

O-1 Alien of Extraordinary Ability Request Packet

The Office of International Services (OIS) at the Johns Hopkins Medical Institutions (JHMI) has prepared this packet of information to assist foreign nationals and their hiring departments at JHMI with the process of preparing an application for O-1 status for adjudication by the U.S. Citizenship & Immigration Services (USCIS).

The process is lengthy and complex, potentially involving various state and federal government agencies. In order to ensure that everything goes smoothly, it is extremely important that you read the materials in this packet very carefully and that you follow the instructions. This will avoid delays in the processing of your case.

Please be advised, however, that any estimated processing times referenced in this packet are subject to change without notice due to changes in the regulations/laws and/or due to backlogs within a particular government agency. OIS cannot control delays of this nature.

If you have any questions or need additional information, please call (410) 955-3371 to speak to a qualified OIS staff member who can assist you.

COMMONLY USED ACRONYMS OR ABBREVIATIONS IN THE O-1 REQUEST PACKET

INA	Immigration & Nationality Act
JHMI	The Johns Hopkins University: Medical Institutions
OIS	Office of International Services
USCIS	U.S. Citizenship & Immigration Services

BASIC O-1 INFORMATION:

- The O-1 nonimmigrant classification is for the employment of foreign nationals who have achieved and sustained national or international acclaim for extraordinary ability in one of the five following broad areas [INA 101(a)(15)(O)]:
 1. Sciences
 2. Arts
 3. Education
 4. Business
 5. Athletics
- There are different standards of proof required to show extraordinary ability in the sciences, education, business, and athletics versus the proof required to show extraordinary ability in the arts.
- At JHMI, the most common O-1 filing is for extraordinary ability in the **sciences** category. The regulations define aliens of extraordinary ability in the sciences as follows:

“Extraordinary ability in the field of science . . . means 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.”
- Each O-1 petition may be for an initial period of three years and is renewable for an indefinite period of one-year increments thereafter.
- O-1 status is employer-specific and position-specific. The international may only work for the employer that sponsors the O-1 petition, and only in the position specified in the petition.
- Dependent family members of an O-1 are granted O-3 status. While in O-3 status, dependents are *not* allowed to work under any circumstances.

BASIC FORMS AND FEES:

The U.S. Citizenship & Immigration Services (USCIS) charges the following processing fees for O-1 applications¹:

- Form I-129 (with O-1 Supplement) Fee: **\$320**
- Additional Fee for Dependents²: **\$300**
- Premium Processing Request³ **\$1,000** (*required if case must be approved in less than 4 months*)

¹ These fees are subject to change without notice. Always check www.uscis.gov for the most up-to-date information about USCIS fees.

² Dependents must complete a Form I-539 to request O-3 visa status. The Form I-539 must only include information about immediate family members (spouse and children) who are *inside* the United States at the time of filing. The Form I-539 may be downloaded from the USCIS Internet site at www.uscis.gov

³ If electing to use Premium Processing we will need a separate check for \$1000, please do not combine fees. Please make all checks payable to US Department of Homeland Security

O-1 Process Overview:

STEP #1

- The O-1 application process begins with a “threshold analysis” by OIS. The international and/or faculty sponsor must make an appointment to meet with a qualified advisor in the OIS to review the international's eligibility for O-1 status pursuant to University policy, as well as the requirements of USCIS.
 - If the international is found to be *ineligible* for sponsorship, the O-1 process cannot go forward.
 - If the international is found to be *eligible* for sponsorship, the international and his/her faculty sponsor should proceed to Step #2 below.

STEP #2

- The sponsoring department and the international must first secure written approval from the Dean of the School of Medicine or Chairperson of their Department [SPH/SON only] before they may begin gathering all required application materials. (See the comprehensive checklist included in this Request Packet.). For School of Medicine, please contact Diane Voss at 410 955 3191 for further instructions.

STEP #3

- OIS will analyze and organize all application materials, prepare the Form I-129, and submit to USCIS for adjudication.

STEP #4

- If approved, OIS will notify the international and provide him/her with a photocopy of the Form I-797 Approval Notice, along with other documentation to either finalize the change of status process inside the U.S. or to instruct the international regarding travel to secure the O-1 visa and re-entry (NOTE: This latter option is required if the international held prior J-1 Exchange Visitor status and is still subject to the “two-year home country physical presence requirement” [INA 212(e)].)

Evidence outlined below must be submitted to OIS in the following format:

**All documents must be 3-hole punched;
Collated in one or more 3 ring binders in the order below;
Each section must be separated by a colored cover sheet;**

EVIDENCE SUBMITTED IN ANY OTHER FORMAT WILL NOT BE ACCEPTED.

**Submit to: Florence Damiba
OIS, 1620 McElderry Street, Reed Hall, Baltimore, MD 21205**

O-1 Checklist Alien of Extraordinary Ability:

The O-1 nonimmigrant classification is reserved for internationals who have achieved and sustained national or international acclaim for extraordinary ability in arts, sciences, education, business, or athletics. To qualify for O-1 status, the international must either:

1. Present evidence of receipt of a major internationally recognized award such as the Nobel Prize [8 CFR 214.2(o)(3)(A)].

