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UP FRONT - IMMIGRATION

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Give us your well-chiseled, your absolutely fabulous

An obscure visa program designed to attract rare talent gives green cards to singers, bodybuilders, soap opera stars

By Douglas Hanks III
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MIAMI - Even among the other sultry-eyed, olive-skinned, chiseled-chested models on Miami Beach, Fabrizio Brienza stands out as an extraordinary specimen.

Just ask the federal government.

The 34-year-old Italian citizen with salt-and-pepper hair was granted permanent U.S. residency last April through an obscure visa program for foreigners possessing "extraordinary ability."

Academics, scientists and Nobel Prize winners have entered under the program, lawyers say, but so have puppeteers, session musicians, body builders, soap-opera stars and at least one drag singer.

The immigration category targets the top levels of talent from around the world, and the small number of attorneys who specialize in the visas have created a cottage industry of exploring the shallows of that top level.

"A lot of lawyers, when they see 'extraordinary ability,' automatically they think Paul McCartney," said Matthew Krieger, the Miami Beach immigration lawyer who helped produce Brienza's visa application. "In reality, the threshold is a lot lower."

GLAMOUROUS WRINKLE

The extraordinary-ability visas, known as EB.1.1s, are a glamorous wrinkle to U.S. immigration policy, which usually requires foreigners seeking long-term stays to have a job, relative or sponsor waiting for them.

President Bush recently proposed a major expansion of that approach by offering temporary visas to millions of illegal immigrants, provided they hold jobs that otherwise would go unfilled.

But EB.1.1 visa holders do not need a job offer to come to the United States, though they must promise to continue working in their chosen field. The exemption is based on the assumption that people with such rare talents should have little trouble finding work, an immigration official said.

PROOF CHALLENGING

Proving those talents can be challenging. Major international prizes, such as a Latin Grammy or an Olympic gold medal, are automatic qualifiers, lawyers said.

Beyond that, EB.1.1 applicants are mostly at the mercy of immigration officers charged with culling the ordinary from the elite.

"We have to make them see someone and say, 'This is the Susan Lucci of Colombia,'" said Joshua Bratter, Krieger's law partner.

For a Colombian soap-opera actress, the two submitted paparazzi shots to prove her celebrity status. They offered transcripts from online music chatrooms showing a following for a Venezuelan sessions guitarist working with Ricky Martin. Press clippings helped them position a French female impersonator as a unique and leading presence on the international cabaret scene.

Along with touting Brienza's acting roles and modeling work for Gianni Versace and Giorgio Armani, his EB.1.1 application notes that he also worked the door at Crobar. The application calls the South Beach nightclub an "organization with a distinguished role" and says Brienza served as the "Image Gatekeeper" there.

SMALL UNIVERSE

The EB.1.1 universe is small, too. The United States issued 2,881 of them in 2002, out of 174,968 employment-based visas, according to the U.S. Citizenship and Immigration Services. Congress created the category in 1990 as part of a broader effort to bring in more job-seeking immigrants.

Jessica Vaughan, a researcher with the Center for Immigration Studies, which pushes for tighter immigration controls, criticized the EB.1.1 program for embracing frivolous talents as extraordinary.

"I'd be surprised if that's the kind of abilities Congress had in mind," she said.

But Immigration Services spokesman Chris Bentley said the country thrives on extraordinary abilities - be it in the laboratory or on the stage.

CONTRIBUTING TO U.S.

The EB.1.1 holders are "contributing toward making the country what it is," he said.



'EXTRAORDINARY ABILITY': Modeling got Fabrizio Brienza permanent U.S. residency.

Once a teen pop star in Colombia, Jose Gaviria is helping Carlos Santana put out albums in the United States as a Miami-based record producer.

Gaviria first worked under a temporary visa for entertainers touring or living in the United States, but he disliked needing a single employer as sponsor. The 33-year-old songwriter wants to produce other people and says the EB.1.1 visa that he received last fall helps him do that.

"It's freedom," he said. "You can do pretty much what you want."

Brienza, though, said his temporary visas for modeling didn't prevent him from pursuing an acting career or signing up to host an upcoming cable travel show.

"But it's a good feeling that if I wanted to go work as a manager at Office Depot, I can do that," Brienza said.