

EB-1A & EB-2 NIW **SELF-PETITION** GUIDE:

The Ultimate Self-Petition Guide to EB-1A Extraordinary Ability & EB-2 National Interest Waiver (NIW) Green Cards - 2026 Edition



Important Disclaimer

This guide is for informational purposes only and is not legal advice. Immigration laws, USCIS policies, filing fees, and processing times can change. The information reflects USCIS guidance as of May 2026. Every case is unique. Consult a qualified immigration attorney for personalized advice before filing any petition. This ebook is a guide provided by Sapochnick Law Firm to help you understand your options.



SAPOCHNICK
— LAW FIRM —
U.S. IMMIGRATION LAW

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1. Introduction:

• Why Self-Petitioning Changes Everything

EB-1A (Extraordinary Ability) and EB-2 NIW (National Interest Waiver) are two powerful exceptions that let you file the petition yourself. No job offer. No employer sponsor. No labor certification.

These categories are ideal for:

- Scientists, researchers, and tech innovators
- Entrepreneurs and business leaders
- Artists, athletes, and performers
- Physicians, educators, and engineers whose work benefits the United States

In 2026, both categories remain popular because they offer faster routes to a green card — especially when combined with premium processing. This guide gives you the exact framework USCIS uses so you can evaluate your chances and prepare a winning petition.



2. EB-1A Extraordinary Ability: The “Einstein Visa” for Top Talent

Who qualifies?

You must show sustained national or international acclaim and that your achievements have been recognized in your field (sciences, arts, education, business, or athletics). You must also intend to continue working in your area of expertise in the United States.

Two ways to qualify: 

Option A: Evidence of a one-time major internationally recognized award (e.g., Nobel Prize, Pulitzer, Oscar, Olympic gold medal).

Option B (most common): Meet at least 3 of the 10 criteria below or provide comparable evidence.





The 10 EB-1A Criteria (with 2026 evidence tips)

- Receipt of lesser nationally or internationally recognized prizes or awards (team awards now explicitly count per 2024 USCIS guidance).
- Membership in associations requiring outstanding achievement (past memberships can count).
- Published material about you in professional or major trade publications or major media.
- Participation as a judge of the work of others in your field.
- Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance.
- Authorship of scholarly articles in professional journals or other major media.
- Display of your work at artistic exhibitions or showcases (non-artistic exhibitions evaluated under comparable evidence).
- Leading or critical role in organizations with distinguished reputation.
- High salary or other significantly high remuneration compared to others in the field.
- Commercial successes in the performing arts (e.g., box office receipts, sales).

Final Merits Determination:

Even if you meet 3 criteria, USCIS does a holistic review to confirm you are among the small percentage at the very top of your field.

Recent 2024-2025 USCIS Guidance Updates: Team awards, past memberships, and clearer comparable evidence rules now apply.

A man and a woman are walking on a rooftop in a city. The woman is on the left, wearing a dark blazer over a white shirt and light-colored pants, holding a gold trophy. The man is on the right, wearing a dark suit and tie, holding a stack of papers. They are both looking towards the right. The background shows a city skyline with tall buildings.

3. EB-2 National Interest Waiver (NIW): Advance U.S. Interests Without a Job Offer

STEP 1: QUALIFY FOR EB-2

You must be either:

- A member of the professions holding an advanced degree (master's or higher, or bachelor's + 5 years progressive experience), OR
- A person of exceptional ability in the sciences, arts, or business (meet at least 3 of 6 regulatory criteria — similar but lower bar than EB-1A).



STEP 2: PROVE THE NATIONAL INTEREST WAIVER IS JUSTIFIED

(Matter of Dhanasar 3-Prong Test – still the controlling framework in 2026)

Prong 1:

Your proposed endeavor has substantial merit and national importance (e.g., advancing AI, clean energy, public health, education, or economic growth).

Prong 2:

You are well positioned to advance the endeavor (education, skills, track record, plan).

Prong 3:

On balance, it is beneficial to the U.S. to waive the job offer and labor certification requirements.

2025 USCIS Policy Update:

Clearer guidance on evaluating “national importance,” proposed endeavors, and self-petition evidence (effective for all petitions filed on or after January 15, 2025).



4. EB-1A vs. EB-2 NIW: Quick Comparison (2026)

Feature

EB-1A
Extraordinary
Ability

EB-2 NIW
National Interest
Waiver

Preference Level	First (EB-1) – usually current visa bulletin	Second (EB-2) – may have backlogs for some countries
Self-Petition Allowed?	Yes (only EB-1A subcategory)	Yes
Job Offer Required?	No	No (waived)
Labor Certification?	No	No (waived)
Main Focus	Past sustained acclaim & top-of-field status	Future proposed endeavor + national benefit
Evidence Bar	Higher (3 of 10 specific criteria)	More flexible (Dhanasar 3-prong)
Typical Approval Rate	Structured but competitive	Generally higher for well-documented cases
Premium Processing	15 business days	45 calendar days
Best For	Nobel-level or widely recognized leaders	Professionals whose work clearly benefits U.S.

