

| NIW and EB3

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It has never been easy to get a job for international students, not to mention how difficult it will be to negotiate with the employers for sponsoring Green Card after getting the job. Some foreign nationals are lucky enough to file under family-based Green Card, but the rest have to go through the long journey. What if there is a way for students to file Green Card application even when they are still in school?

This article will talk about a certain strategy, for people who are or will be qualified for **National Interest Waiver**, to receive a Green card much earlier than you would expect. The tactics is to use self-sponsored national interest waiver to get an as-early-as-possible priority date so you can have a relatively good spot in the queue. It is much more helpful to the applicants born in India and China than other regions due to the extremely long waiting time. If you need to know more about priority date, please read our chapter “Why do you need to wait so long for a Green Card”

NIW, short for **National Interest Waiver**, is a sub-category under the second preference EB2 of employment-based immigration. While you might be not familiar with NIW, I am sure that most of the foreign nationals have heard about EB2-PERM which could be said as the most common or popular Green card category for full-time employed foreigners. PERM and NIW are both under EB2 but are different sub-categories.

What kind of applicants are qualified for NIW? Aliens seeking a national interest waiver the Labor Certification because it is in the interest of the United States. Though the jobs that qualify for a national interest waiver are not defined by statute, national interest waivers are usually granted to those who have exceptional ability and whose employment in the United States would greatly **benefit the nation**. Those seeking a national interest waiver may self-petition (*they do not need an employer to sponsor them*) and may file their labor certification directly with USCIS along with their Form I-140, Petition for Alien Worker.

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Self-petition application means that you **do not need a job offer or an employer** to qualify or sponsor your application. However, you still must demonstrate that the beneficiaries are coming to the U.S. to work in their area of expertise. For example, if you claim yourself as a researcher in Chemistry, then you have to continue to work in the same or similar related field; working as a

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hairdresser, or makeup artist won't be accepted. With all these being said, maybe you have also realized that the best benefit of self-petition is that **you can prepare and submit the application whenever you are qualified and ready, no matter if you are still a student at school, or working in foreign countries.**

With an approved NIW, you will earn a priority date as soon as you can. With this early PD (short for priority date), you can either wait for the cutoff date arrive to match, or you can negotiate with your future employer to sponsor you a EB2 PERM (if you change your work field), or EB3 PERM (the queue of EB3 might move faster than EB2.)

Let's take an example from an alien worker "L". L came to USA to pursue her master's degree in engineering in 2014. She had published a certain number of articles when she worked in the laboratory in college supervised by her professor in China. With these published papers and accumulated citations, she submitted her NIW application in year 2014 when she was still in graduate school without a job offer and the case got approved. Upon graduation, she found more interest and started a career path in a completely different area in year 2016. Although the approved NIW would not be valid anymore due to the change of work field, she could still keep the PD (priority date) which was the date (mm/dd/2014) when she submitted her NIW.

Her employer then sponsored her EB3-PERM for the new work field in year 2016 and got approved. Instead of having a PD of mm/dd/2016, L would keep the date of (mm/dd/2014), which means she had started waiting in the queue since mm/dd/2014. With another 2 years of waiting, L successful received her Green card in year 2018.

Now let's imagine what would happen if she didn't apply for NIW when she was at school.

First, she had to wait for a job offer which was completely unpredictable. If she got an official job 2 years after graduation, she would've wasted 4 years compared to this strategy. Not to mention that most of the employers would not sponsor your Green card right after the start of the employment. Most of the companies have their policy that the alien worker must receive a H1B before moving forward to Green card, which might take another couple of years due to the lottery selection and increasingly strict H1B process.

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Second, as we talked before in another article, the waiting period of Green card does not increase proportionally to timeline. Instead, it builds up exponentially because the number of applicants exceeds the quota every single year.

Let's highlight the key points in this combined immigration category strategy:

- L submitted her NIW application as soon as she could, even though she did not have a job offer and had no sponsorship. This strategy can successfully shift the difficulty of finding a job that will result in the delay of Green card.
- Although she changed her work field, she could still take advantage of the early PD by using NIW+PERM combination strategy.
- Early PD means early and safe spot in the queue. As the queue is getting increasingly longer every day and immigration policy changes are unpredictable, start preparing for yourself as soon as you can and stop wasting time.

| Bottom line

Getting I-140 petition approved is certainly not going to be easy when you are still at school without a job offer – and in most cases, it can be a time-consuming process. But it could be a chance and it might change your whole Green Card journey. Grasp the chance before it is too late with the help from an immigration expert. By gathering the right documentation, you should be able to legalize your stay in the U.S. by making use of your advantages.

August Network is a professional educational and legal consulting boutique firm. Since 2015, we have successfully helped over 1,200 clients with their academic and career placement, and immigration needs. We owe this success to our passion for equipping people with the skills and knowledge they need to advance forward. If you are interested in Green Card and Visa evaluation, please send us your CV for an inquiry to contact@augustnetwork.com
