



A National Interest Waiver (NIW) petition falls in the employment-based, second-preference (EB-2) immigration category. For most EB-2 applications, petitioners need a permanent job offer and an approved labor certification. However, an NIW requests these requirements be waived for the sake of the “national interest of the United States,” thus allowing an applicant to apply for this status without a labor certification or a job offer from a U.S. employer. If your I-140 petition is approved, your spouse and unmarried children under the age of 21 may be eligible to apply for admission to the United States in E-14 or E-15 immigrant status, respectively.

In order to be eligible to file a National Interest Waiver (“NIW”) petition, a beneficiary or applicant must have an “advanced degree” or “exceptional ability” in the sciences, arts or business. The beneficiary or applicant must also persuasively demonstrate that:

- **The proposed endeavor has both substantial merit and national importance.**
- **You are well positioned to advance the proposed endeavor.**
- **It would be beneficial to the United States to waive the requirements of a job offer, and thus the labor certification.**

To qualify for an EB-2 visa, your employer must file a Form I-140, Petition for Alien Worker, unless you are filing for a National Interest Waiver, in which case you can file a Form I-140, Petition for Alien Worker on your own behalf. As part of the application process, your employer must be able to demonstrate a continuing ability to pay the offered wage as of the priority date. Your employer may use an annual report, federal income tax return, or audited financial statement to demonstrate a continuing ability to pay your wage.