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Policy Alert

SUBJECT: Determining the Appropriate O-1B Classification for Persons of Extraordinary Ability in the Arts or Extraordinary Achievement in the Motion Picture or Television Industry

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify how USCIS determines whether an O-1B beneficiary is evaluated as a person of extraordinary ability in the arts (O-1B Arts) or as a person of extraordinary achievement in the motion picture or television industry (O-1B MPTV).

Background

O-1 nonimmigrant status is available to persons of “extraordinary ability” in the sciences, arts, business, education, and athletics, and persons with a record of “extraordinary achievement” in the motion picture or television industry, who are coming to the United States temporarily to work in their area of ability or achievement. This update provides detailed guidance regarding the evaluation of petitions that present elements of both O-1B (Arts) and O-1B (MPTV), and how USCIS determines which O-1B classification and definitional standard to apply. While consistent with longstanding adjudicatory practice, it is intended to provide clarification to officers.

This guidance, contained in Volume 2 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Clarifies that USCIS applies the eligibility requirements for O-1B (MPTV) if the beneficiary will perform services for motion picture or television productions while in the United States.
- Provides examples as to which new forms of media, including various types of online content, USCIS may consider to properly fall within the O-1B (MPTV) subcategory.

Citation

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