



MEMORANDUM

U.S. Professional Visa Options for EB1-A and EB2-NIW Candidates

Practical non-legal guidance on immigrant and interim visa pathways for qualified professionals, researchers, entrepreneurs, executives, founders, and specialists

Prepared by: Munashe Naphtali Mupa

Naphtali Consulting & Research LLC

Email: mnmupa@naphtaliconsulting.com | Phone: +1-617-586-5546



Executive Summary

A social-media list of 'high approval rate' visas can be useful as a conversation starter, but it should not be treated as legal strategy or official USCIS data. The correct pathway depends on the applicant's evidence, current immigration status, professional profile, employer/founder structure, country of nationality, timing, and long-term green-card objective. For many strong professionals, the central immigrant strategy remains EB1-A or EB2-NIW, while interim options such as O-1A, H-1B, L-1A, E-2, F-1 OPT/STEM OPT, J-1, or employer-sponsored PERM/EB-3 may preserve work authorization, build evidence, and buy time while the immigrant petition is prepared or pending.

1. Why this memorandum matters

Many professionals wrongly assume that EB2-NIW or EB1-A is the only pathway worth considering. Others rely on social-media claims about approval percentages without understanding the evidentiary requirements behind each classification. In practice, the strongest strategy is usually layered: identify the long-term green-card path, then identify whether an interim visa or work-authorized status can stabilize the applicant while the green-card case is being built or adjudicated.

For prospective EB2-NIW and EB1-A applicants, this memorandum explains the major U.S. options that may be available, what each option is generally designed for, how it can support a broader immigrant strategy, and what risks or limitations must be considered before relying on it.

2. Core principle: choose the visa that fits the evidence, not the headline approval rate

Approval statistics should never be the controlling factor. A visa category may appear to have a high approval rate because only well-prepared or clearly eligible applicants file under it. A weak case filed under a "high approval" category can still fail, while a strong and well-documented case under a demanding category can succeed. The proper question is not "which visa has the highest approval rate?" The better question is: "Which classification best matches my evidence, my timing, my status, and my long-term objective?"

I therefore encourage applicants to approach the process as a strategic evidence audit. A researcher with citations and peer-reviewed work may be better aligned with EB1-A, EB1-B, O-1A, or EB2-NIW. A founder with a real operating company and investment may need E-2, O-1A, L-1A, or EB2-NIW. A manager with qualifying foreign and U.S. company structures may be stronger for L-1A or EB1-C. A graduate in F-1 status may need OPT or STEM OPT while preparing a stronger immigrant petition.

3. Immigrant visa options: long-term green-card pathways

Pathway	Best for	Main benefit	Key evidence	Major caution
EB1-A Extraordinary Ability	Top professionals with sustained national or international acclaim	Self-petition; no employer; no labor certification	Awards, publications, citations, judging, media, critical roles, original contributions, high salary, memberships	High evidentiary burden; must show a small percentage at the top of the field



EB2-NIW National Interest Waiver	Advanced-degree professionals or persons of exceptional ability whose work has national importance	Self-petition; no employer; no PERM labor certification	Proposed endeavor, national importance, well-positioned evidence, benefit of waiving job offer/labor certification	Must tell a coherent Dhanasar story; publications alone are not enough
EB1-B Outstanding Professor/Researcher	Professors/researchers with employer sponsorship and strong research record	Strong route for academic/research professionals; no PERM	Employer offer, at least 3 years teaching/research experience, international recognition	Requires qualifying employer and permanent research/teaching position
EB1-C Multinational Executive/Manager	Executives/managers transferring from foreign company to related U.S. company	No PERM; strong for founders and corporate executives with qualifying structure	One year abroad in prior 3 years, qualifying relationship, U.S. executive/manAGERIAL role	Requires a real qualifying foreign and U.S. entity relationship and operational proof
EB3/PERM or EB2 PERM	Professionals with employer willing to sponsor through labor certification	Traditional employer-sponsored route	Employer recruitment, job offer, wage compliance, education/experience	Longer, employer-dependent, and subject to recruitment and visa bulletin movement

EB1-A and EB2-NIW should remain central for many qualified applicants

EB1-A and EB2-NIW are particularly important because both may allow self-petitioning. EB1-A is for individuals who can show extraordinary ability and sustained acclaim. EB2-NIW is for advanced-degree professionals or persons of exceptional ability whose proposed endeavor has substantial merit and national importance and who are well-positioned to advance it. USCIS confirms that National Interest Waiver applicants may self-petition and do not need employer sponsorship or labor certification.

