



Chen Immigration & Attorneys - The Leader of High Quality Immigration Petition

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EB-2 National Interest Waiver

Thank you for choosing North America Immigration Law Group! We at NAmILG are dedicated to providing you with a petition that is tailored specifically to your case. We do not use form letters for drafting your materials, but rather prefer to gather all pertinent information regarding your case from the beginning in order to properly develop customized strategies for petition approval and a personalized approach for the necessary documentation. Therefore, we request that you take the time to fill out your Summary of Contributions tab carefully and completely to ensure that the rest of the process runs smoothly and in a timely fashion. Likewise, we also request that you upload the following to our secure server system to prevent any delays in the compilation process:

- The most up-to-date version of your professional resume or curriculum vitae
- A copy of your Google Scholar citation record (you can also just give us a link to it if your account is public)

After reviewing your Summary of Contributions, we may also ask you to upload other documentary evidence for our review, such as copies of documents that show how others have implemented your work, documentation of any prestigious awards or funding you have received, etc.

If at any time you become confused or have any questions or concerns, please feel free to contact our team using the messaging function on our secure server system. We are happy to help guide you through the process. Thank you again for choosing NAmILG!

Given that you are the one that understands your professional endeavors best, we again ask that you please provide as much information as possible in your Summary of Contributions so that we may develop an optimal, customized strategy for you. The information you provide does not need to be “polished” or even in complete sentences. We simply request that you provide detailed and specific answers to each section where applicable. The Summary of Contributions will be *solely* used to draft the pertinent letters and gather supporting documentation – necessary for petition package completion – and this informational packet **will not be submitted to the USCIS**. For this reason, it’s important to make sure that you have documentary evidence to back



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up all of your major contributions and recognition you have received, as the Summary of Contributions itself will not be submitted with your petition.

As a guideline for the information that you will provide below, it is important to remember that as a foreign national seeking a National Interest Waiver in the second-preference employment-based immigrant category, you must pass the three-prong test derived from *Matter of Dhanasar*. We have summarized the three prongs below to help you determine what information is needed for your case.

1. The waiver applicant's proposed endeavor must have both substantial merit and national importance.

- a. This prong has two parts: “substantial merit” and “national importance.”
- b. To prove that what you do/plan to do has “substantial merit,” we’ll want to demonstrate that work in your particular field in general is inherently valuable to the United States in some way, such as benefiting the economy, cultural or welfare interests, educational goals, healthcare, or similar sectors.
- c. To prove that your work has “national importance,” we’ll need to demonstrate that your contributions and skills in particular benefit the United States. It’s important that we be able to show that your “proposed endeavor” benefits the United States beyond just helping your employer. For instance, a physician or attorney whose work is very localized by nature may have difficulty proving that they qualify under this part of the three-prong test, but a researcher publishing widely-cited papers about their research findings will likely have an easier time.

2. The waiver applicant must demonstrate that they are well positioned to advance the proposed endeavor

- a. In your petition, we will show that you meet this prong by describing how your past achievements in the field position you to be able to continue contributing to your chosen area of endeavor in a meaningful way.
- b. We can document how you are well-positioned to advance your proposed endeavor by discussing your publication and citation record (if applicable), specific instances of how your work has impacted the work of others in your field, and other specific recognition you have achieved, such as major awards, media coverage, review service, funding, etc.

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3. The waiver applicant must demonstrate that it would be beneficial to the United States to waive the job offer and labor certification requirement.

a. For this prong, we need to demonstrate that allowing you to work in the United States would be especially beneficial to the United States. This is closely related to the first two prongs, as proving that your work is nationally important and that you are well-positioned to be able to continue contributing to this area will inherently demonstrate some benefit to the United States.

b. We can show you meet this prong by stressing how any achievements you have made and/or recognition you have received demonstrate that your particular skillset and your record of influence and success have and will continue to directly benefit the interests of the United States.

Now that you understand the basic requirements for the EB-2 NIW classification, you should refer to the “Summary of Contributions Template –NIW” located in Appendix A and fill in the corresponding sections in the “SoC” tab in the menu on the left-hand side of your profile page. The questions in that document will guide you through the key information that you need to provide us, and it is essential that you answer every question honestly and entirely to the best of your ability. You should also add additional numbers for each section as appropriate. For instance, if you have won three awards, you should include the information for each one of them. There are also sample Summaries of Contributions that can help guide you as to the level of detail we are looking for. Once you complete a first draft of your Summary of Contributions, we will be able to let you know if we need additional information from you. Thank you!