

## O-1 Visa Tips & Tricks Workshop

Wednesday, January 15, 2020  
6:30 PM 8:30 PM  
Hunter East Harlem Gallery

*Like one of many international students, I decided to stay in this country after graduation. It was a choice that I didn't even need to explain too much to others. Applying for the O-1 visa was a challenging journey, but it was also a good opportunity to make me think and question a lot through the whole progress. Fortunately, I was privileged enough to be defined as an "Alien with Extraordinary Ability."*

*I sincerely appreciate those generous people who helped me, because I could not fight alone, especially in this particular dark moment. I want to pass the positive feedback around instead of spread the angry complaints. This document is created for whoever is experiencing the same expansive anxiety, yet still believing.*

*There are 4 parts in this document. In the Overview session, I write down how much a three year O-1 visa costed me; of course, the energy I put into could never be calculated. Second, the first-round application, I made a list according to my lawyer's letter, but please note that each lawyer can work very differently. Third, I received an RFE, and it becomes the most useful part to understand the immigrant officers' logic and how they evaluate an artist's success. Last, the tips, which may help you or may not.*

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### Overview

#### **Timeline:**

Contact Lawyer: Jan 1, 2018 (Expected submit in April 2018)

Signed Contract with Lawyer: Jan 21, 2018 (paid half of the lawyer fee)

Opt Ends: June 7, 2018 (Grace period ends on August 7, 2018)

Submitted: early August 2018

RFE received: August 16, 2018 (Deadline: Nov 11, 2018) \*

RFE answer submitted: early Nov 2018

Approved: Nov 15, 2018 \*

O1 Visa Valid from Nov 15, 2018 – August 7, 2021

\*Rush service

*Notes: For those who apply for the O1 visa first time, I highly suggested starting preparing the material earlier; keep in mind that you can always send new stuff to your lawyer later. And I chose to do the premium service only because USCIS updated a new memorandum, and I was trying to avoid those policies that might affect me. During the waiting time, I stayed in the US, although many lawyers did not recommend it.*

**Cost:**

Lawyer fee: \$5000

I-29 Filing fee: \$460

Rush fee: \$1225 \*

Advisory opinion letter: \$250 \*

Agency: roughly \$50-\$150 a month \*

\*Not mandatory

*Notes: Some lawyers may be able to find you a peer group to write the Advisory opinion letter. For the agencies, I'd suggest you work with the one that the lawyer recommends, and I will explain why in the next sessions.*

**First-round Application**

**Petitioner:**

A non-profit organization, which is my sponsor and agency at the same time

*Notes: For saving money, I found a petitioner myself. However, since some detailed documents need to be filled, the whole progress became more complicated. Therefore, I suggest you work with the "paid" one because you already spent thousands of dollars anyways. Just ask around, there are always some agencies offer this kind of service.*

## **Opinion letter:**

The lawyer handled it, it was “one of the management organization/peer groups that have agreed with USCIS to provide consultation letters”

## **Evidence:**

My lawyer tried to provide 5 out of 7 categories

1. Lead or starring Participant in Distinguished Productions or Events  
&
2. Critical Role for Distinguished Organization and Establishments

### HAS PERFORMED:

- Biennial at South Bend Museum in Indiana
- Governors Island Art Fair
- ITINERANT (A performance festival)
- Group exhibition at Smack Mellon
- Spring break Art Show
- A solo show
- Testimonials for proving starring role in distinguished organizations and productions:  
Curator at the South Bend Museum of Art; Program director from Mass MoCA

### WILL PERFORM:

- Contract

3. National or International Recognition

- Aint-Bad magazine
- Hyperallergic
- It's Nice That
- Luel (a Korean printed magazine)
- NY-Art News

4. Significant Recognition

- Fellowships and residencies: A.I.R. Gallery, Vermont Studio Center Fellowship, Mass MoCA residency
- Recommendation letters: 4 Established Artists, 3 Program Director/Curator

5. A high salary or other substantial remuneration

- Contract

*Notes: Trying to give the lawyer as much as the material you can (you don't know what they will choose, good opportunity in Art World does not mean which is also important in the real world), for proving some prestigious experience, you should also research the relative information. For*

*example, if this venue has been written in some major press? If the curator is famous? Look through some top10, best 10 articles, etc. Second, the printed document is good; for some events, you can always design your own promotional postcards, posters, etc. Third, leave enough time to people who will sign your recommendation letters, and mention it earlier even before you start applying for the Visa.*

