Policy Update: National Interest Waivers for Advanced Degree Professionals or Persons of Exceptional Ability

U.S. Citizenship and Immigration Services is updating the USCIS Policy Manual guidance on adjudicating national interest waiver requests, including special considerations for persons with advanced degrees in science, technology, engineering, and math (STEM) fields and entrepreneurs. USCIS is now clarifying how the national interest waiver can be used by STEM graduates and entrepreneurs, as well as the significance of letters from governmental and quasi-governmental entities. This updated guidance serves to promote effective and efficient processing of benefits and is consistent with removing barriers to legal immigration under Executive Order (EO) 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans.

This guidance, contained in Volume 6 of the Policy Manual, is effective immediately and supersedes any related prior guidance.

Policy Highlights

- In addition to providing evidence of an advanced degree or exceptional ability, those seeking a national interest waiver must also meet three factors that USCIS uses to determine, in its discretion, whether it is in the national interest to waive the requirement of a job offer, and thus the labor certification. The three factors USCIS considers for a national interest waiver are whether:
The person’s proposed endeavor has both substantial merit and national importance;

- The person is well positioned to advance the proposed endeavor; and

- It would be beneficial to the United States to waive the job offer and thus the permanent labor certification requirement.

Those seeking a national interest waiver may self-petition using Form I-140, Immigrant Petition for Alien Worker.

More Information

For more information on this USCIS Policy Manual update, see the policy alert. Visit the Policy Manual for Comment page to comment on this update.

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