

COMMUNITY JOURNAL

YOUR IMMIGRATION SOLUTION



ATTY. ROBERT REEVES

HOW do international film stars, professional athletes and Nobel-prize winning scientists who are citizens of foreign countries work in the United States? Despite their fame and international stature, like other foreign nationals they still require a visa to work in the United States. As a result, many of these "superstars" have at one time or another most likely applied for an O or P visa to allow them to do just that.

However, one does not necessarily need to be an international film or sports star, or have won the Nobel Prize, in order to obtain an O or P visa. O and P visas allow foreign nationals who may not qualify for other work visas to instead work in the United States in a field based on their national or international acclaim or talent. Typically, many artists, athletes, entertainers, chefs, business people lacking professional degrees and others who excel in their field of work can qualify for O or P visas. In fact, the O visa is sometimes the preferred alternative for workers who qualify for professional occupations under the H-1B visa because there is no minimum wage or education requirement, no limitation on the time spent in the United States, and no cap on the number of visas issued per year as there is under the H-1B visa.

However, in order to qualify for an O visa, the foreign national must demonstrate "sustained national or international acclaim" in the field of sciences, arts, education, business or athletics.

maintained national or international acclaim" in the field of sciences, arts, education, business or athletics. While this can be shown through the receipt of a major international award such as the Nobel Prize, those who have not achieved this standard but who have still distinguished themselves in their field may also qualify for an O visa. The United States Citizenship and Immigration Services (USCIS) considers a variety of factors in deciding whether a foreign national qualifies for an O visa including, but not limited to, if the person received national or international awards, is a member of a prominent association or organization in his field, or has been featured in published material such as newspaper or magazine articles. Once approved for an O visa, a foreign national can work in the United States for up to three years initially and renew his visa each year as needed.

A foreign national may also try to apply for a P visa. P visas differ from O visas in that they are generally limited to athletes and entertainers. These include individuals such as professional baseball and basketball players and circus acts or acting troupes visiting the United States. Under certain circumstances, culturally unique artists and entertainers may also qualify. In order to qualify for P visas, foreign nationals must show that they have accom-

O AND P VISAS: Are you a superstar?

plished "a high level of achievement in the field..." in which they specialize. This standard is generally easier to meet than the standard set forth under the O visa. However, while certain individual athletes may remain in the United States for up to five years under the P visa, most groups are limited to the time needed to participate in their event or complete their performance in the United States, not to exceed one year.

While a foreign national may not be an international film or sports star or a Nobel prize-winning scientist, if he has made significant achievements in the fields of athletics, the arts, entertainment, or various other fields, then the foreign national may still qualify for a work visa in the United States if there is a US employer willing to employ him in that field. Given the complex regulations involving O and P visas, and the amount of documentation required to support such a petition, it is recommended that a foreign national seek consultation with an immigration attorney familiar with O and P visas to determine whether he might qualify for such a visa.

Atty. Reeves has represented clients in numerous landmark immigration cases that have set new policies regarding INS action and immigrants' rights. His offices are located in Pasadena, San Francisco, Las Vegas and Makati City.
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The analysis and suggestions offered in this column do not create a lawyer-client relationship and are not a substitute for the personalized representation that is essential to every case.

(Advertising Supplement)

The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials—regardless of political affiliation—in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

Della Au Belatti Democratic member of the Hawaii House of Representatives

by JOSEPH PIMENTEL
AJPress

FILIPINO-American Della Au Belatti is a Democratic member of the Hawaii House of Representatives. The 35-year-old represents the state's 25th district, which includes Makiki and Tantalus, along with portions of McCully and Papakolea on the island of Oahu.

Belatti was elected in 2006. "From the very beginning, I have sought to be independent, to make decisions that benefit the greater public interest and not simply special interests, and to earn the confidence and respect of my constituents," she wrote on her campaign website.

Belatti is a dedicated representative. She said her goal is to strengthen all aspects of the community so that families can thrive and succeed.

She plans to develop safe urban communities with open and green spaces; working for educational opportunities and quality schools; ensuring the health and well being of the people of our community; and Creating a sustainable and diversified economy.

As representative, she is a member of the House Committees of Finance, Health, Human Services and Housing, and International Affairs, member of the Filipino Caucus, Women's Caucus, Keiki Caucus, Kupuna Caucus, and Climate Change Caucus Education.

Belattie graduated from Maryknoll School in Hawaii where she was Class President in her junior and senior year.

After graduation, she attended Princeton University where she received a BA degree in History.



She came back to Hawaii for Law School. She attended William S. Richardson School of Law, University of Hawaii, receiving a J.D.

In law school, she received an Environmental Law Certificate, was President of the Student Bar Association, Captain of the Environmental Moot Court Team, and Managing Editor, Asian Pacific Law & Policy Journal.

She began her career in politics when she was the Hawaii State Campaign Spending Commission Commissioner.

Among her other achievements, Belatti was a National Scholar, Coca-Cola Scholarship Program (1992), Fellow at the Klingenstein Summer Institute Fellows Program for New Teachers (1998), Semi-Finalist, White House Fellowship Program (2000), Co-Author, Best Overall Brief and Best Appellee Brief, National Environmental Law Moot Court Competitions (2003 & 2002) and Amy C. Richardson Award, Co-Winner, Act 50: The Protections, Pitfalls, and Possibilities of the 2000 Cultural Assessment Requirement for Hawaii's Diverse Communities in 2002.

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