

XIPHIAS Immigration

PROGRAMME BROCHURE

SKILLED MIGRATION | UNITED STATES

# EB-2 NIW Visa — National Interest Waiver Green Card

A US green card without an employer or labour certification, if your work is in the US national interest. Open to every nationality — how long you then wait depends on your country of birth.

JOB OFFER

Not required

FAMILY

Spouse, children up to age 21

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# At a glance

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|---|---|
| COUNTRY<br>**United States** | ROUTE<br>**Skilled Migration - Employment Based** |
| TIMELINE<br>**Wait after approval depends on country of birth: about 1 yr 9 mo for most countries (October 2026 Visa Bulletin)** | FAMILY MEMBERS<br>**Spouse, children up to age 21** |
| JOB OFFER<br>**Not required** | LAST UPDATED<br>**13 October 2026** |

### Overview

The **EB-2 NIW (National Interest Waiver)** visa is designed for individuals who hold **advanced degrees** or possess **exceptional ability** in the **sciences, arts, or business**. It provides a **direct path to U.S. permanent residency** without the need for an employer job offer or labor certification, provided the applicant's work benefits the **national interest of the United States**.

### Eligibility Overview

To qualify for the EB-2 NIW category, applicants must:

- Hold an advanced degree (master's or higher) or prove exceptional ability, and
- Demonstrate that their proposed endeavor has **substantial merit and national importance**, they are **well-positioned to advance it**, and that **waiving the job offer requirement** would benefit the U.S.

# How long you wait depends on where you were born

A petition approval is not a green card. After approval you wait until your priority date is current, and the queue you join is set by your **country of birth**, not your passport and not where you live. Employment-based final action dates from the October 2026 Visa Bulletin:

| Category | Born in most countries | Born in mainland China | Born in India | Born in the Philippines |
|---|---|---|---|---|
| EB-1 | Current | 01 Jul 2023 | 01 Feb 2023 | Current |
| **EB-2 (including NIW)** | **01 Jan 2025** (about 1 yr 9 mo behind) | **01 Oct 2021** (about 5 yrs) | **01 Nov 2013** (about 12 yrs 11 mo) | **01 Jan 2025** (about 1 yr 9 mo) |
| EB-3 | 15 May 2024 | 08 Jan 2022 | 01 Jan 2014 | 15 Aug 2023 |

People born in Mexico follow the same dates as most countries this month. "Current" means there is no queue. If you are already in the US, USCIS is accepting October 2026 adjustment applications on the separate "dates for filing" chart (EB-2: 15 March 2026 for most countries, 1 January 2023 China, 15 January 2015 India); outside the US, the final action date decides when the visa can be issued.

Three things that surprise people:

- **A second passport does not change your queue.** An India-born applicant with another nationality still waits in the India queue.
- **Your spouse's country of birth can help.** If your spouse was born in a country with a shorter queue, a couple immigrating together may be able to use that country instead. This is called cross-chargeability, and we check it for every couple.
- **Dates move backwards as well as forwards.** The Visa Bulletin warns that some worldwide categories have **retrogressed** to hold issuance within FY2027 limits.

We publish this table because you deserve to see it before you commit money, not after.

## Applying from the UAE

You can file the EB-2 NIW petition while living in the UAE: there is no US employer, no job offer and no US address requirement. When your priority date is current, people living outside the US usually finish through consular processing — the DS-260 immigrant visa application, a medical and an interview at a US embassy or consulate — and enter the US as permanent residents. Your spouse and unmarried children under 21 can come with you.

## USCIS filing fees

| Item | Fee |
|---|---|
| Form I-140 immigrant petition | USD 715 |
| Asylum Program Fee, paid with the I-140 | USD 600 (USD 300 small employer, nil nonprofit) |
| Form I-485 adjustment of status, applicants aged 14 and over | USD 1,440 |
| Premium processing on the I-140 (optional) | USD 2,965, response within 45 business days for EB-2 NIW |

Fees follow the USCIS fee schedule at 8 CFR 106.2; the premium processing fee took effect on 1 March 2026. Applicants who complete the process at a US consulate pay the State Department's immigrant visa fees at that stage instead of the Form I-485 fee.

## Key benefits

- Self-petition option — no job offer or PERM needed.
- Locks in an EB-2 priority date without an employer.
- Open to professionals, researchers, and entrepreneurs.
- Family (spouse and children under 21) included.

## When this route may not fit

- Weak link between your work and U.S. national interest.
- No proof of advanced degree or exceptional ability.
- Insufficient supporting documentation.

# Skills, language and points

**Job offer:** EB-2 NIW allows self-petition; no job offer or labor certification required.

### Typical Eligible Fields

- Scientists, researchers, and engineers advancing U.S. innovation and technology
- Healthcare professionals and public health experts improving national well-being
- Entrepreneurs and startup founders driving economic growth and innovation
- Academics, educators, and policy specialists shaping critical U.S. sectors
- Artists and cultural professionals contributing to U.S. national interest

# How the process works

1. **Eligibility Review**
   Evaluate your education, experience, and national interest impact.
2. **Prepare & File Form I-140**
   Submit your EB-2 NIW petition with supporting documents to USCIS.
3. **USCIS Review**
   USCIS assesses your eligibility and national interest justification.
4. **Status Adjustment**
   After approval, file Form I-485 (in U.S.) or DS-260 (abroad).
5. **Biometrics & Interview**
   Complete fingerprinting and attend interviews if required.
6. **Receive Green Card**
   Obtain U.S. permanent residency after final approval.

