



The petitioner in the O visa Case

Hello there!

In the context of Immigration O Visa cases, the role of a petitioner is somewhat unique and specific. Unlike typical employer-employee relationships, the petitioner in O Visa situations does not function as a conventional employer. Instead, their role can be likened to a "glorified babysitter" who oversees but does not actively intervene in the day-to-day activities of the beneficiary. This role is mandated by O Visa regulations, which require a petitioner for the visa process, ruling out the possibility of self-petitioning by the beneficiary.



The Responsibilities of a Petitioner



- The Petitioner's responsibility is to ensure that, as the beneficiary, you are working in your area of exceptional skill, that you are generally adhering to their schedule (work events can be added and ditched to a degree), and that the materials you provide are accurate overall.
- The petitioner shall pay the beneficiary "reasonable airfare" back to their home country or to their last international destination in the event that they break this agreement. However, it should be noted that there has not been a precedent where a petitioner is forced to cover the cost of a return flight ticket.
- Post initial filing, there is typically no follow-up from the United States Citizenship and Immigration Services (USCIS) to check if the beneficiary is performing the work as per the itinerary and deal memos.
- If you are the petitioner and have signed a Deal Memo to work and pay the Beneficiary, you would have to stick with the work and pay periods stated on the Deal Memo. If you do not wish to employ the Beneficiary, you can still be an Agent/Petitioner, complying with the other directives in this document.

The petitioner fulfills their obligations if the beneficiary:

- Provides evidence in the petition demonstrating the specific types of work they plan to undertake (e.g., teach, exhibit).
- Supplies an itinerary that accurately reflects their plans for the next three years, to the best of their abilities.
- Provides deal memos for future work engagements.

The petitioner has fulfilled their obligation as long as the beneficiary takes only those actions (teach, exhibit, etc.).

