

AMPTP Guidelines for O-1 Visa Advisory Opinion Letter Requests

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I. REQUIRED DOCUMENTS FOR O-1 ADVISORY LETTERS

1. **AMPTP Advisory Letter Request Form(s).** Please include complete, legible and accurate AMPTP Advisory Letter Request Form(s) (available at <https://amptp.org/immigration.html>). One complete form should be included for EACH production on which the beneficiary will work.

For beneficiaries working on numerous television or web commercials, the same information is required, but may be provided on a single Request Form with only items 1, 2 and 3 completed, along with an itinerary including, for each production, each of the other items on the Request Form (i.e., the job/position title, production title/client, medium, dates, location and salary).

The attorney preparing the submission is permitted to sign the form, but it is best if the employer signs the form. An employer's signature may prevent delays over potential issues with the deal memos included in the submission packet.

2. **I-129 FORM** – Please submit all parts of this form that are required for the O-1 classification, signed and dated by all parties. Remember to include any a.k.a. or p.k.a., especially if it is used on the deal memo or contract.
3. **PETITIONER'S LETTER TO THE USCIS (i.e., statement of case to the USCIS)** – Must be current, dated, and signed. Unsigned and/or undated drafts are not acceptable.
4. **CONTRACT OR DEAL MEMO (OR OTHER WRITTEN EVIDENCE OF AN AGREEMENT BETWEEN PRODUCTION AND THE BENEFICIARY TO UTILIZE THE SERVICES OF THE BENEFICIARY) which must contain the items listed in A. through D. below.** Following the sample deal memos and itinerary attached may result in faster turnaround time.
 - A. **First and last name of beneficiary and/or any a.k.a. or p.k.a.;**
 - B. **Position or job title** - Please use job titles/terms commonly used in United States motion picture production if possible, or submit a description of the beneficiary's duties for unusual or ambiguous titles. Please note that we do not accept the job title "filmmaker" without a description of the beneficiary's job duties, since that term can refer to a variety of different roles. Unclear job titles, terms and job descriptions can delay processing.
 - C. **Fee/Salary;**
 - D. **Signature of the employer and signature of the beneficiary, if necessary.**

Offers, letters of intent or requests will be rejected if not signed by both employer and beneficiary as accepted. A deal memo stating the terms of an agreement already reached between the employer and the beneficiary may be signed by the employer only. Agents/representatives/third parties may not sign an agreement for employment on behalf of the beneficiary, except that a parent or guardian may sign on behalf of a minor.

The following information is also required, but may appear on a separate itinerary if not already provided in the written contract/deal memo:

- E. **Dates the beneficiary will be required in the United States;**

Since an O-1 petition may not be filed more than one year before the actual need for the beneficiary's services, the beneficiary must have secured work in the motion picture and television industry that begins within one year of the date of the request. If the beneficiary's employment will commence upon approval of O-1 visa, please provide an approximate or tentative start date on the itinerary.
- F. **Title(s) of project(s) that the beneficiary will be working on;** Letters are issued on a project-by-project basis. If the project does not yet have a title, you may state "Untitled Feature Film," or similar.
- G. **Type of project(s) and medium; and**

E.g., theatrical motion picture, television series/program, web series/program (for a series, please specify whether a television series or a web series), television commercial, web commercial or music video.
- H. **Principal U.S. location where the beneficiary will be working.**

5. **BACKGROUND** – The following items must be provided:
EITHER:
- a. Evidence beneficiary was nominated for or received a significant national or international award (such as an Academy Award, Emmy, Grammy or Directors Guild Award)
- OR at least three of the following forms of documentation:
- b. News articles from major publications evidencing the distinguished reputation of the beneficiary;
 - c. News articles from major publications evidencing the distinguished reputation of the productions in which the beneficiary has been a lead participant;
 - d. News articles from major publications evidencing the distinguished reputation of organizations or establishments for which the beneficiary has played a critical role;
 - e. News articles from major publications evidencing the beneficiary's commercial or critical success;
 - f. Contracts or other reliable documentation evidencing the beneficiary's command of high salaries; or
 - g. Support/reference letters from experts in the beneficiary's field of endeavor.
- Please highlight pertinent information and name of the beneficiary in publications.
Please also include a resume/CV and/or printout of previous work. For example: from www.imdb.com.
6. Most recent copy of AMPTP advisory opinion and corresponding USCIS Notice of Approval (I-797), if available. If available, the appropriate Guild's/Union's advisory opinion.

