertisements, publicity releases, and endorsements are promotional materials. Endorsements are public facing and serve a marketing purpose. This exhaustive list does not include unpublished testimonial or recommendation letters.

Criterion 2: Evidence that the beneficiary has achieved national or international recognition for achievements evidenced by critical reviews or other published materials by or about the beneficiary in major newspapers, trade journals, magazines, or other publication.[\[58\]](#)

To meet this criterion, the petitioner must provide evidence that demonstrates the beneficiary is recognized for achievements nationally or internationally, in the form of:

- Critical review(s) or other published material(s) in a major newspaper(s), trade journal(s), magazine(s), or other publication(s) (which may include online publications or a transcript of radio or video coverage); and
- That are by or about the beneficiary.

The beneficiary and the beneficiary's achievements need not be the only subject of the material in order to qualify as published material about the individual as described in this criterion. For example, published material that covers a broader production, exhibition, or topic, but includes a discussion of the beneficiary, or includes a discussion of the beneficiary's work or achievement and mentions the beneficiary in connection to the work, may be considered material about the beneficiary. Material may be considered by the beneficiary even if the beneficiary is one of multiple authors.

In determining whether the submitted evidence demonstrates that the beneficiary has achieved national or international recognition for achievements, officers consider both the content of the published material and the level of recognition enjoyed by the publication in which it appears. For example, favorable coverage or publication of the beneficiary's work in major media, as demonstrated by high relative circulation, readership, or viewership figures, could establish national or international recognition of the beneficiary's achievements.

Criterion 3: Evidence that the beneficiary has performed, and will perform, in a lead, starring, or critical role for organizations and establishments that have a distinguished reputation evidenced by articles in newspapers, trade journals, publications, or testimonials.[\[59\]](#)

This criterion differs from the first criterion, which is specific to productions or events.[\[60\]](#)

This criterion requires evidence of:

- The beneficiary's current or past lead, starring, or critical role for a distinguished organization or establishment, including a distinguished division or department of such an entity; and
- The beneficiary's prospective lead, starring, or critical role for a distinguished organization or establishment, including a distinguished division or department of such an entity.

Evidence may demonstrate a lead role by establishing that the person has a principal role in the organization or establishment. A starring role means a position of great prominence relative to others in the organization.[\[61\]](#)

To show a critical role, the evidence should establish that the beneficiary has contributed or will contribute in a way that is of significant importance to the organization or establishment's activities. Officers consider factors such as whether the beneficiary's performance in the role has been or will be integral or important to the organization or establishment's goals or activities, especially in relation to others in similar positions within the organization.

Detailed letters from persons with personal knowledge of the significance of the beneficiary's role can be particularly helpful in addressing this criterion. Letters and testimonials should provide as much detail as possible about the beneficiary's role and the reputation of the organization or establishment and give the credentials of the author, including the basis of the author's knowledge of the beneficiary's role.

In addition, the organization or establishment, or the relevant division or department within the entity, must be recognized as having a distinguished reputation. Relevant factors for evaluating the reputation of an entity or its department or division include, but are not limited to, the scale of its customer base, longevity, or relevant media coverage. The organization need not have directly employed the beneficiary.

Criterion 4: Evidence that the beneficiary has 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 pictures or television ratings, and other occupational achievements reported in trade journals, major newspapers, or other publications.[\[62\]](#)

This criterion requires evidence in the form of publications establishing the beneficiary's record of major commercial or critically acclaimed success. The publications may include print or online publications or transcripts of radio or video coverage.

A submitted publication does not have to be primarily about the beneficiary and may be about a production in which the beneficiary performed. However, the record should demonstrate how the production's major commercial or critically acclaimed success represents the beneficiary's success. For instance, a petitioner might establish that a production's success is in some way attributable to the beneficiary based on the significance of the beneficiary's contributions.

A publication reporting the commercial success of the beneficiary or the beneficiary's work should reflect that the ratings, receipts, sales, revenue, standing, or other occupational achievement represent major successes in the relevant field. If demonstrating critically acclaimed success, the evidence should demonstrate that the beneficiary's work has received public-facing praise or positive reviews in the relevant field, such as from professional art, television, or film critics.

