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# O positive

'Extraordinary abilities' can open new immigration doors...

If you have an 'extraordinary ability', you may be able to qualify for a special class of American visa, writes **Matt French**. However, we're not talking about superhuman powers such as travelling through time like Hiro from the hit US TV series *Heroes*. Instead, the O visa category is available to 'aliens of extra-ordinary ability' in the fields of art, science, business, athletics and education. But even though it doesn't require applicants to be able to fly, many people believe it is just as unobtainable.

"A first go at reading the requirements frightens off a great many, with a request to submit evidence of receipt of an award such as a Nobel Prize," explains Amanda Gillespie, who helps people gain O-1 visas through her firm The Brit Factor. "In fact, you may also submit a minimum three out of seven categories of evidence showing your extraordinary ability."

As well as receipt of Nobel prizes and the like, consideration is also given to other evidence of an applicant's abilities, such as a critical role held in certain companies, participation in productions, press by or about the applicant, and more.

"I was aware that to obtain an O-1 there had to be something exceptional or extraordinary with your background," says fashion designer Johnny on an O-1 visa. "Although I found the word 'extraordinary' a bit pretentious at first, I soon realised that the language simply implied what it meant; you had to be professionally a little more than ordinary. Fortunately, I had worked with some high profile brands as a fashion designer which had led to some interviews in magazines and newspapers over the years."

Admittedly, Johnny had designed outerwear for Burberry, designing outerwear, and worked as creative director for Japanese brand Evisu, with his collections appearing on catwalks from Milan to New York. And though the O visa is also popular with celebrities, you don't necessarily have to have this level of success to qualify for an O visa.

"It's also a very viable avenue for people doing well at their jobs and receiving attention for it," Amanda explains. "Measurement of success varies a great deal from field to field; a model who regularly makes covers may not win awards but still qualifies for the O-1, for example."

Some people will even find the O visa category is open to them when they are precluded from applying for other visa classes.

"It's an extremely elastic category that makes room for creatives that the other visa classifications may not, for example, in the case of magicians or puppetmakers," says Amanda. "Education, for example, is not a requirement, as it is with visas such as the H1-B – pleasant as it is to imagine a University of Puppetmakers."

A further benefit of the O visa is that it can be renewed indefinitely, so long as a sponsor continues to be secured.

"Renewals come in one-year or three-year extensions," Amanda continues. "This depends upon

whether you stick with the same visa sponsor (which enables only a one-year renewal) or if you have a new sponsor (which allows for another three-year visa)."

People who can prove their 'extraordinary ability' for the O visa may also be able to go on to qualify for an EB-1 immigrant visa, so the advantages of the O visa category are numerous.

"I don't really see any disadvantage to the O visa," says Scottish-born magician Doug McKenzie, who has worked with the likes of David Copperfield and now lives in New York. "It is a little bit of hassle to acquire as far as paperwork and time are concerned, but the rewards are well worth it."

However the paperwork required as evidence that an applicant qualifies for an O visa is extensive, and proves to be a stumbling block for various reasons.

"I had to really have my case prepared well, with all the relevant work history – 12 inches worth of copies!" Johnny recalls.

As well as this huge amount of documentation, some applications may fail because of a curiously British disease.

"Brits are so modest!" Amanda laughs. "I'd determined that an excellent actor client of mine did not quite qualify for the O visa when he admitted, with a blush, that he was the star on the cover of dozens of romance novels. It tipped the balance and allowed me to take the case with confidence."

As for disadvantages of this visa class, though superpowers are not required, it still isn't available to everyone.

"Some jobs, while requiring high levels of proficiency and sophistication, simply don't lend themselves to that 'extraordinary' standard," Amanda admits. "Unfair or not, someone who's made a good life for themselves as an assistant director will not prove a good O-1 candidate; while the position requires a great deal of expertise, the USCIS won't acknowledge that an 'assistant' can also be extraordinary – they'll want to see a case describing a head honcho."

As for tips for anyone thinking they may take the O visa route into the States, Johnny offers some sound advice: "If you are genuinely thinking of applying for an O-1 then you should consider entering your work into competitions, as awards can help your case."

Setting aside your very British modesty for a moment, if you think you could be considered exceptional for your work in the arts, sciences, business, athletics, or education – and can prove it – the O visa category may well lead to the start of an 'exceptional' new life Stateside. **3**

■ [www.amandagillespie.com](http://www.amandagillespie.com)



**Above**  
Johnny Diamandis earned his O visa to the States in light of his work as a fashion designer  
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