## **RFE**

### **more evidence, or explain the submitted evidence already establishes eligibility**

*Notes: It was indeed the scary moment for realizing that I was closer to a single rejection, although receiving an RFE is quite common. Just keep calm and try your best to think about what material might be missing in the first-round application. Then trust your lawyer and give them enough time to prepare the answer. In this part, I list the officer's feedback and how my lawyer answers these questions so that you can see the logic clearly.*

General problem: Sustainment

*We found some earlier records, some of them were not on my CV or I did not participate even, but important to prove that I had a 3-years artist career. Also, I was lucky to have some new events to add on.*

1. Lead or starring Participant in Distinguished Productions or Events  
&
2. Critical Role for Distinguished Organization and Establishments

How they are distinguished, and how the role was lead or starring?

*The additional supporting document is essential, because not every emerging artist will have the solo show right after they graduated or written in major publications. Thankfully, there are many great open calls to emerging artists. For example, I was in a group show at Smack Mellon, and Smack Mellon was listed among 10 of the best art galleries in Brooklyn & Queens by The Guardian.*

3. National or International Recognition

The articles that do not discuss the outstanding achievements for the beneficiary, but rather are promotions of various art shows. You have not established that these publications rise to the level of major publications.

*The art world is a small bubble, so for most of the art publications, we will have to show their influence. If you cannot access to their media package, simply showing the social*

*media followers or finding their visit data on 3rd party website can be the substitute solution.*

#### 4. Significant Recognition

The testimonials are general in nature and do not detail the beneficiary's achievements but rather most of the discussion is about the talent.

*In the answer, my lawyer asked the officer to review the recommendation letters more carefully instead of adding more evidence. You should give very detailed information to a lawyer when they are drafting the letters.*

#### 5. Remuneration:

only part-time job?

*We provided more deal memos and a three-year plan.*

### **General tricks**

1. Start applying for things when you are still in school.
2. Ask other people for the experience but do not compare it with them.
3. Do something meaningful when you are waiting for the result.

### **Special Notes for Chinese:**

#### **Entering the country**

Visa type: 3 months, one-time entry

Timeline: Sept 17 interview, Oct 12 approved

How much: roughly \$200

*Notes: Contact the lawyer before you travel the country, they will send you a package for the interview, also if you have new events (happened after the application approved or upcoming), print them out. However, the embassy may just give you administrative processing without reviewing any of the material. Make sure this progress will not delay your plan in the US, and keep in mind when you are traveling to other countries, it can also happen.*

**The Chinese Exclusion Act** was the first law implemented to prevent all members of a specific ethnic or national group from immigrating.

*Notes: When you are applying for the visa, you may feel very insecure from hearing a story or a rumor that can never be verified. Please remember that we are still haunted by history and also how our ancestors have been coming through it.*

The screenshot shows the U.S. Citizenship and Immigration Services (USCIS) website. The header includes the USCIS logo, a search bar, and a 'Need Help? Ask Emma' button. The main navigation bar contains links for FORMS, NEWS, CITIZENSHIP, GREEN CARD, TOOLS, and LEGAL RESOURCES. The breadcrumb trail reads: Home > History and Genealogy > Our History > Overview of INS History > Early American Immigration Policies. The page title is 'Early American Immigration Policies'. On the left, there is a sidebar with 'History and Genealogy' and 'Our History' sections. The main content area features a photograph of a 'CASTLE GARDEN' building and two columns of text. The first column discusses early immigration policies, and the second column discusses the Chinese Exclusion Act and Alien Contract Labor laws.

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## Early American Immigration Policies



Americans encouraged relatively free and open immigration during the 18th and early 19th centuries, and rarely questioned that policy until the late 1800s. After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared regulation of immigration a federal responsibility. Thus, as the number of immigrants rose in the 1880s and economic conditions in some areas worsened, Congress began to pass immigration legislation.

The Chinese Exclusion Act of 1882 and Alien Contract Labor laws of 1885 and 1887 prohibited certain laborers from immigrating to the United States. The general Immigration Act of 1882 levied a head tax of fifty cents on each immigrant and blocked (or excluded) the entry of idiots, lunatics, convicts, and persons likely to become a public charge.

These national immigration laws created the need for new federal enforcement authorities. In the 1880s, state boards or commissions enforced immigration law with direction from U.S. Treasury Department officials. At the Federal level, U.S. Customs Collectors at each port of entry collected the head tax from immigrants while "Chinese Inspectors" enforced the Chinese Exclusion Act.