Criterion 5: Evidence that the beneficiary has received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field in which the beneficiary is engaged. Such testimonials must be in a form which clearly indicates the author's authority, expertise, and knowledge of the beneficiary's achievements.[\[63\]](#)

To meet this criterion, the evidence must establish the beneficiary has received significant recognition for one or more achievements from an organization, critic, government agency, or other recognized expert in the field. The word significant in this criterion modifies recognition rather than achievements. Accordingly, although the beneficiary must have one or more achievements, the significance of the recognition is based on who is recognizing the achievements.

A testimonial written on behalf of an organization or government agency should explain the basis for the author's knowledge including the author's connection to the organization or agency, and the significance of the organization or agency within the relevant field. Likewise, a testimonial from a critic or a recognized expert should explain the basis of the author's knowledge and describe the author's credentials including the author's expertise in the relevant field.[\[64\]](#) The author should also describe and explain the significance of the achievements the author is recognizing.

In all cases, a submitted testimonial should detail any achievements that are being recognized by the organization, agency, or individual. However, the testimonial need not describe other types of recognition that the beneficiary has received for a noted achievement. Instead, the testimonial itself may qualify as significant recognition under this criterion when the significance of the recognizing organization, agency, or individual is established.

Criterion 6: Evidence that the beneficiary has either commanded a high salary or will command a high salary or other substantial remuneration for services in relation to others in the field, as evidenced by contracts or other reliable evidence.^[65]

To demonstrate that the petitioner meets this criterion, the petitioner should provide appropriate evidence establishing that the beneficiary's past or future compensation is or will be high relative to others working in the field.

When evaluating assertions regarding future compensation, officers may consider the credibility of submitted contracts, job offer letters, or other evidence of prospective salary or remuneration for services.

Petitioners often submit wage surveys to show a comparison. Wage survey data, including but not limited to government wage survey data such as the Bureau of Labor Statistics' [Occupational Employment and Wage Statistics](#), may be helpful in evaluating the relative compensation for a given field. When evaluating whether an accurate comparison is being made between the beneficiary's documented remuneration and the remuneration in the survey, the following considerations, among others, may be relevant:

- The description of the occupation. Broad descriptions that include multiple occupations or multiple industries may not provide an accurate comparison to others in the field. For example, directors and producers might be listed as a single category across industries, but evidence that a film director receives high remuneration based on a broad range of occupational data that include disparate occupations such as film director and radio show producer, may not be sufficiently probative.
- The validity of the survey. Some websites provide user-reported salary data, which may not be a valid comparison if, for example, too few users reported their salaries or the data is otherwise not credible or reliable.
- Location and currency. Officers evaluate persons working outside of the United States based on the wage statistics or comparable evidence relevant to the applicable work location, rather than by simply converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States.

Salary rate being measured. Officers consider whether the comparison data measures an hourly rate or an annual salary. Another consideration is how that information compares to the beneficiary's pay. Many artists (including MPTV) are not paid an hourly rate but instead are paid a daily rate (which may not be equivalent to 8 hours) or are paid a certain amount for a project (involving an unknown number of hours). However, hourly wage data may still be probative if the petitioner submits documentation regarding the number of hours worked. Such documentation can include, but is not limited to, pay statements, personnel records, or testimonial evidence from the relevant employer.

3. Comparable Evidence

If the criteria are not readily applicable to the beneficiary's occupation, the petitioner may submit comparable evidence to establish the beneficiary's eligibility.^[66]

When a Petitioner May Use Comparable Evidence

Petitioners should submit evidence outlined in the evidentiary criteria if the criteria readily apply to the beneficiary's occupation.^[67] However, if the petitioner establishes that a particular criterion is not readily applicable to the beneficiary's occupation, the petitioner may then use the comparable evidence provision to submit additional evidence that is not specifically described in that criterion but is comparable to that criterion.