II. SUBMISSION INSTRUCTIONS

1. **All submissions must be submitted in hard copy.** We do not accept submission of packets via fax or email. Please do not staple checks or any other materials in your submission.
2. **O-1 packets may not exceed more than 50 pages total.** (The AMPTP Advisory Letter Request Form is not counted for this page total; all other pages are counted.) When submitting a packet for an O-2, the deal memo/contract and background, together, should not exceed 7 pages per O-2 beneficiary. (See AMPTP guidance on Advisory Letters for Multiple O-2s.) Packets that exceed these page limits are considered oversized and will be rejected. Oversized packets are not reviewed, and all rejected packets are immediately destroyed. You may resubmit packets in compliance with the applicable page limit(s), and fees already paid will be applied to the edited packet. Please see AMPTP guidance on Advisory Letters for Multiple O-2s.
3. **All documents must be printed one-sided, with one document per page.** Packets with two-sided pages or multiple documents per page (other than copies of articles from newspapers or magazines) will be rejected and you will be required to resubmit. These packets are not reviewed, and all rejected packets are immediately destroyed. Fees paid will be applied to the edited packet.
4. Please submit papers in an orderly fashion, preferably in order of Paragraphs 1 – 6 in Section I above.
5. **Please email us prior to sending packets with more than ten O-2 beneficiaries.** Please see AMPTP guidance on Advisory Letters for Multiple O-2s.
6. **Please do not forget to include a cover letter that has a name, address, phone number, and email address where we may reach you.** Your request cannot be processed without this information.
7. We will e-mail you the advisory opinion letter when it is ready. An email address is necessary to receive your letter.

III. PAYMENT

Non-member companies must include a **non-refundable** processing fee for each submission in the form of a check or money order in the amount of \$250.00 made payable to **AMPTP**. Checks will be deposited upon receipt of the submission packet. **There are no refunds.** Checks without the name and address of the payor pre-printed (not handwritten or altered) will be rejected. Please do not staple checks to any other document in the packet.

If a check is returned for insufficient funds, you will be responsible for the \$25.00 NSF fee, and processing of your submission will be suspended until we receive the NSF fee and processing fee (\$275.00 total) in the form of a cashier's check or money order. Any future submissions that we receive from you will require the processing fee to be in the form of a cashier's check or money order.

Note that the \$250.00 processing fee is for each submission, which may include one O-1 beneficiary accompanied by multiple O-2 beneficiaries or multiple O-2 beneficiaries accompanying a previously approved O-1 beneficiary.

IV. GUIDANCE REGARDING DEAL MEMO SUBMISSIONS

******PLEASE READ THE BELOW REGARDING MULTIPLE PROJECTS******

If the beneficiary will be employed on multiple projects, please review your documents carefully prior to submission to ensure that you have provided items 4.A. through 4.H. above for each project. Advisory opinions will only list projects for which you have supplied items 4.A. through 4.H. above.

Your letter may be substantially delayed if you do not submit at least one project with complete information (i.e., featuring all of the items in 4.A. through 4.H. above). All submissions are processed on a first-come, first-served basis, except that those including a complete Advisory Letter Request Form are processed prior to those without a complete form. If there is at least one project with complete information, we will issue the letter listing only the project(s) for which we have complete information. However, if your submission does not have at least one project with complete information, we will notify you of the deficiency and your submission will lose its place in line for purposes of order of processing. Once we have received your amended or missing documents, your submission will be treated as a new submission for purposes of order of processing.

Other Guidance – PLEASE READ FOR FASTER PROCESSING

To ensure the fastest turnaround time, please provide the contract/deal memo as a separate document, rather than embedding it in the petitioner's letter or within the I-129 form.

