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-Defending Rights, Serving Justice!

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EB-1 & EB-2 NIW (National Interest Waiver) Overview

The **EB-1** and **EB-2 National Interest Waiver (NIW)** visas are employment-based immigrant visas that allow highly skilled professionals to obtain permanent residency (Green Card) in the U.S. without requiring employer sponsorship in certain cases.

- **EB-1** is for individuals with **extraordinary ability (EB-1A), outstanding professors/researchers (EB-1B), or multinational executives/managers (EB-1C)**.
- **EB-2 NIW** is for professionals with **advanced degrees or exceptional ability** who can demonstrate that their work benefits the U.S. and is in the national interest.

Minimum Required Documents

- Form I-140 (Immigrant Petition for Alien Worker)
- Proof of qualifications (advanced degree, publications, awards, letters of recommendation, etc.)
- National Interest Waiver petition letter (for EB-2 NIW applicants)
- Evidence of extraordinary ability (for EB-1A), such as media coverage, patents, or industry recognition

Additional documents may be required depending on the applicant's category and supporting evidence.

Processing Times

- **EB-1:** 8–18 months (with **premium processing available for EB-1A & EB-1B**)
- **EB-2 NIW:** 12–24 months (premium processing available as of 2023)

Government Filing Fee Range

USCIS filing fees typically range from **\$2,000 to \$4,500**, depending on the visa type, premium processing requests, and additional forms. Fees change frequently, so check the [USCIS website](#) for the latest information.

Please direct all correspondence and mail to our SC Office:
[2411 North Oak Street, Suite 403-N Myrtle Beach SC 29577](#)

Frequently Asked Questions (FAQs) – EB-1 & EB-2 NIW

1. What is the difference between EB-1 and EB-2 NIW?

- **EB-1A** is for individuals with extraordinary ability in fields such as science, arts, education, business, or athletics. No employer is required.
- **EB-1B** is for outstanding professors and researchers with at least three years of experience and a job offer from a U.S. employer.
- **EB-1C** is for multinational executives and managers transferring to a U.S. office.
- **EB-2 NIW** is for professionals with an advanced degree or exceptional ability who can prove their work benefits the U.S. economy, health, or security, **waiving the need for a job offer or labor certification.**

2. Do I need a job offer for EB-1 or EB-2 NIW?

- **EB-1A and EB-2 NIW** applicants **do not need a job offer** and can self-petition.
- **EB-1B and EB-1C** applicants **must have a sponsoring employer.**

3. How do I prove my eligibility for EB-2 NIW?

To qualify for an NIW, you must meet the **three-prong test** established in the *Matter of Dhanasar*:

1. Your work has **substantial merit** and **national importance.**
2. You are **well-positioned** to advance your work in the U.S.
3. It is **beneficial for the U.S. to waive the job offer and labor certification requirement.**

4. Can I apply for EB-1 or EB-2 NIW while on a visa like H-1B or F-1?

Yes, you can apply for EB-1 or EB-2 NIW while on an **H-1B, F-1, O-1, or other nonimmigrant visas.** However, F-1 students and visa holders without dual intent (e.g., B-1/B-2) should consult an attorney, as a Green Card application may impact their current status.

5. Can my spouse and children apply with me?

Yes, dependents (spouse and unmarried children under 21) can apply for **Adjustment of Status (I-485)** under **EB-1 or EB-2 NIW.** Spouses can apply for **work authorization (EAD)** while waiting for Green Card approval.

For all questions regarding Business Visas, contact our firm today for individual legal guidance and personalized assistance.

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