

O-1 Extension Strategy that Saves Money for Clients



Immigration Blog

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We were recently approached by a non-profit sailing organization seeking to extend the engagement of one of their critical sailing coaches. The individual had already been approved for O-1 status in 2018 (for a 3-year period), but experienced a difficult RFE before approval in 2021 for only a 1-year O-1 extension. (In fact, by the time the 1-year O-1 extension was approved, it was already time to start prepping for the next extension filing.)

The non-profit sailing organization was concerned about the time, effort and cost of securing O-1 approvals each year, especially if USCIS was scrutinizing the case with RFEs.

We developed a strategy to address those two concerns:

1. Properly preparing an O-1 filing that would thoroughly document O-1 eligibility
2. Requesting a 3-year O-1 extension approval based on changes in role from last O-1 filing

Under U.S. immigration law, most are aware that extensions of O-1 engagements with the same employer for the same position are only allowed to be extended in one-year increments. However, not everyone knows that a

change in role or duties with the same employer can render that individual eligible for a new 3-year O-1 validity period.

After speaking with the sailing organization to discuss the O-1, we learned that there was a significant expansion of duties and title modification for the sailing coach since the last O-1 approval. Based on this information, we filed the O-1 petition and extension request as a “New Employment”, albeit with the same employer. Citing to the expansion in duties, we requested a 3-year O-1 approval period. (A title modification alone without a change/expansion of duties would not have sufficed to qualify the new engagement as a “new employment”).

Learning about what had changed since the last O-1 approval was critical to identifying the expanded scope of duties and ultimately, successfully securing the new three (3) year approval for the sailing coach. This saved the client money by obtaining a longer duration O-1 extension, and it provided a better foundation for easier travel considerations.

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