

O-1 VISA QUICK-START GUIDE: 7 STEPS YOU CAN TAKE RIGHT NOW TO JUMPSTART YOUR AMERICAN DREAM

ACTION ITEM #1 OF 7. PLAN AND STRUCTURE YOUR O-1 CASE.



"All things are created twice." - Stephen Covey

A successful O-1 visa petition for a founder or entrepreneur is always a variation on one simple storyline: Here are the awesome things I've made, how they've changed lives, and the acclaim I got for making them. Since you're already doing cool, world-changing things anyway, you might as well do them in a way that gets you an O-1 visa, right?

SO WHAT DOES IT REALLY TAKE? WILL I QUALIFY?

There's a myth, popularized by the media, that the O-1 is a "genius visa" that's only available to Einsteins, Nobel prize winners, celebrities, and people in the top 1% of their fields. Actually, you don't have to be a genius to get an O-1. And merely being a genius won't get you one anyway.

As a practical matter, USCIS adjudicators are trained to look for applicants in the top 15% to 20% of their fields, with track records of accomplishment. It's much more important to define the "field of endeavor" strategically, to understand the category requirements, and to submit strong, high-quality evidence in several categories, than it is to be "famous."

This route isn't for everyone. Compiling a winning O-1 package is a fair amount of work. It requires some resourcefulness, creativity, and initiative. It might take you outside your comfort zone in seeking acclaim and recognition for your accomplishments.

Also - you do actually have to be doing something cool out in the world. This isn't about throwing together a bunch of low-quality garbage evidence and shining it up, as a substitute for real achievement.

We're aiming for the maximum here, not the minimum. We'll be submitting evidence in 4 or 5 or 6 categories, not just the minimum 3. We want to leverage the great stuff you're already doing, into a super-high-quality package that will delight your examiner and elicit a quick YES to your petition.

CREATING A PARALLEL REALITY.

A critical component of the successful O-1 filing, is understanding the difference between your real-life story, and your O-1 visa story. Your O-1 story will be an extremely stylized version of reality. It's a narrative that's told in the rigid, unyielding pattern of O-1 evidence categories. You'll be emphasizing some things that seem silly and pointless, while completely ignoring others that are way more important in real life.

Preparing an O-1 visa petition is a lot like writing a sonnet, or performing Kabuki theater, or executing the required elements in a figure-skating competition. The more you master the rigid requirements of the art form, the higher your chances of approval will be. Free-form submissions are not a good choice here.

Your adjudicator has a checklist. Make it super-easy for him to go down the list saying check, check, check. Embracing his parallel reality, and making his life easier, will create a huge payoff for you.

USING THE 8 CATEGORIES STRATEGICALLY, TO TELL YOUR WINNING O-1 STORY.

So let's jump right into our 8 categories. There are a couple of different ways to think about this. In a passively prepared - and not-so-successful - case, the O-1 categories are just a list that you go down, with each element having equal weight. Two awards, three media articles, one exclusive membership, stop, we've hit the minimum, let's file.

We're not going to do it like that, because it doesn't work too well. Instead, we're going to use the categories strategically, to tell the STORY of your rise to extraordinariness. All successful O-1 petitions have a story arc. And not all categories have equal storytelling value!

The foundation of any winning O-1 story is usually 1 of the 2 "accomplishment" categories:

- Original contributions of major significance to the field of endeavor as a whole.
- Critical or essential role for organizations with a distinguished reputation.

These are the categories that say, I've actually DONE something in the world, and here's what it is. We can then build on that substantive foundation with the 6 "acclaim" categories:

- Media coverage of you and your accomplishments.
- Prizes and awards for excellence in the field.
- Judging the work of others in the field.
- Authoring scholarly articles in the field.
- High salary in relation to others in the field.
- Membership in associations that require outstanding achievement.

In storytelling terms, we use these "acclaim" categories not only to meet the required O-1 elements, but also to document the significance of your achievements, place them in context, create hierarchies and pyramids, and paint a vivid, technicolor evidence-picture of your rise to the top.

THE BEST CATEGORIES FOR FOUNDERS AND ENTREPRENEURS.