If the beneficiary is employed under a term contract and it is not yet known which project(s) he or she will be working on, please provide title(s) and genre(s) of potential project(s). For instance, if the beneficiary will be working as a development executive, the contract or itinerary could state, "Mr. Doe will be developing reality television programs for the XYZ Network, which may include Show A, Show B and Show C."

Contracts between talent agents/management and the beneficiary setting forth the terms of the agent's or manager's representation will not be considered proof of employment. If the beneficiary's agent or manager also happens to be the employer, please indicate this clearly in your submission, preferably on the contract or deal memo.

Stale, outdated contracts will be rejected. If a series option has been picked up, please include evidence of the pick-up from production.

Speculative, unsecured employment (e.g., contingent on obtaining financing or greenlighting) will be rejected. The fact that a contract or deal memo is conditioned on the beneficiary obtaining a visa to work in the United States, does not, by itself, render employment speculative or unsecured.

Please review contracts/deal memos to ensure that all names and titles match, or that you have provided an explanation for any differences. For instance, if an option identifies the name of the project as “Film A,” but the project is later retitled, “Film B,” please ensure that any evidence of pick-up either references the original title, “Film A,” or includes an explanation that the project has been retitled, “Film B.”

If a contract/deal memo contains more than 7 pages, you may provide only those pages containing the required information to ensure that you do not exceed the 50-page limit for submissions.

DO NOT SEND

- A. Contracts or documents for which we are not the appropriate management organization – e.g., do not submit documentation for print or runway models, live theater, video games, virtual reality, augmented reality, static web content, software or phone or tablet applications, conventions, radio or anything else that is not part of motion picture and television production.
- B. Contracts for past work;
- C. Agent, management or representation agreements;
- D. Passport or visa copies, tax forms, SEC filings, etc.;
- E. Illegible documents;
- F. IMDB pages about productions or other persons. Include the beneficiary’s personal listing only;
- G. Script treatments, press or synopsis of the upcoming production(s);
- H. Press or bios about the petitioner or third parties such as cast or crew. Limit press to the beneficiary only;
- I. Red carpet photos, location photos, celebrity party photos, photos without an accompanying written article on the same page;
- J. Headshots, glamour shots, fashion shots or portfolios;
- K. Magazine covers. We want the story, do not include the cover;
- L. Playbills or advertisements. (Theater or Movie). We want the reviews;
- M. Wikipedia printouts;
- N. Tabloid or “gossip” press, “teen” press, press that does not highlight job skills;
- O. Call sheets, pay sheets or cast lists;
- P. YouTube, Vimeo or other website video screenshots or printouts;
- Q. Facebook, Twitter, any other social media;
- R. Any “official” websites (beneficiary, petitioner or 3rd party);
- S. Memberships, school records or diplomas;
- T. Television listings; air times or ratings;
- U. CDs/DVDs and
- V. Documents for O-3 applicants.

V. ADDITIONAL INFORMATION

Our turn-around time is approximately seven (7) business days after receipt of your submission. We do not expedite. All submissions are on a first-come first-served basis, except that those submissions including a completed AMPTP Advisory Letter Request Form will be processed prior to those without a complete form. Holidays and workload may extend processing time. Please keep this in mind when scheduling and when speaking with your clients.

Please do not email or call regarding the status of your request prior to the seven business days elapsing. Due to heavy volume, we cannot return these calls and emails.

If your submission is missing Items 2, 3, or 5 (of Section I), or if we do not have at least one project that satisfies all of the requirements set forth in Item 4, we will notify you of the deficiency and your submission will lose its place in line for purposes of order of processing. Once we have received your amended or missing documents, your submission will be treated as a new submission for purposes of order of processing. Note that if the beneficiary will be employed on multiple projects and we have sufficient documentation to issue an advisory opinion letter in connection with at least one project, the letter will be issued in connection with the project(s) for which we have complete information and any other projects will not be included in the letter.

If you do not remedy defects in your packet within 60 days of AMPTP's receipt of the packet, it will be destroyed. There is no refund of the processing fee.

Inappropriate submissions will not be refunded. We will notify you if we are not the appropriate agency to render an advisory opinion for the beneficiary. You will have the option of a letter which explains that the AMPTP is not the appropriate agency.