(HELPFUL HINT: If the international wishes to prove extraordinary ability on this basis, the prize actually has to have been awarded (i.e., not just a nomination), and it does have to be the Nobel Prize or other prize that is of similar international standing. It is rare to qualify for O-1 status on this basis.)

OR

2. Present evidence in **at least three** of the following categories [8 CFR 214.2(o)(B)-(C)]:

- Receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.**

(HELPFUL HINT: These are awards that are prestigious, although they do not have to be quite the caliber of a Nobel or Pulitzer Prize. It may be necessary to explain the significance of these prizes and awards. In general, please be aware that the awarding of a "postdoctoral fellowship" is not considered to be nationally or internationally prestigious enough to qualify as acceptable evidence. Student awards, unless nationally or internationally recognized, should not be included. Grant awards may be included, depending upon the international's role in obtaining the grant.)

- 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 the field.**

(HELPFUL HINT: USCIS is looking for memberships that are above and beyond the "run-of-the-mill, pay-your-dues-and-you're-a-member" sort of memberships. The regulations clearly state that the organizations should "require outstanding achievements of their members," as judged by experts. Leadership positions in professional associations are especially helpful.)

- Published material in professional publications written by others about the alien's work in his/her field.**

(HELPFUL HINT: Complete copies of articles, reviews, etc. about the individual's work should be submitted. Citation listings alone do not constitute the level of proof required to meet this criterion.)

- Evidence of the alien's participation as the judge of the work of others in the same or an allied academic field.**

(HELPFUL HINT: A "judge" of the work of others can include serving as a reviewer for a professional journal, judging papers, etc. Evidence of this can be provided in several ways. Individuals knowledgeable about the circumstances could write letters attesting to this fact. Alternatively, copies of letters asking the individual to judge an event or a paper or thanking them for doing this can be submitted.)

- Evidence of the alien's original scientific or scholarly research contributions to the academic field.**

(HELPFUL HINT: Documentation of this can take many forms. Copies of patents or other recognition of a contribution or achievement can also be included with the petition. Letters from experts in the field are essential for helping to document this.)

- ❑ **Evidence of the alien’s authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.**

(HELPFUL HINT: Copies of articles should be included, although if the alien has a long list of publications, a list with complete citations and copies of some representative samples would suffice. The quality and distribution of the publication does make a difference since the regulation requires the publication to have “international circulation in the field.”)

- ❑ **Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation.**
- ❑ **Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.**
- ❑ **Current CV, including copies of all education credentials (i.e., diplomas).**

(HELPFUL HINT: All documents must be in English or accompanied by an English translation. If you were educated outside of the United States, you must also submit a credential evaluation that establishes the comparability of your educational level to that within the U.S. An OIS Advisor can provide additional information regarding this requirement.)

- ❑ **Check(s) for the required USCIS fee(s) made payable to US Department of Homeland Security.**

IMPORTANT NOTE: To minimize any potential delays or problems with the O-1 application, it is important that the international and his/her department follow the instructions in this packet and on all USCIS forms.

**Sample Outline of O-1 Recommendation Letter
from Experts in the Alien's Field
(in lieu of a formal "Peer Group" Advisory Opinion)**

The letter should be addressed to:

**U.S. Citizenship & Immigration Services
Eastern Regional Service Center
75 Lower Welden Street
Saint Albans, VT 05479-0001**

Do **not** send the letter directly to USCIS. The letter must be submitted by the international to OIS for inclusion with all other application materials for mailing to USCIS.

The letter should follow the outline below:

1. Opening Paragraph

"I am writing this letter in support of the The Johns Hopkins University: Medical Institutions' application for O-1status on behalf of [*INSERT NAME*] and his/her claim of extraordinary ability."

2. Paragraph #1

Information regarding the writer, including current position, background, and accomplishments. (**NOTE:** It is helpful if the writer provides a copy of his/her CV along with the recommendation letter.)

3. Paragraph #2

An explanation of how the writer knows the applicant.

4. Paragraph #3

Documentation regarding how the applicant qualifies for O-1 status. The letter must help establish that the applicant meets **at least three** of the following criteria:

- a. Receipt of nationally or internationally recognized prizes or awards;
- b. Membership in associations in the academic field, which require outstanding achievements;
- c. Published material in professional publications written by others about the alien's work;
- d. Evidence of the applicant's participation as a judge of the work of others;
- e. Evidence of the applicant's original scientific or scholarly research contributions to the field;
- f. Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field;
- g. Evidence that the alien has been employed in a critical or essential capacity for organizations and establishments that have a distinguished reputation;
- h. Evidence that the alien has either commanded a high salary or will command a high salary or other remuneration for services.

5. Closing Paragraph