The best $6,160 I ever spent: a US work visa

Karen K. Ho
Vox, Feb 26, 2019, 8:00am EST

I needed to prove that I was an "alien of extraordinary ability" — a relatively daunting task, to say the least.

Dana Rodriguez for Vox

It's one thing to feel like a fraud when you tell people what you do for a living. It's another thing to pay $6,160 to ask the United States government to judge if you're a genius at it.

I didn't know applying for a work visa would involve reassessing my entire career and its impact, and repeatedly explaining how badly I wanted to return to a country whose leader kept telling the world immigrants weren't wanted. A few of my American friends half-jokingly asked, "How can I move to Canada?" Relatives asked me if it was worth giving up my government-funded health care.

For years, I had struggled to develop a media career north of the border. Despite several internships, diligent networking, and some good clips, I constantly worried I wasn't good enough to break out of low-paying entry-level gigs, no matter how hard I tried. At my first Asian American Journalists Association conference in New York, I learned there were lots of job opportunities in the US, but I needed a work visa to get any of them.

For all the criticism of how asylum seekers and undocumented immigrants should just "do it the legal way," many Americans I meet don't know the relatively small

number of options there are for foreign professionals, even with sought-after skills and experience in science and technology. The H-1B visa is dependent on a job that's willing to sponsor, limited in number, and awarded by lottery for five days in early April. Multinational companies willing to transfer staff from other offices have the option of the L-1 visa. Foreign correspondents for non-US news organizations can get the I visa. Canadians and Mexicans who have a job offer from an approved list of positions can get a TN visa through NAFTA, but that trade agreement was under heavy negotiation through spring and summer of last year.

I eventually figured out grad school would be my best way around the problem. From the moment classes started, my main goal was securing a job in business journalism that would defy what I'd heard and sponsor me. But I couldn't hide how much I wanted to work in magazines, even if the days of them sponsoring executive assistants ended decades ago and the idea of successfully breaking into one felt as likely as traveling to Mars.

I needed the O-1, the same kind of work authorization that Nobel-winning professors and musicians like Justin Bieber have.

Despite other offers in the US and a lucrative opportunity in Hong Kong, I accepted a postgraduate fellowship in my dream industry at my grad school under the terms of the one-year work program for international students. I would deal with the cost and complications of figuring out my long-term future later.

Unlike building Ikea furniture, finding an apartment, or repairing a bike, I knew "how to legally work in America" wasn't something I could DIY to try to save money. Government rules and policies on immigration were changing quickly. I was already juggling the fellowship plus freelancing on the side. I was fighting personal doubts on a daily basis about whether my work was any good, meaningful, or being read in the first place; I didn't need additional anxiety about whether I was screwing up the paperwork out of ignorance, inexperience, disorganization, or stress.

The other visa options wouldn't work for my situation. I didn't have a preexisting full-time job offer (H-1B, TN), I had turned down jobs that would have sponsored the H-1B (but still carried the risk of losing the lottery), I didn't want to work at a company's Canadian office for at least a year and then try to eventually transfer (L-1), and I failed to be hired as a foreign correspondent for a national Canadian newspaper (I). The constant waves of layoffs also convinced me the work visa had to allow me to work on several different projects, not just for one employer. I needed the O-1, the same kind of work authorization that Nobel-winning professors and musicians like Justin Bieber have for non-immigrants deemed "aliens of extraordinary ability."

That definitional phrase was daunting, especially when the evidentiary criteria include proof of prestige prizes on par with the Oscars. I also didn't identify with being a genius or an artist, the two things commonly associated with the O-1; I mostly write and report stories about business, media, and culture.

After sorting through recommendations from other Canadian writers (and spending a decent amount of money praying for luck at several shrines in Japan), I chose a small but experienced immigration firm in midtown Manhattan. Kevin and April are cheerful, exuberant lawyers who were both genuinely interested in my career and the direction it was going in. At my first meeting with Kevin, I told him about a big feature story I'd written a few years ago about a high school classmate who had tried to murder her parents. It had received a lot of press around the world, and I had heard that would help my case.

The $6,160 for my retainer agreement (I would have to write more than 12.3 freelance assignments at CJR, the equivalent of six months of rent, in order to pay for it) was 10 times more than the fees I paid for my temporary work visa after grad school. And even if my petition was successful, and I had successfully convinced the government I was a genius, my O-1 would only be valid for three years.

In a session with my therapist, I suddenly heard my mom's advice beam back into my head: "If you don't do this, will you regret it for the rest of your life?" I thought of the momentum I had finally built up after years of struggling; the friends and family I had in the city; the kind, handsome man I had fallen in love with; and the media industry in turmoil back in Canada. The answer felt obvious.

I paid for the bundle of fees — my legal team, the government, and a $500 letter from an industry organization — using my debit card in two installments. Handing over an amount of that size was only possible because my fellowship was well-paid, I didn't have any student loans, and I have a rent-stabilized apartment. I knew these privileges allowed me to choose a path many other foreign journalists could not.

Even with the power of a legal team, there was still a lot of work. I compiled hundreds of links to everything I had written or produced for the past seven years; coverage and citations of my work in other media outlets, books, and class syllabi; proof of panels, conference talks, interviews, and podcast appearances; and a detailed itinerary of my plans until January 2021.

I also needed to convince 12 impressive people to sign letters of recommendation attesting to my skills, experience, and impact. Past and current editors, a mentor, a role model, another Canadian journalist with the same visa, a best-selling writer, and a genuine Pulitzer winner all said yes.

Despite landing a Time cover story, several press interviews, and a flurry of new freelance clients on my résumé after finishing my fellowship, I never felt like I had enough proof for my application. News of the immigration crisis at the border, the reports of young kids in camps, deportations, bus raids, as well as journalists and artists experiencing delays or denials of their visas further amplified my anxiety.

For months, I failed to properly reply to my lawyers' emails, stalling my progress while hiding at my family's suburban house north of Toronto (which I had temporarily moved back to at the end of July after my student work visa had expired). I felt

ashamed whenever my mother asked about why things were taking so long, and questioned whether I was foolish for leaving her again to pursue career opportunities I felt I would never be able to get if I stayed in Canada.

I've heard that the American dream isn't as attractive as it used to be due to the current administration. But the concept still holds incredible power for many people from around the world.

Then in mid-October, April emailed me about the possibility of closing my file and concluding the firm's work on my petition. It had been almost six months since my case began, my lawyer wrote. Did I still want to complete the process? As soon as I read her email, I realized I didn't want to keep stalling or give up just yet.

When the final copy of my petition was sent to USCIS, it was nearly 800 pages and weighed 10 pounds. Our thorough work effort paid off: Three weeks later, a notice in the mail said I had been approved.

I've heard that the American dream isn't as attractive as it used to be due to the current administration. But the concept still holds incredible power for many people from around the world. You can buy flights, rent a moving van, and pay a broker to find a new apartment in your chosen city. A sense of self, access to opportunities, and an ability to work are a little more complicated.

April had prepared me for a brusque, if not hostile, confrontation about my case at Toronto's international airport. So I nervously clutched 90 pages of highlights from my immigration petition, my approval notice, two print copies of Time*,* and answers about my career in case the immigration officer needed additional proof. His only questions were about my address and my occupation.

As he finally stamped my passport, I felt a wave of confidence and relief. In that moment, my identity as a writer, as well as my dream of working in the US long term, finally solidified. I didn't know I could buy both until I did.