A petitioner is not required to show that all or a majority of the criteria do not readily apply to the beneficiary's occupation before USCIS will accept comparable evidence. Instead, for comparable evidence to be considered, the petitioner must explain why a particular evidentiary criterion listed in the regulations is not readily applicable to the beneficiary's occupation as well as why the submitted evidence is "comparable" to that criterion. A general unsupported assertion that the listed criterion does not readily apply to the beneficiary's occupation is not probative. However, a statement alone can be sufficient if it is detailed, specific, and credible.

Although officers do not consider comparable evidence if the petitioner submits evidence in lieu of a particular criterion that is readily applicable to the beneficiary's occupation simply because the beneficiary cannot satisfy that criterion, a criterion need not be entirely inapplicable to the beneficiary's occupation. Rather, comparable evidence is allowed if the petitioner shows that a criterion is not easily applicable to the beneficiary's job or profession.^[68]

Establishing Eligibility with Comparable Evidence

A petitioner relying on evidence that is comparable to one or more of the criteria listed at [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)](#) must still meet at least three separate evidentiary criteria to satisfy the evidence requirements, even if one or more of those criteria are met through evidence that is not specifically described in the regulation but is comparable.^[69] While a petitioner relying on comparable evidence is not limited to the kinds of evidence listed in the criteria, the use of comparable evidence does not change the standard for the classification. It remains the petitioner's burden to establish that the beneficiary has extraordinary ability in the beneficiary's field of endeavor.

4. Evaluating the Totality of the Evidence

When the evidentiary requirements specified above are satisfied, an officer proceeds to evaluate the totality of all the evidence in the record to determine whether the beneficiary has extraordinary ability with sustained national or international acclaim, as described in the O statute and regulations.^[70]

At this step, officers may consider any potentially relevant evidence, even if such evidence does not fit one of the above regulatory criteria or was not presented as comparable evidence.

E. O-1B Beneficiaries in Motion Picture or Television

1. Establishing Eligibility

In support of an O-1B (MPTV) Petition for a Nonimmigrant Worker ([Form I-129](#)), the petitioner must establish that the beneficiary has demonstrated a record of extraordinary achievement in motion picture or television

productions and is coming to continue to work in such productions.^[71] However, the productions need not require someone with a record of extraordinary achievement.

2. Supporting Documentation

The supporting documentation for an O-1B (MPTV) petition must include evidence that the beneficiary has received, or been nominated for, a significant national or international award or prize in the particular field (such as an Academy Award, Emmy, Grammy, or Director's Guild Award)^[72] or at least three^[73] of the evidentiary criteria described above.^[74]

Petitioners for beneficiaries working in motion picture or television productions must submit evidence that applies evidentiary criteria described above; they may not rely on comparable evidence.^[75]

3. Evaluating the Totality of the Evidence

When the evidentiary requirements mentioned above are satisfied, an officer proceeds to evaluate the totality of all the evidence in the record in order to determine whether the beneficiary has extraordinary achievement in the motion picture and television industry as described in the O statute and regulations.^[76]

At this step, officers may consider any potentially relevant evidence, even if such evidence does not fit one of the above regulatory criteria.

F. Continuing to Work in the Area of Extraordinary Ability or Achievement

1. O-1A Beneficiaries in Sciences, Education, Business, or Athletics and O-1B Beneficiaries in the Arts

In addition to demonstrating the beneficiary's extraordinary ability and recognition in the field, a petitioner must demonstrate that an O-1A or O-1B (Arts) beneficiary is coming to the United States to continue work in the "area of extraordinary ability."^[77]

When considering a petition for a beneficiary who is transitioning to a new occupation (for instance, an acclaimed athlete coming to be a coach, a renowned STEM professor or academic researcher coming to work for a private company, an engineer coming to start a technology company, or an acclaimed dancer coming to be a dance teacher or choreographer), it can be unclear whether the proposed work in the United States is within the "area of extraordinary ability," as required.

