USCIS is issuing policy guidance clarifying how it determines eligibility for O-1A nonimmigrants of extraordinary ability, with a focus on individuals in science, technology, engineering, or math (STEM) fields. The new update also clarifies how USCIS is evaluating evidence that could be submitted in support of petitions for beneficiaries working in STEM fields. In addition, this policy guidance clarifies how USCIS determines whether an O-1 beneficiary’s prospective work is within the beneficiary’s area of extraordinary ability or achievement.

USCIS is providing this clarifying guidance based on public comments including those received in response to the April 19, 2021, Request for Public Input and in line with Executive Order 14012, Restoring Faith in Our Legal Immigration System and Strengthening Integration and Inclusion Efforts for New Americans.

Policy Highlights:

- Clarifies how USCIS evaluates evidence submitted in support of O-1A petitions, with consideration given to the highly technical nature of STEM fields and the complexity of the evidence often submitted.

- Provides examples of evidence that may satisfy the O-1A evidentiary criteria, as well as considerations to evaluating such evidence, with a focus on STEM fields.
• Provides examples of comparable evidence that petitioners could provide in support of a petition for a beneficiary in a STEM field.

• Explains how USCIS evaluates whether a O-1A petition beneficiary’s prospective work involves skillsets, knowledge, or expertise shared with the occupation(s) in which the beneficiary garnered acclaim.

More Information
For more information, see the policy alert. Visit the Policy Manual for Comment page to comment on this update.

For more information on USCIS and our programs, please visit uscis.gov or follow us on Twitter, Instagram, YouTube, Facebook and LinkedIn.