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United States – O-1 Visa (Individuals with Extraordinary Ability or Achievement) Procedures and Fees

Unless otherwise indicated, the petition stated in this quotation refers to non-immigrant petition for Alien of Extraordinary Ability under the United States Immigration and Nationality Act.

In general, unless a person has the right of abode or right to land in the United States, he/she requires a visa permit for work in the United States. The foreigners who wish to take up any short-term or long-term employment (whether paid or unpaid) in the United States, he/she must obtain an employment visa/permit from the United States Citizenship and Immigration Services (“USCIS”) before take-up the employment.

The O-1 category is set aside for persons of “extraordinary ability” in the science, arts, education, business, or athletics, certain persons accompanying or assisting those individuals, and their family members. O-1 non-immigrants must intend to work in their area of extraordinary ability or achievement. There is no explicit statutory limitation on the period of stay for O-1 non-immigrants; the initial period of stay can be approved for the time necessary to complete the event or activity or group of events or activities for which the non-immigrant is admitted, up to a period of 3 years. Extension of stay for an O-1 non-immigrant and support personnel can be granted in increments of up to one year to continue and complete the same event or activity for which they were admitted. At the moment, taking the USCIS processing time into account, Kaizen can obtain an O-1 visa for our clients in approximately 5 to 12 weeks. Please note that the exact timeframe is subjected to the processing time of relevant government agencies.

If the O-1 petition is approved, family members of the principal applicant are entitled to admission in the O-3 nonemigrant status. Included in this category is the spouse of the visa holder, as well as minor unmarried children under the age of 21. They cannot engage in employment in the U.S.

All applicants who meet the eligibility criteria specified in the Section 3 of this quotation may apply for the O-1 non-immigrant classification in the United States.

1. United States O-1 Visa Application Fees

Our fees for handling the application for O-1 visa is USD8,000. An extra USD1,500 will be charged for each dependent Green Card. In particular, our fees entail the following services:

- (1) Providing advices regarding the application for O-1 visa in the United States in general;
- (2) Providing assistance for the preparation of documents required for the client;
- (3) Review petition documents prepared by applicant(s);
- (4) Preparation of petition letter(s) and application form(s);
- (5) Submission of petition package to the USCIS;
- (6) Liaison with the USCIS regarding the petition;
- (7) Report the application status to the client;
- (8) Visa Application Processing at the U.S. Embassy after approval;
- (9) Preparing Client for Interview at U.S. Embassy.

Note:

- (1) The fees quoted above includes the government fee.
- (2) Premium processing service is available for an extra fee of USD2,500 (15 calendar days processing time on USCIS' end).
- (3) The fees stated are exclusive of delivery charge, if any.
- (4) The fees stated exclude document translation fee. Please contact us for quotation if you wish to employ us to translate the documents.

2. Payment Term and Method

Upon receipt of confirmation of engagement, we will issue an invoice and email it together with detailed wire instructions to you. Because of the nature of services, we require full payment in advance. In addition, once service is commenced, no service fees will be refunded. We currently only accept check, cash or TT and credit card payment through PayPal. If invoice is settled by PayPal, an extra 5% service fee will be charged.

If Taiwan uniform invoice is required, a Business Tax at 5% of the invoiced amount will be charged and collected.

3. Eligibility Criteria

The O-1 category is set aside for the principal beneficiary with extraordinary ability. The law established 3 different standards for O-1 category: (1) the most exacting standard applies to individuals in the sciences, education, business, and athletics; (2) a much less rigorous standard applies to individual persons in the arts; and (3) an intermediate standard applies to persons of extraordinary achievement in the motion picture or TV industries. To qualify for O-1, individual must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise. National or international acclaim can be demonstrated by the receipt of a major internationally recognized award such as Nobel Prize or Academy Award. Alternatively, the USCIS requires the petitioner must provide evidences to satisfy at least three of the following criteria:

- (1) Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence;
- (2) Evidence of your membership in associations in the field which demand outstanding achievement of their members;
- (3) Evidence of published material about you in professional or major trade publications or other major media;
- (4) Evidence that you have been asked to judge the work of others, either individually or on a panel;
- (5) Evidence of your original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field;
- (6) Evidence of your authorship of scholarly articles in professional or major trade publications or other major media;
- (7) Evidence of your performance of a leading or critical role in distinguished organizations;
- (8) Evidence that you command a high salary or other significantly high remuneration in relation to others in the field;
- (9) Other comparable evidences.

The above-mentioned eligibility criteria may be subject to change from time to time by the Immigration Department without prior notice. Please consult with Kaizen Consultants for more information.