There is no statutory or regulatory definition of the term "field" or the phrase "area of extraordinary ability." For purposes of evaluating an O-1A or O-1B (Arts) beneficiary's extraordinary ability in the field, USCIS interprets the term "field" to allow consideration of acclaim and recognition for achievements in multiple related occupations (that is, those involving shared skillsets, knowledge, or expertise). Similarly, in the O-1A or O-1B (Arts) context, USCIS interprets the phrase "area of extraordinary ability" broadly to include not only the specific occupation(s) in which the beneficiary has garnered acclaim, but also other occupations that involve shared skillsets, knowledge, or expertise.^[78]

Accordingly, when determining whether the beneficiary is coming to work in the beneficiary’s “area of extraordinary ability,” officers focus on whether the prospective work or services involve skillsets, knowledge, or expertise shared with the occupation(s) in which the beneficiary has garnered acclaim. In evaluating whether occupations involve shared skillsets, knowledge, or expertise to an extent that they may be considered within the same area of extraordinary ability, officers evaluate the totality of information and evidence presented. Relevant factors include, but are not limited to:

- Whether the past and prospective occupations are in the same industry or are otherwise related based on shared duties or expertise;
- Whether the prospective occupation is a supervisory, management, or other leadership position that oversees the beneficiary’s previous position or otherwise requires shared knowledge, skills, or expertise; and
- Whether it is common for persons in one occupation to transition to the other occupation(s) based upon their experience and knowledge.

USCIS does not consider a male athlete who has gained the necessary acclaim in men’s sports and seeks to compete in women’s sports in the United States to be seeking to continue work in his area of extraordinary ability.^[79]

2. O-1B Beneficiaries in Motion Picture or Television

In addition to demonstrating the beneficiary’s extraordinary achievement in MPTV productions and recognition in the field, a petitioner must demonstrate that an O-1B (MPTV) beneficiary is coming to the United States to continue work in the “area of extraordinary achievement.”^[80]

For a beneficiary with a record of extraordinary achievement in motion picture or television (MPTV) productions, USCIS interprets the beneficiary’s “area of extraordinary achievement” to include any proposed work within the MPTV industry.^[81] In addition to being consistent with longstanding agency practice, USCIS believes this industry-focused interpretation for the O-1B (MPTV) classification is consistent with statute and regulations, which discuss MPTV petitions separately from other types of O petitions and specifically focus on achievement in MPTV “productions” and the “industry.”^[82]

Footnotes

^[^ 1] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). “Sustained” national or international acclaim means that a beneficiary’s acclaim must be maintained. (According to Black’s Law Dictionary (11th ed. 2019), the definition of sustain is “(1) to support or maintain, especially over a long period of time; ... (6) To persist in making (an effort) over a long period.”) However, the word “sustained” does not imply an age limit on the beneficiary. A beneficiary may be very young in his or her career and still be able to show sustained acclaim. There is also no definitive time frame on what constitutes “sustained.” If a person was recognized for a particular achievement, the officer should determine whether the person continues to maintain a comparable level of acclaim in the field of expertise since the person was originally afforded that recognition. A person may have achieved national or international acclaim in the past but then failed to maintain a comparable level of acclaim thereafter.

^[^ 2] See [INA 101\(a\)\(15\)\(O\)\(i\)](#).

^[^ 3] See [INA 101\(a\)\(15\)\(O\)\(i\)](#).

[^ 4] See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 5] See [INA 101\(a\)\(46\)](#). See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 6] See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 7] Other non-exhaustive examples include actors, writers, composers, or set designers seeking to come to the United States to do some work within the MPTV industry while also seeking to work in live theater or perform other work as an artist outside the MPTV industry.

[^ 8] This is consistent with the [Academy of Television Arts & Sciences](#)²⁷ consideration of series, commercials, and other programs that air by “broadband” to be among the productions eligible for Primetime Emmy Awards. See [73rd Primetime Emmy Awards 2020-2021 Rules and Procedures \(PDF\)](#)²⁸ (accessed on January 5, 2022). In addition, the Alliance of Motion Picture and Television Producers discusses beneficiaries working on a “web series/program” and a “web commercial” among those for whom it provides opinions, but lists “static web content” as an example of a project that is “not part of motion picture and television production.” See [AMPTP Guidelines for O-1 Visa Advisory Opinion Letter Requests \(PDF\)](#)²⁹ (accessed on January 5, 2022).

