

YOUR WORKING CHECKLIST

National interest waivers: EB-2 eligibility and the three-prong review

Is NIW a separate category that bypasses EB-2 qualifications?

A national interest waiver is an EB-2 request to waive the job-offer and labor-certification requirement. The applicant must first establish advanced-degree or exceptional-ability eligibility. USCIS then examines the proposed endeavor, the person's positioning and whether, on balance, waiving those requirements benefits the United States.

Check the boxes on screen or by hand. Use the notes area for records to find and questions to ask.

Your preparation checklist

- ☐ Establish the underlying EB-2 basis first.
- ☐ Define the actual proposed endeavor.
- ☐ Separate merit/importance from positioning evidence.
- ☐ Address the balancing prong without outcome claims.

Notes and questions to follow up

Source links and current instructions

Sources checked October 25, 2026. Follow current instructions at the linked institution.

USCIS: USCIS Policy Manual: advanced degree, exceptional ability and national interest waiver
<https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5>

Office of the Federal Register / eCFR: 8 CFR 204.5: employment-based immigrant petitions
<https://www.ecfr.gov/current/title-8/section-204.5>

National interest waivers: EB-2 eligibility and the three-prong review

Return to the complete guide

<https://immigrantinsider.com/immigration-paths/permanent-work/niw/>

General information

This free organizer is not a government form and does not submit an application, establish eligibility, preserve a deadline or replace individual legal advice. Government filing fees and professional services are separate.