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Please feel free to call for an appointment so that we may evaluate your portfolio.

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When to Use An Agent?

In a previous posting we discussed the legal requirements to qualify for an O-1 nonimmigrant visa. Here, we will discuss a more practical aspect of the O-1 visa: when you are going to be employed by multiple employers in short term contracts, does each employer need to file a separate petition?

Fortunately the answer is NO.

USCIS allows an agent to file on your behalf for multiple employers, thus eliminating the need for each employer to submit a separate petition, so long as you submit an itinerary listing the dates and locations of each engagement. USCIS sets out 2 scenarios where an agent can petition for you: where the agent acts as your employer, and where the agent acts as the agent for your employers.

Although USCIS requires that the agent be in business as an agent, the requirement is pretty loose. USCIS will look to the contracts between the parties to see if the agent has been authorized to act as such on your and your employer's behalf. The agent does not need to prove that he or she is employed full time as an agent, but only that, in the specific petition, he or she has been authorized as such.

In the first scenario there must be a contract between you and your agent establishing an employer-employee relationship. A common provision establishing an employer-employee relationship is having the agent pay your wages rather than the employer.

In the second scenario there must be a contract between you and the agent, as well as between you and each of your employers. The contract between you and the agent ameliorates the inability to self-petition, and the contracts between you and your employer demonstrate that there is actual employment for you to do in the U.S.

Whether the first or second scenario is used is completely a preference of the parties. The most important thing to remember is to structure the contracts in order to meet the requirements of the chosen scenario.



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