For applicants who are already in the United States and whose visa category is current, a concurrent filing strategy may allow the I-140 immigrant petition and I-485 green-card adjustment package to move together, subject to eligibility, status, and the applicable Visa Bulletin. This can also support applications for I-765 employment authorization and I-131 advance parole, but applicants must evaluate status, travel, adjustment discretion, and any country-specific restrictions carefully.

4. Interim or parallel nonimmigrant options

Option	Who should consider it	Speed/Use	Benefits	Limits/Risks	How it supports EB1-A/NIW
O-1A Extraordinary Ability	High-achieving professionals in sciences, education, business, athletics	Often useful when a U.S. petitioner/agent is available	Temporary work status; no annual lottery; aligns with EB1-A evidence	Requires petitioner/agent; high standard; not a green card by itself	Builds recognition record; can bridge to EB1-A or NIW
H-1B Specialty Occupation	Professionals with U.S. employer and specialty occupation role	Lottery/cap unless cap-exempt employer	Dual intent; common professional work visa	Lottery uncertainty; employer-specific; wage/LCA compliance	Preserves work authorization while I-140 is prepared or pending
L-1A Executive/Manager	Managers/executives moving from foreign company to related U.S. entity	Useful for multinational business structures	Can lead naturally to EB1-C; no annual lottery	Requires qualifying foreign/U.S. relationship and 1 year abroad employment	Excellent for founders/executives with real operations
E-2 Treaty Investor	Treaty-country nationals investing in and directing a U.S. business	Can be practical for founders/investors	Allows business operation and renewable stay	Nationality treaty required; nonimmigrant intent issues; not direct green card	Builds U.S. enterprise, economic-impact evidence for NIW/O-1A
F-1 OPT/STEM OPT	Recent graduates in valid F-1 status	Bridge after degree completion	Work authorization connected to field of study; STEM extension may add time	Strict compliance; delays possible; employer/I-983 rules for STEM OPT	Builds U.S. experience and evidence while preparing EB2-NIW/EB1-A
J-1 Exchange Visitor	Researchers, trainees, scholars, physicians, exchange visitors	Useful for academic/training exchange	Access to U.S. institutions and research networks	May trigger 212(e) home-residency requirement	Can build research, publications, and institutional support
B-1/B-2 or ESTA	Business meetings/tourism only	Short-term, not employment	Limited exploratory visits, conferences, meetings	No productive employment; immigrant intent concerns	May support networking only, not work or case substitution

5. Practical pathway recommendations by applicant profile

- Researchers, lecturers, scientists, data professionals, and published scholars:** Consider EB2-NIW, EB1-A, EB1-B, O-1A, H-1B, F-1 OPT/STEM OPT, or J-1 depending on employer structure, publications, citations, judging, peer-review activity, conference work, and institutional support.



- **Executives, founders, managers, and business owners:** Consider EB2-NIW, EB1-A, EB1-C, L-1A, O-1A, E-2, or employer-sponsored EB2/EB3 depending on ownership structure, managerial authority, revenue, employees, investment, job creation, and national-impact narrative.
- **F-1 students and recent graduates:** Evaluate OPT/STEM OPT first for lawful work authorization and evidence-building, while preparing EB2-NIW or EB1-A if the profile is strong enough. Do not wait until the last month of status to begin organizing evidence.
- **H-1B workers:** H-1B can be a strong bridge because it is generally compatible with immigrant intent. EB2-NIW or EB1-A may reduce dependence on a single employer, while PERM/EB2/EB3 may remain useful if the employer is committed.
- **Entrepreneurs and investors:** E-2 may be valuable if treaty nationality and investment requirements are met, while O-1A may fit founders with awards, media, investor recognition, innovation, or major commercial impact. EB2-NIW can be built around job creation, national importance, industry modernization, or public-interest economic impact.
- **Professionals from countries facing processing delays, travel restrictions, or adjudication uncertainty:** Move early. Build a primary immigrant strategy and a backup status strategy. Delays, holds, visa bulletin changes, and litigation outcomes can change quickly; timing matters.

6. Key considerations before selecting a pathway

Status and timing: An applicant in lawful status may have more options than an applicant approaching expiration. Timing affects whether adjustment, change of status, consular processing, or extension is realistic.

Evidence maturity: EB1-A and O-1A generally require stronger recognition evidence. EB2-NIW requires a strong proposed endeavor and proof that the applicant is well-positioned, not merely educated.

