

Proposed Endeavor Guide and Clarifications

NIW cases are adjudicated based on the standards set in the precedent case the Matter of Dhanasar. Under the framework established in the Dhanasar case, NIW approval is dependent on demonstrating that: (1) the foreign national's proposed endeavor has both substantial merit and national importance; (2) the foreign national is well-positioned to advance the proposed endeavor; and (3) on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

What is meant by “*Proposed Endeavor*”? This phrase is legal language used by the USCIS to refer to the research that you intend to conduct after receiving your green card. While this language specifies “after receiving your green card,” please note that for most researchers, the overarching goal that informs and guides their research will remain relatively unchanged as their career progresses, so it will be uncommon for your proposed endeavor to be focused on one overarching goal now and on a different overarching goal after receiving your green card. While it is expected that some elements of your research will change – the tools and skills you use, the angle from which you approach the problem, etc. – it is most likely that there is a common theme and goal that runs through all the research that you have conducted.

Steps to building a strong NIW case:

- (1) Articulate a clear proposed endeavor;
- (2) Demonstrate that the proposed endeavor has “substantial merit” – meaning that it provides some positive value to critical aspects of society in general, such as health care, business, science, technology, or education;
- (3) Demonstrate that the proposed endeavor has “national importance” – meaning that it provides some benefit to some specific aspect of the United States, such as the economy, the efficiency or profitability of an industry, the environment and natural resources, energy production, improving diagnostics and treatments for debilitating costly diseases, etc.;
- (4) Demonstrate that the petitioner’s education, training, skills, expertise, and record of achievements establish their ability to successfully achieve their proposed endeavor; and
- (5) Demonstrate that the petitioner’s skills and expertise are unique and therefore not articulable in a labor certification and that there is a pressing need for the petitioner’s contributions.