# Document checklist

### Identity and Civil Documents

- Valid passport (current and previous)
- Passport-size photos (per USCIS specifications)
- Birth certificate and civil status proof

### Academic and Professional Evidence

- Degree certificates and transcripts (advanced or equivalent)
- Resume or CV with education, experience, and key achievements
- Proof of exceptional ability — awards, memberships, or publications

### National Interest Evidence

- Statement detailing the proposed endeavor and its national importance
- Evidence showing you are well-positioned to advance your field
- Documentation proving the waiver benefits the U.S.
- Recommendation letters from recognized experts
- Supporting media, publications, or impact reports

### Forms and Supporting Documents

- Form I-140 — Immigrant Petition for Alien Worker
- Form I-485 (Adjustment of Status) or DS-260 (Consular Processing)
- Field-specific evidence — patents, projects, or major contributions

## Questions clients ask

### What is the EB-2 NIW visa?

A self-petition U.S. Green Card for professionals with advanced degrees or exceptional ability whose work benefits national interest.

### Is a job offer required?

No. The NIW waives both job offer and PERM labor certification.

### Who can apply for EB-2 NIW?

Anyone, of any nationality, who holds an advanced degree or can show exceptional ability, and whose proposed work in the US has substantial merit and national importance. You do not need a US employer, a job offer or a US address to file.

### Can I apply while living in the UAE?

Yes. The Form I-140 petition is filed with USCIS from anywhere. When your priority date is current, people living outside the US usually complete the process through consular processing: the DS-260 immigrant visa application and an interview at a US embassy or consulate. Living in the UAE does not change your place in the queue.

### How long does it take?

With premium processing (USD 2,965), USCIS responds to an NIW I-140 within 45 business days. The wait for the green card depends on your country of birth. In the October 2026 Visa Bulletin the EB-2 final action date is 1 January 2025 for most countries (about 1 year 9 months behind), 1 October 2021 for people born in mainland China and 1 November 2013 for people born in India.

### Does my nationality affect the wait?

Not directly. The queue is set by your country of birth, so an Indian-born applicant with another passport still waits in the India queue. A spouse born in a different country can sometimes let the couple use the spouse's queue instead (cross-chargeability).

### Can my family apply too?

Yes. Spouse and unmarried children under 21 can apply for Green Cards.

### How can Xiphias Immigration help?

We guide your EB-2 NIW case from eligibility check to final Green Card approval.

# Important notes

- An approved petition is not a green card. You then wait until your priority date is current, and the queue you join is set by your country of birth — not your passport and not where you live.
- October 2026 Visa Bulletin, EB-2 final action dates: 1 January 2025 for most countries, including Mexico and the Philippines (about 1 year 9 months behind); 1 October 2021 for people born in mainland China (about 5 years); 1 November 2013 for people born in India (about 12 years 11 months).
- A second passport does not move you into a shorter queue. If your spouse was born in a country with a shorter queue, you may be able to use their country of birth instead (cross-chargeability) when you immigrate together — we check this for every couple.
- For people born in India, EB-2 NIW will not deliver a green card within a few years. EB-1A, EB-1C and EB-5 set-asides are the routes with a realistic horizon for them.
- Cut-off dates move backwards as well as forwards. The NIW is best understood as a place in a queue that needs no employer and travels with you, not as a fixed timeline.
- USCIS issued a policy update on second-preference national interest waiver eligibility on 15 January 2025. XIPHIAS reviews your case against the current USCIS guidance before filing.

## Compliance

- Eligibility rests on an advanced degree (a US master’s or higher, or a bachelor’s plus five years of progressive experience) or exceptional ability shown through at least three of six regulatory criteria, under 8 CFR 204.5(k).
- The national interest waiver exempts both the job offer and the labour certification where that exemption would be in the national interest.
- The three-prong Dhanasar framework remains the operative test.
- Filing fees: Form I-140 USD 715 plus the Asylum Program Fee of USD 600 (USD 300 small employer, nil nonprofit). Form I-485 is USD 1,440 for applicants aged 14 and over.
- Premium processing is available at USD 2,965, but for EB-2 NIW the response window is 45 business days, rather than the 15 business days that applies to most I-140 categories.

**Official sources:** US Department of State — Visa Bulletin for October 2026; Electronic Code of Federal Regulations — 8 CFR 204.5; Electronic Code of Federal Regulations — 8 CFR 106.2 (USCIS fee schedule); Federal Register — Adjustment to Premium Processing Fees (effective 1 March 2026).



XIPHIAS Immigration

NEXT STEP

# Plan your United States application with our Dubai team

Tell us about your profile, family and timeline. We will confirm whether **EB-2 NIW Visa — National Interest Waiver Green Card** fits, set out the full cost in writing and manage the application with you from start to finish.


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## CREDENTIALS

- Advising clients on global mobility since 2009; XIPHIAS Immigration DMCC in Dubai since 2017.
- Named Best Immigration Consultant by The Times of India in 2022.
- Canada files handled by a CICC-licensed Regulated Canadian Immigration Consultant, licence R516194.
- Australia files handled by a registered migration agent, MARA 1680615.


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