[^ 9] USCIS provided this interpretation in its policy guidance on January 13, 2022, to provide increased clarity for officers, to promote consistent adjudications, and to increase transparency for prospective petitioners.

[^ 10] Other non-exhaustive examples of artists whose MPTV work is incidental to their artistic work include musicians or other artists performing live on television or filmed for television “specials,” persons appearing as themselves in documentaries, and composers or musicians who license their music to films or television. In contrast, composers who are engaged to score MPTV productions are directly working in the MPTV industry.

[^ 11] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [INA 214\(c\)\(3\)](#).

[^ 12] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 13] See [59 FR 41818 \(PDF\)](#), 41820 (Aug. 15, 1994).

[^ 14] See [Matter of Chawathe \(PDF\)](#), 25 I&N Dec. 369, 376 (AAO 2010) (“[T]ruth is to be determined not by the quantity of evidence alone but by its quality. Therefore, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true”).

[^ 15] For example, authorship of scholarly articles in the field in professional journals or other major media, alone, regardless of caliber, would satisfy the criterion at [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(6\)](#). Analysis of whether those publications are consistent with a finding that the beneficiary has sustained acclaim and is among the small percentage at the top of the field would be addressed and articulated in the totality determination.

[^ 16] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 17] See [INA 101\(a\)\(15\)\(O\)\(i\)](#) and [INA 101\(a\)\(46\)](#). See [8 CFR 214.2\(o\)\(3\)\(ii\)](#) (“Distinction means a high level of achievement in the field of arts evidenced by a degree of skill and recognition substantially above that ordinarily encountered to the extent that a person described as prominent is renowned, leading, or well-known in the field of arts”).

[^ 18] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)\(3\)\(ii\)](#).

[^ 19] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement [[2 USCIS-PM M.4\(F\)](#)] for more information.


[^ 20] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(A\)](#).

[^ 21] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)](#).

[^ 22] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(1\)](#).

[^ 23] USCIS does not interpret the phrase "field of endeavor" to mean that the work being recognized by the prize or award must correspond precisely to the type of prospective work that the person will undertake. Rather, USCIS considers whether the prize or award relates to the individual's asserted area of extraordinary ability. For information about how USCIS determines whether a person will "continue to work in the area of extraordinary ability," see Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement [[2 USCIS-PM M.4\(F\)](#)].

[^ 24] In general, qualifying awards include team awards where each member receives a trophy, certification, or medal; appears on the podium or stage; or is specifically named in the awarding organization's announcement of the award selection. Examples include members of a musical group who receive an award and relay team members who appear together on the medal podium. Mere acknowledgment from the award recipient does not constitute receiving the award from the awarding authority.

[^ 25] The Carnegie Classification of Institutions of Higher Education recognizes R1 and R2 doctoral universities as having "very high" or "high" research activity, respectively, based on publicly available federal government data regarding the number of doctoral degrees awarded and the amount of total research expenditures. See the Carnegie Classification of Institutions of Higher Education's [Basic Classification Description](#)  webpage.

[^ 26] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(2\)](#).

[^ 27] See the IEEE's [Steps to Become an IEEE Fellow](#)  webpage.

[^ 28] See the AAAI [Fellows Program](#)  webpage.

[^ 29] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(3\)](#).

[^ 30] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(4\)](#).

[^ 31] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(5\)](#).

[^ 32] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(6\)](#).

[^ 33] While many articles accepted for presentation at conferences do not result in publication, there are conferences that peer review and publish accepted presentations in professional journals (sometimes called proceedings), such that they may qualify as scholarly articles under this criterion.

[^ 34] Instead, officers may consider citation evidence relating to the published work as part of the totality analysis to evaluate whether the record establishes that the beneficiary has sustained national or international acclaim and is among the small percentage at the top of the field. For instance, documentation regarding the total rate of citations to the beneficiary's body of published work relative to others in the field may indicate a beneficiary's high overall standing for the purpose of demonstrating that the beneficiary is among the small percentage at the top of the field.