Employer dependence: H-1B, L-1A, EB1-B, and PERM routes usually depend on an employer or qualifying company structure. EB1-A and EB2-NIW may allow more independence.

Country and treaty issues: E-2 is nationality-dependent. Visa bulletin backlogs differ by chargeability country. Some countries may face additional travel or consular limitations.

Dual intent and immigration intent: H-1B and L-1 classifications are generally more forgiving for immigrant intent than F-1, J-1, B-1/B-2, or E-2. This matters when a person is planning a green-card strategy.

Family needs: Spouse work authorization, children nearing age 21, travel needs, and school continuity can affect the best route.

Costs and filing sequence: Some routes require employer costs, investment, legal fees, premium processing, or government fees. A cheaper strategy that fails is more expensive than a well-planned strategy filed once.

Risk management: A person should avoid relying on one path only. The best cases often have a primary plan, a backup plan, and a lawful-status preservation plan.

7. Non-legal strategic guidance for prospective EB2-NIW and EB1-A applicants

My practical recommendation is that potential applicants should not wait passively for immigration policy to become easier. The United States continues to offer multiple pathways for professionals, but those pathways reward preparation, documentation, timing, and strategy. A strong applicant should begin by identifying whether the long-term case is EB1-A, EB2-NIW, EB1-C, EB1-B, PERM, or another route, and then determine which interim visa or work-authorized status can protect the applicant while the long-term case is developed.

For those already preparing EB2-NIW or EB1-A, the key task is to build a petition that is evidence-driven, not merely title-driven. The petition should connect achievements, publications, citations, leadership, media, awards, professional memberships, critical roles, business impact, expert letters, and national-interest value into one coherent story. Where appropriate, an interim O-1A, H-1B, L-1A, E-2, F-1 OPT/STEM OPT, or J-1 strategy may be evaluated to preserve time and strengthen the record.

The faster route is not always the safer route, and the visa with the loudest approval statistic is not always the best fit. The proper route is the one that matches the applicant's facts, evidence, work authorization needs, and long-term immigration objective.

8. Recommended next steps

1. Complete a full eligibility review for EB2-NIW, EB1-A, and any realistic interim visa options.
2. Prepare an evidence inventory covering education, employment, publications, citations, awards, media, professional memberships, judging/review work, business impact, and recommendation-letter sources.



3. Determine whether the applicant needs immediate work authorization, employer sponsorship, investor/founder structuring, or a nonimmigrant bridge strategy.
4. Assess whether concurrent filing is available based on the Visa Bulletin and the applicant's current status.
5. Develop a primary plan and backup plan before filing, especially where the applicant has limited status time remaining.
6. Consult a licensed U.S. immigration attorney for legal advice before final filing decisions.

9. Disclaimer

Important Non-Legal Services Disclaimer

This memorandum is prepared for general informational, research, strategic planning, and document-organization purposes only. It does not constitute legal advice, legal representation, or an attorney-client relationship. Naphtali Consulting & Research LLC does not provide legal services and does not substitute for the advice of a licensed U.S. immigration attorney. Applicants should consult qualified immigration counsel regarding eligibility, risks, filing strategy, status consequences, consular processing, adjustment of status, visa bulletin issues, and any case-specific legal questions.

Sources Consulted

- **USCIS - Employment-Based Immigration: First Preference EB-1:** <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-first-preference-eb-1>
- **USCIS - Employment-Based Immigration: Second Preference EB-2:** <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-second-preference-eb-2>
- **USCIS Policy Manual - EB-2 Advanced Degree or Exceptional Ability / NIW:** <https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5>
- **USCIS - O-1 Visa: Individuals with Extraordinary Ability or Achievement:** <https://www.uscis.gov/working-in-the-united-states/temporary-workers/o-1-visa-individuals-with-extraordinary-ability-or-achievement>
- **USCIS - H-1B Specialty Occupations:** <https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations>
- **USCIS - L-1A Intracompany Transferee Executive or Manager:** <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1a-intracompany-transferee-executive-or-manager>
- **USCIS - E-2 Treaty Investors:** <https://www.uscis.gov/working-in-the-united-states/temporary-workers/e-2-treaty-investors>
- **USCIS - Optional Practical Training for F-1 Students:** <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-opt-for-f-1-students>
- **USCIS - STEM OPT Extension:** <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-extension-for-stem-students-stem-opt>