The AMPTP may issue unfavorable opinions regarding beneficiaries whose petitions do not satisfy the relevant legal criteria. Should this occur, the decision is final. Do not ask for a revised letter. Please note that we will not issue a "no objection letter" in lieu of an unfavorable letter.

Please review your packet carefully prior to submission to ensure that the documents are correct and that you have included all required information and all projects. After we have issued an advisory opinion, we will not amend the letter to include additional projects for which we did not receive complete information, names or titles that were incorrectly spelled on the submitted documents, or new petitioners without a new submission and processing fee.

It is your responsibility to review the advisory opinion letter and notify us in a timely fashion if you believe it contains an error. We will not correct letters after 60 days following issuance without a new submission and processing fee.

Please email us prior to sending packets with more than ten O-2 beneficiaries. Please see AMPTP guidance on Advisory Letters for Multiple O-2s.

VI. CONTACT INFORMATION

All correspondence must be addressed to "Immigration" to ensure delivery. Please indicate the name of the beneficiary in all communications. Please do not use p.k.a. or a.k.a.

Alliance of Motion Picture & Television Producers
Attn: Immigration
15301 Ventura Blvd. Building E
Sherman Oaks, CA 91403

You may direct further inquiries to: immigration@amptp.org

ADVISORY LETTERS FOR A SINGLE O-2

1. **AMPTP Advisory Letter Request Form.** Must be complete and accurate.
2. **O-1's I-797 NOTICE OF ACTION** – For O-2 advisory letter requests submitted separately from the O-1's. If this is not available, the official email receipt from the USCIS with the EAC/WAC number and date of receipt is acceptable.
3. **I-129 FORM** – Please submit all parts of this form that are required for the O-2 classification, signed and dated by all parties. Remember to include any a.k.a. or p.k.a., especially if it is used on the deal memo or contract.
4. **PETITIONER'S LETTER TO THE USCIS FOR THE O-2 BENEFICIARY (i.e., statement of case to the USCIS)** – Must be current, dated, and signed. Unsigned and/or undated drafts are not acceptable. The letter should address:
 - A. The alien's skills and experience with the O-1 alien;
 - B. Whether the O-2 alien has a pre-existing, longstanding working relationship with the O-1 alien;
 - C. Whether significant production will take place both in the United States and abroad;
 - D. If the continuing participation of the O-2 alien is essential to the successful completion of the production; and
 - E. Explain whether there are, or why there are not, available U.S. workers who can perform the support services.
5. **CONTRACT OR DEAL MEMO (OR OTHER WRITTEN EVIDENCE OF AN AGREEMENT BETWEEN PRODUCTION AND THE BENEFICIARY TO UTILIZE THE SERVICES OF THE BENEFICIARY)**
The criteria are the same as for an O-1.
We prefer a separate contract for the O-2 beneficiary. A contract/deal memo (or other written evidence of an agreement between production and the beneficiary to utilize the services of the beneficiary) that lists both the O-1 and the O-2 must separately state the terms of employment for each individual beneficiary, and must be signed by each individual beneficiary (unless it is a deal memo stating the terms of an agreement already reached between the employer and the beneficiary, which may be signed by the employer only).
6. **BACKGROUND**
 - A. Resume/CV and/or
 - B. IMDB printout, if any.Do not include O-1 background or contract if the O-1 already has an O-1 visa.
7. To prevent delay, and to save your client additional costs, we recommend that you submit O-2s that will be filed at the same time as the O-1 in the same packet. Submitting O-2s separately from the O-1 will not only cost an additional \$250.00 for each submission, but will also cause delay while we attempt to locate documentation for the accompanying O-1.
8. Together, Items 4 (Deal Memo or Contract Between Production and the O-2 Beneficiary) and 5 (Background) of Section I should not exceed 7 pages per O-2 beneficiary. Please see page 2 regarding oversized packets.

