



Andrew Nava-Juarez <anavtekmediamarketing@gmail.com>

5 REASONS WHY O-1B VISAS DON'T GET APPROVED

1 message

Elektra Yao <marketing@yaolawgroup.com>
Reply-To: Elektra Yao <marketing@yaolawgroup.com>
To: anavtekmediamarketing@gmail.com

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5 Reasons Why O-1B Visas Get Approved

The O-1B visa is a nonimmigrant visa classification and is reserved for professionals in the arts, motion picture, or television industry.

Applicants for this category must show that they have what is considered to be an extraordinary level of ability in the artistic industries.

This type of visa is complicated and there are many pitfalls along the way.

Here are the 5 reasons why O-1B visas don't get approved:



1. You Don't Have a Petitioner. One of the very first basic requirements of filing the O1 / Artist visa is having a petitioner file for you since you are not allowed to file for yourself. If you don't have a petitioner, your case will definitely be denied.

A proper petitioner is a US citizen or US-based company, working in the field. The petitioner must also sign off on all relevant documentation in your application. If the application lacks the specific signatures (and some have to be original), your case may be denied.



2. Your Contracts/ Itinerary are Speculative. One of the key things immigration checks for, is if you truly are going to be working in the United States pursuant to the O1 status. This means that you will be working on legitimate and valid projects for the duration of your status. The way they analyze this is by looking at your contracts and itinerary.

If your contracts lack specific information such as omitting the length of engagement, amount of compensation, or address of the employer, and where the work will take place, immigration may find that your contract is speculative. Another reason why immigration may take issue with your contract, is because compensation is dependent on some other factors such as getting funding from a large corporation. In addition, if there are large gaps in between engagements on your itinerary, USCIS might find the duration of the entire period to be speculative.



3. You Lack the Credits. Another common reason why you may be denied the O1/Artist visa is simply that you lack sufficient credits. This visa is specifically for aliens of extraordinary ability or achievement. If you just graduated recently and do not have a lot of experience, it is most likely that you will not succeed in applying for this visa.

It should also be noted that if you do apply and are denied, subsequent applications will be much harder because you were denied previously. So sometimes the best option is to leave the United States for a period of time, work on building up in your portfolio, and then applying when you have a stronger case.



4. Your Credits are Not Sustained. USCIS requires that your performance be over a sustained period of time. Once again, immigration does not set forth a specific time frame

when it comes to defining “sustained”. If your career has only lasted a few months it is unlikely that you will succeed. This means that if you suddenly obtained a few credits in several months, you may still not be eligible for the visa because it does not demonstrate a career that has lasted over a long period of time. So if you are just starting out, it might just be better for you to leave the United States for a period of time in order to build up your credits.



5. You didn't provide sufficient documentation or your documents are not organized.

Assuming that you do have the credits and that they are over a sustained period of time, it is essential that you provide sufficient documentation of your credits, and organize them in a manner that is easy for the immigration officer to read. It is very important to document every eligible role in your work history, as well as present them to the immigration office in an easy to read format.

Thank you for reading the weekly newsletter. If you would like to learn more about how we can help you with your artist visa needs, please schedule a consultation with us by calling (646)-490-8808, or by visiting us at <https://www.yaolawgroup.com/contact/> and scheduling a consultation using our online scheduler.

Best,

Elektra Yao

<https://www.yaolawgroup.com/>

Schedule a Consultation



Yao Law Group represents international and national artists and creative professionals to provide customized legal services. Whether you are looking for an O-1 Visa lawyer in NYC to help you obtain the visa you need for your craft or to provide you legal assistance with the business side of your art, we can help. Our law firm is here to help you handle the legal side of your art so you can focus on attaining your creative and artistic goals.

New York Office

1270 Broadway, Ste. 407,
New York, NY 10001
+1 (646) 490-8808 (NY)

New Jersey Office

871 Allwood Road, Ste. 2A,
Clifton, NJ 07012
+1(973) 707-3637 (NJ)



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