

# O-1

## Overview

O-1 status is available to foreign nationals who have **extraordinary ability (as defined by USCIS)** in science, art, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. Extraordinary ability is a high level of expertise and indicates that the person is one of a small percentage who has risen to the very top of the field. The foreign national must seek to enter the United States to continue work in the area in which he or she is extraordinary. As is the case with H-1B status, O-1 employment is employer and position specific. Employment under the O-1 category is limited to the specific department that sponsored the O-1 and to the employment specified in the I-129 petition.

One of the key features and benefits of O-1 status (compared to H-1B status) is that foreign nationals who are subject to the two-year home residency requirement based on previous participation in a J-1 exchange program are eligible for O-1 status but not generally for H-1B status. To obtain O-1 status in this situation, it is likely required that the foreign national travel abroad and obtain an O-1 visa at the U.S. consulate.

An O-1 petition has an initial period of stay of up to 3 years. Subsequent extensions may last for no more than one year at a time. There is no limit to the number of extensions. However, O-1 status is not a long-term immigration solution. If a beneficiary is subject to the two-year home residency requirement based on a previous J-program, steps should be taken to address this in consultation with FSIS.

## Requesting O-1 status and Timeline

All O-1 petitions, including extensions, are handled by [retained immigration counsel](#) [1]. For an overview of the legal cost associated with an O-1 application, please refer to the [fee schedule](#) [2]. The hiring department is liable for paying all legal fees, filing fees and costs associated with the O-1 petition. The foreign national is responsible for paying dependent and visa related fees. All O-1 petitions should be initiated as early as possible, preferably 6-7 months in advance of the requested start date.

To start the O-1 petition process, please submit the [Request for Retained Immigration Counsel Form](#) [3].

## Fees

For an overview of the various costs associated with an O-1 application as well as an overview of who may pay what costs, please refer to our [section on fees and checks](#) [2].

## Dependents

The dependents (spouse and unmarried children under the age of 21) of individuals in O-1 status are eligible for O-3 status. Individuals in O-3 status may study but they may not work. However, individuals in O-3 status may qualify for an EAD based on a pending green card application.

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### Links

[1] <https://internationalcenter.umich.edu/fsis/retained-immigration-counsel>

[2] <https://internationalcenter.umich.edu/fsis/fees-and-checks>

[3] <https://internationalcenter.umich.edu/sites/default/files/forms/RetAttnyRequestForm.pdf>