

## Practice Alert – Updated USCIS Guidance for O Visa Petition Adjudications February 4, 2025<sup>1</sup>

On January 8, 2025, USCIS issued a [Policy Alert](#) highlighting several updates to its Policy Manual section dedicated to O Nonimmigrants (Volume 2, Part M).<sup>2</sup> The updated policy guidance was derived from stakeholder feedback received in connection [Executive Order](#) requiring a review of policy changes necessary to “clarify and modernize immigration pathways for experts in AI and other critical and emerging technologies.”<sup>3</sup> If the guidance is fully implemented as written, these additions should prove beneficial for both petitioners and beneficiaries.

Notable revisions to the Policy Manual include, but are not limited to:

**Chapter 3 (Section A) - Petitioners:** This [section](#) now notes that although an O beneficiary cannot also be an individual petitioner filing on their own behalf, a separate legal entity owned by the beneficiary may serve as the petitioner. This could be a corporation, limited liability company, or other separate legal entity type of business structure.

**Chapter 4 (Section C, Subsection 4) – O-1 Beneficiaries:** In this [section](#), USCIS updated the list of evidence that doesn’t directly correspond to one of the regulatory criteria or may not be comparable evidence but that nonetheless can demonstrate that an O-1A beneficiary possesses extraordinary ability to include a letter or other documentation from an interested government agency, including a quasi-governmental entity. To be accepted for this purpose, the letter should attest, in detail, to the beneficiary’s sustained national or international acclaim.

**Chapter 9 (Sections A and B) – Admission, Extension of Stay, Change of Status, and Change of Employer:** USCIS incorporated the following changes into this [section](#):

- The Policy Manual now provides examples of what constitutes an event or activity, including, but not limited to, a scientific project, a lecture series, a tour, an academic year, and an engagement. When the activity or event changes, officers may grant an extension of stay for the period required to accomplish the new event or activity, not to exceed three years.
- USCIS includes continuing in a different phase or trial for the same research as an example of a new event or activity.
- The following guidance has been removed from this section:
  - “USCIS should not deny requests for extensions of stay filed by the initial petitioner solely on the basis that the event that supported the initial petition has changed.”
  - “USCIS also should not deny such requests filed by subsequent petitioners solely on the basis that the event or employer has changed.”

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<sup>1</sup> Special thanks to AILA USCIS Benefits and Policy Committee members Jessica Marks and JJ Shepherd for their contributions to this Practice Alert.

<sup>2</sup> <https://www.uscis.gov/policy-manual/volume-2-part-m>

<sup>3</sup> This Executive Order was [rescinded](#) by President Trump on January 20, 2025, although the Policy Manual updates remain in effect as of the date of this Practice Alert.