

*"You have to learn the rules of the
game. And then, you have to play
better than anyone else."*

- ALBERT EINSTEIN

FIVE TIPS FOR CREATING A WINNING NATIONAL INTEREST WAIVER PETITION

BY JEAN P. DOMANSKI, ESQ



What is a National Interest Waiver (NIW)?

In 2016, a court case called *Matter of Dhanasar* 26 I&N Dec. 884 (AAO2016) changed the criteria for the EB-2 Second Preference green card seeking a National Interest Waiver, or NIW.

To qualify for an NIW, you must have an advanced degree, or a bachelor's degree and many years of progressive experience in your field.

The three main criteria that you must demonstrate to the United States Citizenship and Naturalization Service (USCIS) are:

- Your proposed endeavor in the U.S. has substantial merit and national importance
- Well-positioned to achieve your goals in the U.S.
- On balance, it would benefit America to waive the job offer and labor certification requirement.

In this book I will give you some tips on how to meet these criteria.

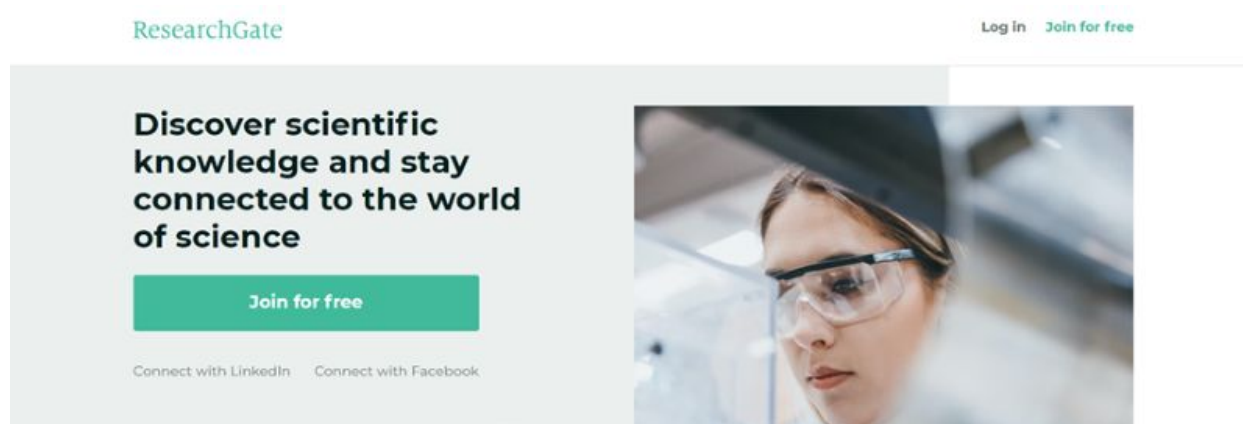
CONGRESS.GOV

The screenshot shows the top of the Congress.gov website. It features the 'CONGRESS.GOV' logo, navigation links for 'Advanced Searches' and 'Browse', and a search bar. The search bar has a dropdown menu for 'Current Congresses' and a text input field with placeholder text 'Examples: hrg, sres, "health care"'. A magnifying glass icon is on the right of the search bar. Below the search bar is a 'MORE OPTIONS' button.

One easy way to figure out how your professional goals in the United States can have national importance is to figure out what matters are being considered by Congress.

Just type the subject area of your profession and check what is being discussed on the House or Senate floor. For example, if your work involves Information Technology, you could type computers in the search box to see what recent legislation comes up.

The screenshot shows the search results page on Congress.gov for the query 'computers'. The page includes a header with the Congress.gov logo and navigation links. Below the search bar, there are filters for 'Current Congresses' and 'computers'. The results are displayed in a table with columns for 'Limit Your Search', 'Congress', and 'Chamber of Origin'. The results are sorted by 'Relevancy' and show 1-6 of 6 results. The first result is 'H.R. 285' (117th Congress, 2021-2022) titled 'To amend section 230 of the Communications Act of 1934 to limit the immunity of providers and users of interactive computer services'. The second result is 'H.R. 87' (117th Congress, 2021-2022) titled 'JUSTICE Act of 2021'.