Pro Tip: Many clients qualify for both. We often file EB-1A first (faster) and keep NIW as a backup.

A man and a woman are walking on a rooftop with a city skyline in the background. The woman is holding a trophy, and the man is holding a folder. They are both smiling and looking towards the right.

5. Building a Winning Petition: Evidence Strategies That Win

01

Core Evidence for Both Categories

- Detailed petition letter (20–40+ pages) explaining how you meet every requirement
- 6–12 strong letters of recommendation (independent experts, not just colleagues)
- Portfolio of publications, patents, media coverage, awards, citation metrics, etc.
- Expert opinion letters (especially useful for “comparable evidence” or national importance)

02

Organization Tip:

Create a clear exhibit list and tabbed PDF. USCIS officers review hundreds of pages — make it easy for them to say “yes.”

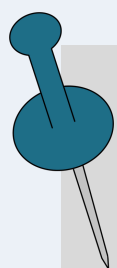


6. Step-by-Step Filing Process



STEP BY STEP

- Gather evidence & draft petition letter
- Complete Form I-140 (Immigrant Petition for Alien Worker) – you are both petitioner and beneficiary
- (Optional but recommended) File Form I-907 for premium processing
- Pay filing fees and mail (or file online where available) to the correct USCIS lockbox
- Receive receipt notice → premium processing clock starts
- Respond to any Request for Evidence (RFE) within the deadline
- Receive approval notice
- File Form I-485 (Adjustment of Status) if in the U.S. and visa number is current, or proceed with consular processing abroad



You may file I-140 and I-485 concurrently in many cases.



7. Timelines, Costs & Premium Processing in 2026



Filing Fees (approximate – always verify on USCIS.gov):

- Form I-140 base fee: ~\$715 + Asylum Program Fee (self-petitioners)
- Premium Processing (Form I-907): \$2,965 (effective March 1, 2026) for EB-1A and EB-2 categories



Processing Times (Premium):

- EB-1A: 15 business days
- EB-2 NIW: 45 calendar days

Standard processing: 8–25+ months depending on service center.

Visa Bulletin:

EB-1 almost always current. EB-2 varies (check monthly at travel.state.gov).





8. Common Pitfalls & How to Avoid RFEs/Denials



Our firm's clients avoid these
by using proven templates and expert review.

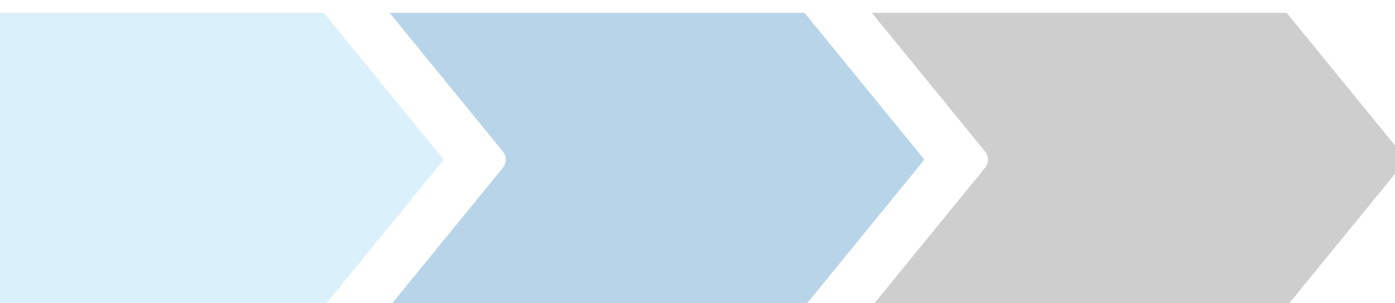
- Weak recommendation letters that sound generic
- Failing the “final merits” holistic review (EB-1A)
 - Vague proposed endeavor (NIW)
- Missing clear connection to “national importance”
 - Poor organization of evidence





9. After I-140 Approval: Next Steps

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- File I-485 Adjustment of Status (if eligible) → get EAD/AP combo card while waiting
 - Or consular processing at a U.S. embassy/consulate
 - Maintain lawful status during the process
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10. Self-Assessment Checklist

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- I have sustained national/international recognition (EB-1A) OR a strong proposed endeavor of national importance (NIW)
 - I can obtain 6–12 strong expert letters
 - My work clearly benefits the United States
 - I am ready to invest in premium processing for speed
 - If you checked 3+ boxes → you likely have a strong case.
-





11. Ready to Move Forward?

This guide is just the beginning. At [Your Immigration Law Firm Name], we have helped hundreds of professionals successfully self-petition through EB-1A and EB-2 NIW.

Claim your free 30-minute strategy call today. We will:

- Review your background
- Recommend the best pathway (or both)
- Give you a realistic success assessment

Schedule here:

1 (309) 446-7385

Text on WhatsApp now 

Don't wait!

Visa numbers and processing times can shift quickly in 2026. Let us help you secure your future in the United States.

 **Let's Connect!**

 www.immigrationassp.com