ADVISORY LETTERS FOR MULTIPLE O-2s

1. For multiple O-2s, please include one AMPTP Advisory Letter Request Form for the production, with items 1, 2, 5, 6, 7 and 8 on the form completed. You do not need to include additional forms for each O-2.
 2. We prefer a simple deal memo for each O-2 beneficiary. Please keep the background to a minimum. A CV or an IMDb page is all that is needed. Together, the deal memo/contract and the background should not exceed 7 pages per O-2 beneficiary. Please see page 2 regarding oversized packets.
 3. Please group documents for each O-2 as follows:
 - A. Person's I-129 form or Attachment 1 (Must be a USCIS form);
 - B. Person's deal memo; and
 - C. Person's CV or IMDb page.
- Failure to group documents for O-2s will result in delays as the file will need to be sorted.
4. Please be aware we might need to contact you if there are job titles with which we are unfamiliar. Please use terms and job titles that are common in the United States motion picture industry to prevent delays. Including job descriptions will speed up processing time.
 5. We prefer a separate contract/deal memo for each O-2 beneficiary. A contract/deal memo (or other written evidence of an agreement between production and the beneficiary to utilize the services of the beneficiary) that lists multiple beneficiaries must separately state the terms of employment for each individual beneficiary, and must be signed by each individual beneficiary (unless it is a deal memo stating the terms of an agreement already reached between the employer and the beneficiary, which may be signed by the employer only).
 6. Please email ahead and let us know if there are to be more than ten O-2s.
 7. Do not include:
O-1 background or contract if the O-1 already has an O-1 visa;
Copies of passports or visa copies;
Copies of membership cards; or
Copies of school records.
 8. The AMPTP has refused to provide an advisory opinion for O-2 beneficiaries who work in the following positions: personal chefs, personal trainers, personal managers, security personnel, massage therapists, yoga instructors, hospitality workers, and other aliens with skills and experience of a general nature or whose presence is not essential to the successful completion of the motion picture production.
 9. First and last names on all documents need to be the same as the first and last names on the USCIS form to avoid confusion and delays.
 10. We do not review O-3 applicants. Please do not include them.

[SAMPLE DEAL MEMO]

Company Letterhead

Deal Memo

The following represents the understanding for the services of John James Doe for the feature length motion picture currently known as “Nothing.”

Production Company: Nothing Movie Productions

Artist: John James Doe

Position: Writer

Dates Required: November 1, 2018 until December 15, 2018

Location: Los Angeles, CA

Fee: \$100,000

On behalf of Nothing Movie Productions

Dan Jones

Date: October 31, 2018

[SAMPLE DEAL MEMO]

Company Letterhead

Commercial Deal Memo

The following represents the understanding for the services of John James Doe for the following television commercials: Dr. Pepper, Acura, Toyota, Maybelline and Sprite. All projects are subject to change.

Production Company: Nothing Productions

Artist: John James Doe

Position: Director

Dates Required: January 15, 2019 until January 22, 2020

Location: Los Angeles, CA

Fee: \$500 per day worked

On behalf of Nothing Productions

Dan Jones

Date: October 31, 2018

[SAMPLE ITINERARY]

Itinerary for John Doe
November 2018 – June 2019

Production Company: Nothing Movie Productions
Production Title: “Nothing”
Production Type: Feature Film
Position: Writer
Approximate start date: 11/1/18
Length of production: 6 weeks
Location: New York, NY

Production Company: Nothing Productions
Production Title: Dr. Pepper
Production Type: Television Commercial
Position: Director
Approximate start date: 1/15/19
Length of production: 2 days
Location: Los Angeles, CA

Production Company: Nothing Productions
Production Title: Acura
Production Type: Television Commercial
Position: Director
Approximate start date: 1/18/19
Length of production: 1 day
Location: Los Angeles, CA

Production Company: Anything Studios
Production: “Anything”
Television Series
Position: Director
Approximate start date: 2/15/19
Length of production: 2 weeks
Location: New York, NY

Production Company: Music Prodeo Inc.
Production Title: Jane Doe Singer
Production Type: Music Video
Position: Director
Approximate start date: 3/22/19
Length of production: 6 weeks
Location: New Orleans, LA

Production Company: Something Productions
Production Title: “Something”
Production Type: Web Series
Position: Director
Approximate start date: 4/1/19
Length of production: 6 weeks
Location: Atlanta, GA

All dates and productions are subject to change.