[^ 35] Evidence of a publication’s reputation in the field is not required to satisfy this criterion. However, such evidence may be relevant in ultimately determining whether the totality of the evidence in the record establishes that the beneficiary has sustained national or international acclaim and is among the small percentage at the top of the field. Relevant evidence of a publication’s reputation may include rankings, impact factors, and selectivity. For example, publishing an article in a journal which allows any contributor to pay a fee for the service of peer review or publishing an individual’s work may meet the plain requirements of the criterion, but would not necessarily contribute to a finding of sustained acclaim. However, some authors who publish in competitive or otherwise highly-ranked journals may pay a fee to provide open access to their work for the public upon publication, and such a fee would not detract from a finding of sustained acclaim.

[^ 36] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(7\)](#).

[^ 37] See SBIR [America’s Seed Fund](#) webpage.

[^ 38] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(8\)](#).

[^ 39] See [8 CFR 214.2\(o\)\(3\)\(iii\)\(C\)](#).

[^ 40] See [8 CFR 214.2\(o\)\(3\)\(iii\)](#).

[^ 41] The comparable evidence provision was intended as a “catch-all” to allow for additional evidence to be considered when the other enumerated criteria do not readily apply, in whole or in part, when evaluating whether the beneficiary has extraordinary ability. See [59 FR 41818 \(PDF\)](#), 41820 (August 15, 1994). While alternative interpretations of the regulation are possible, USCIS believes that the best interpretation as a matter of policy is to allow for consideration of comparable evidence on a criterion-by-criterion basis. This interpretation is supported by the fact that the O regulations do not explicitly mandate a showing that a certain number of criteria do not apply before a petitioner may submit comparable evidence. These provisions do not include a qualifier such as “all” or “the majority of” before “criteria.” It is unclear if the use of the term “criteria” was intended to require a showing that all or a majority of the criteria do not readily apply, or if the use of the word “criteria” was merely a reference to the multiple evidentiary options listed in the regulations. This interpretive policy resolves that ambiguity.

[^ 42] Consistent with a plain language reading, “readily” means “easily” or “without much difficulty.” See Merriam-Webster Dictionary’s [definition of “readily.”](#) The term “occupation” is defined as “the principal business of one’s life.”

[^ 43] For example, a petitioner who establishes that [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(2\)](#) is not readily applicable to the beneficiary’s occupation may submit evidence showing that two other criteria under [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)](#) have been met, along with an additional form of evidence of comparable significance to that in [8 CFR 214.2\(o\)\(3\)\(iii\)\(B\)\(2\)](#), to establish sustained acclaim and recognition.

[^ 44] See Section B, Determining Eligibility for O-1 Classification [[2 USCIS-PM M.4\(B\)](#)]. The same totality analysis described in Section B applies regardless of whether comparable evidence was relied upon to satisfy the evidentiary requirements.

[^ 45] Not all cases have such evidence, nor does a case need such evidence for the petitioner to demonstrate eligibility. Additionally, the list in this subsection is a non-exhaustive list of examples, and while the listed factors may be especially relevant to beneficiaries in STEM fields, the guidance applies to all O-1A petitions.

[^ 46] Impact factor is commonly used as a measure of a journal’s influence; it represents the average number of citations received per article published in that journal during the 2 preceding years. See Garfield, E, [The](#)

[History and Meaning of the Journal Impact Factor](#)⁴⁷, *Journal of the American Medical Association*, Vol. 295, Iss. 1, p. 90 (2006).

[⁴⁷] The h-index is a tool for measuring a researcher's output and impact. It is based on the highest number of the researcher's publications that have been cited at least that same number of times. For example, if a researcher has an h-index of 10, it means the researcher has 10 publications that have 10 or more citations each (but not 11 publications with at least 11 citations each). See Hirsch, J, [An Index to Quantify an Individual's Scientific Research Output \(PDF\)](#)⁴⁸, *Proceedings of the National Academy of Sciences of the United States of America*, Vol. 102, Iss. 46, p. 16569 (2005). Other indices for measuring output and impact are also used. When relying on any of these tools, a petitioner should explain its methodology and significance with supporting documentation because the sources for the data and the duration of time involved in the calculation can impact the actual h-index value.