For their base category, most founders and entrepreneurs will focus on the "original contributions" category, not the "critical or essential role" category. Many young founders have already made "original contributions of major significance," or are well on their way to doing it. It's a criterion that's achievable, relatively early in an entrepreneur's career.

The other "substance" category, playing a "critical role for distinguished organizations," is more appropriate for senior executives, venture capitalists, and industry leaders who are well-established on their career paths. If that's you, by all means use this category!

However, most early-career achievers don't meet this criterion. Their "critical role" will be for a startup, not for a "distinguished organization." On the flip side, their role in a "distinguished organization" is more likely to be a junior position, not a true leadership job.

Notice that we're not trying to game the system here. We're not trying to pretend that your midlevel corporate job is "critical or essential," and we're not trying to make your hot startup into a "distinguished organization." Adjudicators slog through these low-quality arguments all day, and they see right through them. Instead, we're going to focus on building high-quality evidence in the categories where you ARE truly strongest.

OK, we have our "original contributions" base category, what about the "acclaim" categories? For founders and entrepreneurs, the best "acclaim" categories are usually media coverage, and prizes and awards. Having some media coverage of your "original contributions" - the more the better - is pretty much required for a winning petition. And if you've really got something buzzworthy, it's not too hard to attract some press.

Prizes and awards - in startup competitions, pitch competitions, and other contests that you can enter to win - also have a huge O-1 payoff, and you should seek out as many high-quality ones as possible. If you don't win, no harm done.

There are 2 "acclaim" categories that EVERYONE should have: judging the work of others, and authorship of scholarly articles. These are "gimme" criteria that are ridiculously easy to satisfy compared to the other categories, for mysterious reasons known only to USCIS.

What about the last 2 "acclaim" categories: high salary, and exclusive memberships? These are at the bottom of our strategic list, because they're the categories that you have the least control over. If you ARE making bank, by all means claim the high salary!

As to exclusive memberships, some industries have these elite professional clubs, and some don't. If your field of endeavor has one, then definitely apply for membership. Again, for mysterious USCIS reasons, this is one of the hardest criteria to meet, so it might not be an effective use of resources to spend a lot of time on it.

OK, so that gives us 5 solid categories to start with: Original contributions, media coverage, prizes and awards, judging, and authorships. Here's a quick sketch of what your evidence package might look like.

(Note: This is just a concept right now! Winning packages can have many fewer, or many more, exhibits, and they can be arranged in different patterns, depending on what's most persuasive. Also, each item (1 prize, 1 award, etc.) will have a cluster of exhibits attached to it, explaining its provenance and hitting all the required elements.)

- O-1 "top items": forms, cover letter, terms of employment, advisory opinion, and itinerary. These are required boilerplate items that your lawyer will assemble, just before filing your case. Ignore for now.
- "Original contributions." 15 to 30 exhibits showing your CV, your website, your product, the originality of your product, its impact on the field as a whole, how people use it, and how it's changed lives.
- "Media coverage." 5 to 10 articles in major publications about you, your accomplishments, your product, and how cool you are.
- "Prizes and awards." 4 to 6 national-level prizes or awards to you or your company for excellence or achievement in your field, including awards of VC funding.
- "Judging the work of others." 4 to 7 instances of you sitting on a panel (or solo) to evaluate work in your field, judge competitions, or perform peer review.
- "Authorship of scholarly articles." 4 to 6 articles that you've published in your field, aimed at a technical or professional audience.

- Recommendation letters. 6 to 8 letters from experts in your field, explaining the significance of your accomplishments and placing them in context.

That's it! That's the universe of what a winning O-1 package looks like. Later on we'll get into the nuts and bolts of each category. We'll examine all the required elements and do some case studies. We'll take a closer look at "picking a niche" and defining your field of endeavor strategically.

For now just focus on Action Item #1, Plan and Structure Your O-1 Case. Start thinking about the story you might tell, in the language of "categories." Visualize what a great petition might look like, for an applicant in your situation. List some influencers in your network who might help you with media contacts. Think about some competitions you might enter, and others that you might judge. Outline some articles to write.

Start getting excited about your own O-1 petition, and thinking YES I can do this!