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Chapter 1 - Purpose and Background

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A. Purpose

The Immigration and Nationality Act (INA) and implementing regulations provide that certain employers or agents may petition in the O-1 visa category for nonimmigrants who have extraordinary ability in the sciences, arts, education, business, or athletics, which has been demonstrated by sustained national or international acclaim.^[1] The O-1 visa category may also include those who have a demonstrated a record of extraordinary achievement in the motion picture and television industry.^[2]

The INA and implementing regulations also provide that certain employers or agents may petition for accompanying [noncitizens](#) (O-2 classification) who seek to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by the O-1 artist or athlete.^[3]

B. Background

The Immigration Act of 1990 added the O nonimmigrant classification, providing for the admission of persons of extraordinary ability.^[4] However, because of the passage of the Armed Forces Immigration Adjustment Act, implementation of certain O classification provisions were delayed until April 1, 1992.^[5] Before Congress enacted these laws, artists, athletes, and other performers were admitted under the H-1 (distinguished merit and ability), H-2, or B-1 visa categories.



C. Legal Authorities

- [INA 101\(a\)\(15\)\(O\)](#) - Definition of O nonimmigrant classification
- [INA 101\(a\)\(46\)](#) - Definition of extraordinary ability in the arts
- [INA 214](#) - Admission of nonimmigrants
- [8 CFR 214.2\(o\)](#) - Special requirements for admission, extension, and maintenance of status ("Aliens of extraordinary ability or achievement")

Footnotes

^[^1] See [INA 101\(a\)\(15\)\(O\)\(i\)](#).

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

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

^[^4] See [Pub. L. 101-649 \(PDF\)](#), 104 Stat. 4978 (November 29, 1990).

^[^5] See [Pub. L. 102-110 \(PDF\)](#), 105 Stat. 555 (October 1, 1991).