4. Procedures and Timeline

The petitioner (employer) must file a petition with the United States Citizenship and Immigration Services (USCIS) in order to obtain the O-1 classification. Once the petition is approved, the approved petition is sent to a U.S. consulate where the applicant can obtain an O-1 visa to enter the United States. If the applicant is already in the United States in a different nonimmigrant category, he can apply for change of status. As of February 2021, the processing time for O-1 petitions is approximately 3 to 10 weeks. Petitioner also has the option to file the petition under premium processing service of which the USCIS will process the petition within 15 calendar days. Please be noted that in the case USCIS finds the submitted documents to be insufficient, it may request for additional evidence that the application time shall be extended.

5. Documents and Information Needed

The applicant is required to prepare and provide the following documents and information for the purpose of application for O-1 visa:

Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence:

- (1) Award certificates;
- (2) Background information of the contest;
- (3) Judging panel and the judging criteria of the contest;
- (4) Pertinent news coverage.

Evidences of your membership in associations in the field which demand outstanding achievement of their members

- (1) Membership certificate;
- (2) Background information of the association;
- (3) Section of the association's constitution or bylaws which discuss the criteria for membership for the beneficiary's level of membership in the association.

Evidence of published material about you in professional or major trade publications or other major media

- (1) Copy of the published material which includes the title, date, and name of author;
- (2) The circulation of the publishing media;
- (3) The intended audience of the publication.

Evidence that you have been asked to judge the work of others, either individually or on a panel

- (1) Invitations to review and judge other works and the confirmation of finished reviews;
- (2) Judging panel qualifications.

Evidence of your original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field

- (1) Objective documentary evidence of the significance of the beneficiary's contribution to the field;
- (2) Documentary evidence that people throughout the field currently consider the beneficiary's work important;
- (3) Testimony and/or support letters from experts which discuss the beneficiary's contributions of major significance;
- (4) Evidence that the beneficiary's major significant contributions has provoked widespread public commentary in the field or has been widely cited;
- (5) Evidence of the beneficiary's work being implemented by others.

Evidence of your authorship of scholarly articles in professional or major trade publications or other major media;

- (1) Copy of scholarly articles;
- (2) Number of citations;
- (3) Background information of the publishing journal.

Evidence of your performance of a leading or critical role in distinguished organizations:

- (1) Documentary evidence to demonstrate how the beneficiary's role was/is leading or critical for the organizations or establishments;
- (2) Evidence to demonstrate the distinguished reputation of the organizations or establishments.

Evidence that you command a high salary or other significantly high remuneration in relation to others in the field:

- (1) Payroll record for the past year;
- (2) Individual tax return for the past year;
- (3) Research on labour market to demonstrate the beneficiary receives higher remuneration comparing to others in the field.

Dependents:

- (1) Passport Biological Page;
- (2) Documents to Establish Relationship with the Beneficiary (Notarial Birth Certificate and Marriage Certificate).

All documents submitted must be in English or translated into English by a certified translation body.

*The Immigration Department reserve the right to demand further documents from the applicant or employing company as and when necessary.

6. Procedures After Approval

As soon as the USCIS approves the O-1 petition, the petition will be sent to the National Visa Centre for consular processing. Applicants will then be able to schedule an interview appointment with the U.S. Consulate to obtain the visa. Upon entry into the U.S., applications should engage in employment with the employer specified in the submitted petition in a timely manner. The initial validity period of the O-1 visa is 3 years. An O-1 extension of stay may be authorized in increments of up to 1 year. There's no statutory restrictions on the number of extension of O-1 visa. Should clients wish to extend their O-1 status, please contact our firm for consultation.

7. Application Procedures

Currently, the whole process of O-1 visa application generally takes approximately 5 to 12 weeks, but is subjected to change according to the processing time of relevant government agencies at the time. The table below shows the estimated time frame for each steps for the application process:

Step	Procedure	Responsible Party	Working Days (estimated)
1	Interview with our immigration expert.	Client	Client's Schedule
2	Sign and return retainer agreement along with retainer fees.	Client	Client's Schedule
3	Complete questionnaire and prepare the documents specified in the checklist.	Client	Client's Schedule
4	Upon receipt of the aforesaid documents, our firm will prepare the immigration filing package.	Kaizen	15 Days
5	Sign back immigration forms and letters to our firm.	Client	Client's Schedule
6	Submission of immigration petition package to the USCIS.	Kaizen	2-3 Days
7	Receive response from USCIS. If the case is approved, the case will be forwarded to National Visa Centre and we will prepare the visa application and schedule interview appointment. If USCIS requests further evidences, we will prepare for the response.	Kaizen	Visa Application: 2-4 Weeks RFE Response: 15 Days
8	Prepare client for visa interview.	Kaizen	1 Day
9	Obtain O-1 visa at the consulate and travel to U.S. to acquire Green Card.	Client	Client's Schedule
Total Working Days			5-12 Weeks

If you wish to obtain more information or assistance, please visit the official website of Kaizen CPA Limited at www.kaizenvis.com or contact us through the following and talk to our professionals:

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