

The U.S. O-1 Visa: Best Paths for Extraordinary Foreign Nationals



Immigration Blog

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Many professionals assume that United States immigration law reserves the O-1 visa category for globally recognized figures whose accomplishments are widely known outside their respective fields. This perception is often supported by the public attention given to entertainers, athletes and outstanding entrepreneurs who have obtained O-1 classification.

The O-1 visa is not based on fame or public recognition. Instead, it is intended for individuals who have reached a prominent level of achievement in fields such as science, business, education, athletics or the arts. The law focuses on whether a person has demonstrated extraordinary ability through their accomplishments and recognition in their field. Because of this, O-1 eligibility is not about being widely known to the general public. Instead, it is about whether a person's work and achievements place them among the top professionals in their area of expertise.

So, what really is the O-1 visa? The O-1 is a nonimmigrant visa available to individuals who possess extraordinary ability in their profession. While the visa is often discussed as a single visa category, it is divided into two

classifications based on the applicant's profession. The O-1A classification is for individuals with extraordinary ability in the sciences, education, business or athletics, while the O-1B classification is for individuals with extraordinary ability in the arts or extraordinary achievement in motion picture or television. Although the requirements differ slightly between the two classifications, both require applicants to demonstrate exceptional professional accomplishments through objective evidence.

Being successful is not the same as being extraordinary. Many professionals have successful careers, earn high salaries or hold respected positions within their organizations. And while these accomplishments are valuable, they do not necessarily establish eligibility for an O-1 visa.

Extraordinary ability requires more than simply performing a job well. Instead, it requires evidence of individuals rising to the top of their field and distinguishing themselves from others in their profession through significant achievements, leadership, innovation or recognition from respected organizations or experts in their field. In other words, the focus is not simply on career success, but on the applicant's impact within their profession.

For many prospective applicants, the first question is simple: do I qualify? And the answer is that it depends, not only on public recognition, but on the strength of your accomplishments and supporting evidence. U.S. Citizenship and Immigration Services (USCIS) evaluates a variety of evidence when deciding whether an applicant qualifies. Depending on the profession, this may include nationally or internationally recognized awards like a Pulitzer or Nobel award, published material about the applicant or their work, major contributions to their organization or profession, authorship of scholarly articles, and employment in a critical role for an organization. Since not every applicant can meet every piece of criteria, USCIS considers the totality of an applicant's accomplishments to determine whether they have demonstrated extraordinary ability.

Many people are surprised by the wide variety of professionals who qualify for O-1 visas. While celebrities often receive public attention for obtaining O-1 visas, they represent only a small number of successful applicants. Professionals across a wide variety of industries may qualify if they can demonstrate extraordinary ability in their field.

At Lippes Mathias LLP, we have successfully represented clients ranging from professional athletes and coaches in various sports leagues, influencers and hairstylists to comedians, lobbyists, special effects supervisors, sculptors and doctors. This is just a small example of the wide scope of applicants we have represented. And while these careers are quite different, each client demonstrated a level of professional achievement that distinguished them within their profession. These examples help illustrate a crucial point: there is no single profession that defines O-1 eligibility. What matters is not what you do for a living, but your accomplishments within that job, demonstrating your sustained excellence and recognition within your field.

If you think your accomplishments may meet the O-1 standard, it is highly recommended to seek competent immigration counsel to discuss your options and how to begin the process. The immigration team at Lippes Mathias LLP is available and eager to be of assistance to you in these matters. For further guidance or questions on this process, contact Eileen M. Martin (emartin@lippes.com) or Elizabeth M. Klarin (ekalrin@lippes.com).

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