



BOUSQUET HOLSTEIN PLLC

# Alert

## Immigration Practice Group

### Is a dancer's O-1 petition approvable, even if the dancer hasn't won any recent major competition awards?

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There are times when cases presented to this office involve a dancer who has transitioned from being a highly successful competitive dancer to coach or performer. As more years pass between the dancer's last competition and the dancer's current work as a coach or performer, there may be concerns about using older results to support an O-1 petition. When these situations are presented, using older competitive results may lead to questions and result in the government issuing a Request For Evidence which will slow down a case's progression, or ultimately lead a case down a path to denial. To avoid this scenario, we look to the other criteria to determine if the dancer can meet the designated threshold for approval.

An I-129 O-1 petition filed on behalf of a dancer must meet at least three criteria of six government designated criteria to be approved for O-1B artist classification (or 3 out of 8 criteria for O-1A athlete classification). It is therefore important that the evidence is presented in the strongest way possible so that the petition meets at least three criteria.

For example, if a dancer has been a soloist or lead dancer in major performances, is coaching high level dance students, has recently adjudicated competitions, has performed on a major television program, has commanded a high salary, etc., we use this information to put together a strong petition that is supported by the evidence and satisfies at least three criteria without depending on older competitive results.

We have obtained many O-1 approvals where the dancer's competitive results are not used directly to satisfy a criterion, but instead used to tell the dancer's story and discuss the dancer's transition to performer, coach, adjudicator, etc. To determine if the dancer a studio wishes to sponsor meets the threshold of at least three criteria, it is best to consult with attorneys who have significant experience in this field. Our office is well-versed in this particular issue, and we would be happy to help you navigate all of these elements in order to achieve your studio's goals.

### Bousquet Holstein Immigration Practice Group

Our experienced immigration team provides comprehensive services to address our clients' needs regarding immigration benefits and compliance matters. We provide legal guidance and services to businesses, investors, developers, educational institutions, hospitals, individuals and families on a wide range of immigration law issues. We work closely with our clients' in-house counsel and human resources professionals to create comprehensive immigration strategies and conduct immigration compliance training. If we can provide you with additional insight and information regarding your immigration matters, please contact:



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