[⁴⁸] This factor is less relevant for beneficiaries early in their career, as such persons have had less time to accumulate citations but may nevertheless have garnered acclaim and risen to the small percentage at the top of the field as demonstrated by other evidence in the record. As stated above, none of the listed factors are required to demonstrate eligibility.

[⁴⁹] The Carnegie Classification of Institutions of Higher Education uses the R1 and R2 doctoral university designations to recognize institutions as having "very high" or "high" research activity, respectively, based on publicly available federal government data regarding the number of doctoral degrees awarded and the amount of total research expenditures. See the Carnegie Classification of Institutions of Higher Education's [Basic Classification Description](#)⁴⁹ webpage. While the designations to recognize an institution's research activity may be based on doctoral degrees, the beneficiary is not required to have a doctoral degree.

[⁵⁰] The QS World University Rankings annually evaluate universities according to a methodology based on six consistent and empirical metrics: academic reputation (40 percent), employer reputation (10 percent), faculty to student ratio (20 percent), citations per faculty (20 percent), international faculty ratio (5 percent), and international student ratio (5 percent). These metrics are used to rank universities, as well as capture and assess university performance. See the QS World University Rankings [Methodology](#)⁵⁰ webpage.

[⁵¹] See Executive Order 14201, Keeping Men Out of Women's Sports, [90 FR 9279](#) (Feb. 11, 2025), and Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, [90 FR 8615](#) (Jan. 20, 2025). For more information on evidence of biological sex and the role of biological sex in immigration benefit requests, see Volume 1, General Policies and Procedures, Part E, Adjudications, Chapter 5, Verification of Identifying Information, Section B, Personal Information, Subsection 2, Sex [[1 USCIS-PM E.5\(B\)\(2\)](#)].

[⁵²] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). For more information, see Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement [[2 USCIS-PM M.4\(F\)](#)]. For information about determining whether an O-1B beneficiary falls under the arts or MPTV classification, see Section A, Standard for Classification [[2 USCIS-PM M.4\(A\)](#)].

[⁵³] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(A\)](#).

[⁵⁴] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)](#).

[⁵⁵] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(1\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(1\)](#).

[⁵⁶] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(3\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(3\)](#). A production or event includes examples such as: an art show or exhibit, concert, or theatrical production (for O-1B (arts)); or a film or television show

(for O-1B (MPTV)). In contrast, an organization or establishment includes examples such as: a company, collective, or other entity, including but not limited to entities that produce artistic productions or events (for O-1B (arts)); or the production company or studio producing the film or television show (for O-1B (MPTV)).

[^ 57] Consistent with a plain language reading, a “lead” role generally refers to a principal role, while to “star” means to feature in the most prominent or important role. See Merriam-Webster Dictionary’s [definition of “lead”](#) and [definition of “starring.”](#)

[^ 58] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(2\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(2\)](#).

[^ 59] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(3\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(3\)](#).

[^ 60] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(1\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(1\)](#). A production or event includes examples such as: an art show or exhibit, concert, or theatrical production (for O-1B (arts)); or a film or television show (for O-1B (MPTV)). In contrast, an organization or establishment includes examples such as: a company, collective, or other entity, including but not limited to entities that produce artistic productions or events (for O-1B (arts)); or the production company or studio producing the film or television show (for O-1B (MPTV)).

[^ 61] Consistent with a plain language reading, a “lead” role generally refers to a principal role, while to “star” means to feature in the most prominent or important role. See Merriam-Webster Dictionary’s [definition of “lead”](#) and [definition of “starring.”](#)

[^ 62] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(4\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(4\)](#).

[^ 63] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(5\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(5\)](#).

[^ 64] The regulation at [8 CFR 214.2\(o\)\(2\)\(iii\)\(B\)](#) provides that affidavits written by recognized experts certifying to the recognition and extraordinary ability or extraordinary achievement of the beneficiary shall specifically describe the beneficiary’s recognition and ability or achievement in factual terms and set forth the expertise of the affiant and the manner in which the affiant acquired such information.