RESEARCHGATE.NET

Establishing a ResearchGate profile can be invaluable for showing that you are well-positioned to achieve your aims in the USA. It's free, and it's easy. If you have an advanced degree, which you generally need for a National Interest Waiver, you can add your own master's thesis and/or doctoral dissertation to your research profile.

ADD YOUR MASTER'S THESIS OR DOCTORAL DISSERTATION

I explain this process in more detail on my YouTube [channel](#), "Gallagher Domanski Legal Services."

JOURNAL IMPACT FACTOR

If you have published research, you will want to indicate the title, journal, and number of citations for each article. In addition, you can show USCIS that you are well-positioned by telling them the impact factor of each journal in which you are published.

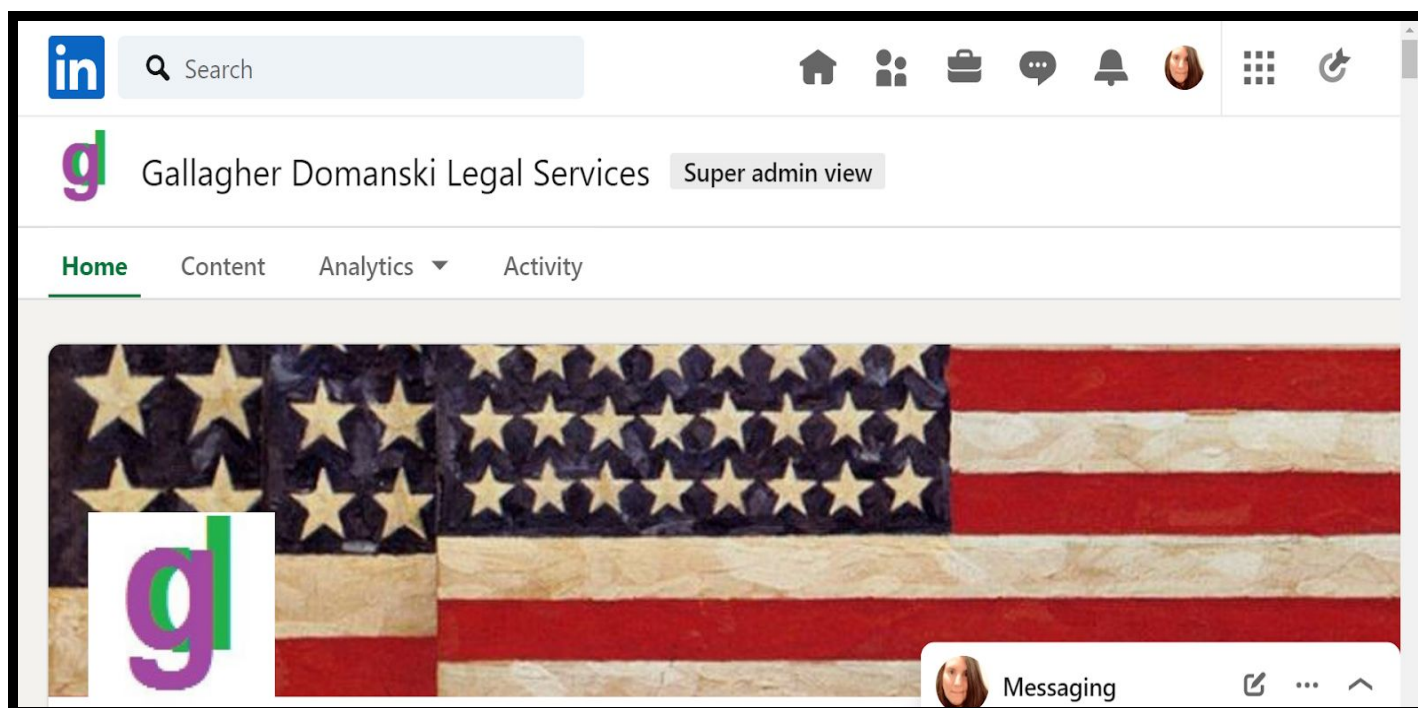
An impact factor is a number that tells the frequency with which the average article in a journal has been cited in a particular year. It tells USCIS that the journal is important in the field.

