

An Introduction to “Support Letters” for a National Interest Waiver Permanent Residence Petition

The National Interest Waiver (NIW)

The National Interest Waiver is an employment-based immigrant petition for permanent residence (“green card”) in the United States.

To qualify, the applicant must hold an advanced degree, or equivalent, or have exceptional abilities in the sciences, arts or business. The applicant must show that his/her work will substantially and prospectively benefit the national economy, cultural or educational interests, or business welfare of the United States.

Under the NIW, the normally required testing of the labor market through a Labor Certification is *waived* in the interest of the United States.

The petition must satisfy the following three conditions to grant an NIW:

1. Applicant’s work has substantial merit and national importance for the U.S.
2. Applicant is well-positioned to advance the endeavor
3. On balance, it is beneficial to the U.S. to waive the job offer and labor certification requirement

A successful petition requires extensive evidence of academic and professional records, unique expertise in the field, recognition of excellence by peers, matter of national importance such as national and/or global implications within a particular field, has significant ability to employ U.S. workers, has significant economic impact or has other substantial positive effects interest, and other required documents and forms.

The Role of Support Letters

A critical component of the NIW petition is a collection of letters from a variety of authoritative, senior, well-established, and highly regarded leaders/experts in the field attesting to the applicant’s meeting the qualifying criteria.

The letters are reviewed by an immigration officer who might not have *any* knowledge of the subject matter. Thus, the letters serve to educate the officer in simple but convincing terms.

The Content of Support Letters

These letters are *not* conventional letters of recommendation. Rather, they specifically highlight and explain how the applicant has given and will continue to give highly valuable contributions, achieve remarkable accomplishments and make significant impact to the field/industry. The letters should support that the applicant is well positioned to advance the endeavor, and whose work is beneficial in national scope. The letters should emphasize the applicant’s past and present accomplishments and future contributions.

They should explain with objective examples the applicant’s *unique work and contributions to the specific field*. The letters should support his/her scarce skills, achievements, and explain in simple language the importance and impact of their complex work.

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The letters should put the applicant’s work into the context of the work of others in the field and characterize the applicant as being *distinguished among his/her peers* due to their unique knowledge, skills, experience, applications, innovation, etc. Comparative descriptions are excellent, as USCIS needs demonstration that the applicant can be expected to “. . . serve the national interest to a substantially greater extent than the majority of his/her colleagues.” It is helpful to describe any national or international recognition that the applicant has gained that sets him/her apart from others in the field.

The letters should emphasize that the applicant’s work *will benefit this country* beyond the immediate locale where the applicant works. If applicable, the letter should emphasize that the applicant’s work has been published prominent publications and/or presented at conferences at a national or international level where his/her ideas/practice have become accepted and leading in the field.

The background of the signer

The letters should be conceptualized as “expert opinion letters” from the vantage point of the industry/community to which both the signer and applicant belong in order to support that the applicant is recognized within his/her professional community at large, beyond the immediate circle of collaborators and colleagues.

To that end, letters from disinterested neutral third parties are of enormous value, wherever possible. Certain letters should come from experts who know the applicant because of his/her contributions to the field and not because they have worked or collaborated with the applicant. The connection between the signer and the applicant should be stated.

Including a summary of the signer’s credentials, degrees/licenses, and professional experience is needed to demonstrate being qualified to evaluate and give an opinion about the applicant and his/her work.

The letter might be accompanied with a copy of the signer’s curriculum vitae (CV), web page or other biographical reference.