[^ 65] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(6\)](#) and [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)\(6\)](#).

[^ 66] See [8 CFR 214.2\(o\)\(3\)\(iv\)\(C\)](#). See the discussion of comparable evidence in Section C, O-1A Beneficiaries in Sciences, Education, Business, or Athletics [[2 USCIS-PM M.4\(C\)](#)] for more information.

[^ 67] See [8 CFR 214.2\(o\)\(3\)\(iv\)](#).

[^ 68] Consistent with a plain language reading, “readily” means “easily” or “without much difficulty.” See Merriam-Webster Dictionary’s [definition of “readily.”](#) The term “occupation” is defined as “the principal business of one’s life.”

[^ 69] For example, a petitioner who establishes that [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(2\)](#) is not readily applicable to the beneficiary’s occupation may submit evidence showing that two other criteria under [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)](#) have been met, along with an additional form of evidence of comparable significance to that in [8 CFR 214.2\(o\)\(3\)\(iv\)\(B\)\(2\)](#), to establish sustained acclaim and recognition.

[^ 70] See Section B, Determining Eligibility for O-1 Classification [[2 USCIS-PM M.4\(B\)](#)]. The same totality analysis described in Section B applies regardless of whether comparable evidence was relied upon to satisfy the enumerated evidentiary requirements.

[^ 71] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See Section F, Continuing to Work in the Area of Extraordinary Ability or Achievement [[2 USCIS-PM M.4\(F\)](#)] for more information. For information about determining whether an O-1B beneficiary falls under the arts or MPTV classification, see Section A, Standard for Classification [[2 USCIS-PM M.4\(A\)](#)].

[^ 72] See [8 CFR 214.2\(o\)\(3\)\(v\)\(A\)](#).

[^ 73] See [8 CFR 214.2\(o\)\(3\)\(v\)\(B\)](#).

[^ 74] See Section D, O-1B Beneficiaries in the Arts, Subsection 2, Supporting Documentation [[2 USCIS-PM M.4\(D\)\(2\)](#)].

[^ 75] See [8 CFR 214.2\(o\)\(3\)\(v\)](#).

[^ 76] See Section B, Determining Eligibility for O-1 Classification [[2 USCIS-PM M.4\(B\)](#)].

[^ 77] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)\(1\)\(ii\)\(A\)\(1\)](#).

[^ 78] USCIS updated its policy guidance to provide this interpretation on January 21, 2022, to promote clarity, consistency, and transparency in O-1 adjudications. USCIS notes that this policy guidance relates only to the adjudication of O-1 nonimmigrant petitions. For policy guidance on eligibility determinations in E11 (immigrant of extraordinary ability) petitions, which, while similar to O-1, require that the beneficiary's entry will "substantially benefit prospectively the United States," see Volume 6, Immigrants, Part F, Employment-Based Classifications, Chapter 2, Extraordinary Ability [[6 USCIS-PM F.2](#)].

[^ 79] See Executive Order 14201, Keeping Men Out of Women's Sports, [90 FR 9279](#) (Feb. 11, 2025), and Executive Order 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, [90 FR 8615](#) (Jan. 20, 2025). For more information on evidence of biological sex and the role of biological sex in immigration benefit requests, see Volume 1, General Policies and Procedures, Part E, Adjudications, Chapter 5, Verification of Identifying Information, Section B, Personal Information, Subsection 2, Sex [[1 USCIS-PM E.5\(B\)\(2\)](#)].

[^ 80] See [8 CFR 214.2\(o\)\(1\)\(ii\)\(A\)\(2\)](#).

[^ 81] USCIS updated its policy guidance to provide this interpretation on January 21, 2022, to promote clarity, consistency, and transparency in O-1 adjudications. USCIS notes that this policy guidance relates only to the adjudication of O-1B (MPTV) petitions.

[^ 82] See [INA 101\(a\)\(15\)\(O\)\(i\)](#). See [8 CFR 214.2\(o\)\(1\)](#), [8 CFR 214.2\(2\)\(iii\)\(B\)](#), and [8 CFR 214.2\(3\)](#).