To find the impact factor, all you need to do is use Google.

The screenshot shows a Google search interface. The search bar contains the text "impact factor Global Journal of Internet Interventions and IT Fusion". Below the search bar, there are tabs for "All", "News", "Images", "Shopping", "Videos", and "More". The search results are displayed below the tabs, showing "About 3,500,000 results (0.59 seconds)". The first result is from "technology.eurekajournals.com" and is titled "Global Journal of Internet Interventions and IT Fusion [ISSN ...]". The second result is from "www.ipindexing.com" and is titled "Global Journal of Internet Interventions and IT Fusion". The third result is from "www.journals.elsevier.com" and is titled "Internet Interventions - Journal - Elsevier".

HOW LINKEDIN CAN HELP

Another easy way to show that you are well-positioned to achieve your proposed endeavor in the United States is to show that you are sought after. One way to highlight the fact that you are “in-demand” is to save your LinkedIn messages. Every time, a fellow professional asks you to connect and sends you a message, save it to include with your NIW petition.

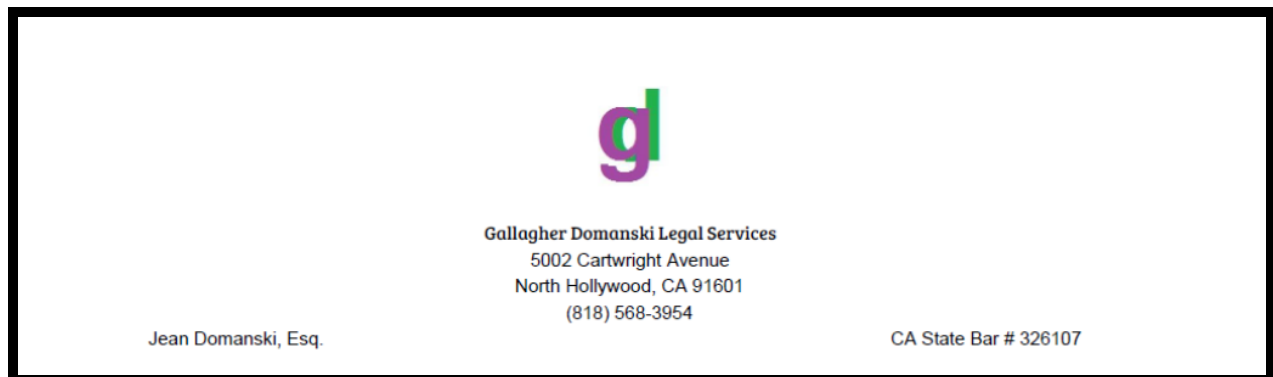




USE LETTERHEAD

You will need 3-5 letters of recommendation from colleagues, supervisors, and others who know you in the industry. I recommend that you ask for at least two from U.S. citizens. That way you can include quotes from the American citizens in the section that establishes that on balance, it would benefit America to waive the job offer and labor certification requirement. You can show that other American professionals believe that it would benefit the United States to give you a green card.

Most importantly, get the letters on letterhead. That way the letter will show the organization, address, and contact information of the recommender. When the person who is recommending you signs the letter, be sure that they provide their title, as well.



I HOPE THIS WAS HELPFUL!

If you have questions, or if you would like my help with your NIW green card petition to USCIS, there are several ways to contact me:



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