

National Interest Exception Memorandum

A strategic guide to using NIE requests for pending cases placed on adjudication hold or otherwise affected by proclamation-based or vetting-based restrictions.

Memorandum for petitioners, employers, founders, universities, and advisors seeking to use a National Interest Exception strategically where a case is pending but paused under a proclamation-based or vetting-based adjudication hold.

TO	Potential EB1-A and EB2-NIW Petitioners	Prepared by Munashe Naphtali Mupa Naphtali Consulting & Research April 22, 2026
FROM	Munashe Naphtali Mupa	
DATE	April 22, 2026	
SUBJECT	National Interest Exception Requests for Cases on Adjudication Hold	

Source note

This memorandum synthesizes publicly available White House, Department of State, and USCIS materials on proclamation-based restrictions, adjudicative holds,

Key strategic observations

- An NIE request works best when it starts with the correct legal authority, the correct case posture, and a clearly identified exception lane.
- The strongest requests translate personal facts into a concrete U.S. interest and then prove why timing matters right now.
- Objective exhibits - contracts, project timelines, institutional letters, patient or program deadlines, and third-party corroboration - usually outperform generalized advocacy.
- Narrow, administrable relief requests are generally easier to approve than sweeping policy arguments untethered to the specific file.

and case-by-case exception practice as of April 22, 2026.



Prepared by

Munashe Naphtali Mupa

Naphtali Consulting & Research

1. Start with the right distinction: NIW is not NIE

Practitioners and petitioners often collapse several different ideas into one phrase. A National Interest Waiver (NIW) is an EB-2 immigrant-visa theory under Matter of Dhanasar. A National Interest Exception (NIE), by contrast, is a discretionary exception argument used in settings where a proclamation, suspension, or adjudicative hold allows a case-by-case national-interest carveout. An expedite request is something else again: it asks the agency to move faster, not to excuse a substantive bar or hold.

When a case is placed on adjudication hold, the first analytical task is therefore not advocacy but diagnosis. Counsel must identify exactly what is holding the case: a visa-issuance restriction, a USCIS benefits hold, a public-benefits-related pause, security vetting, post-specific processing limits, or some combination of these. A well-written NIE request that is sent against the wrong legal or procedural backdrop usually fails before its merits are ever considered.

Strategic reading rule

A strong NIE request is not an expanded hardship letter. It is a focused U.S.-interest memorandum that tells the government exactly what American interest is being protected, why timing matters, and why this particular case should move despite the hold.

2. Where an NIE can matter in a pending or held case

In the current environment, NIE strategy matters most where a case remains legally viable but cannot move to approval, visa issuance, or entry without an exception. Public materials issued after Presidential Proclamation 10998 reflect that affected applicants may still file applications and attend interviews, but may remain ineligible for visa issuance or admission unless an applicable exception exists. Public White House materials likewise indicate that the proclamation preserves case-by-case room for individuals whose entry serves U.S. national interests.

USCIS-side holds create a separate, though related, problem. Public USCIS materials issued in late 2025 and early 2026 describe adjudicative holds for certain pending benefit requests, identify exemptions, and reference factors for handling exception cases tied to national interest, public safety, and national security. That means NIE-style reasoning can be relevant even where the file is not physically sitting at a consular post.

The strategy must also account for movement in the policy landscape. USCIS publicly reported on March 30, 2026 that some holds had already been lifted for certain classes of cases, which means practitioners should never assume that a file is permanently frozen or that the same exception approach applies to every category. A winning request is current, posture-specific, and grounded in the file's precise procedural location.

In short, the NIE question is not simply, 'Is this applicant important?' The real question is, 'Under this exact hold, at this exact stage, can the government lawfully and comfortably conclude that moving this case serves a concrete U.S. interest strong enough to justify exception treatment?'

3. What agencies are actually asking when they review an NIE request

What a winning NIE must prove

A persuasive request should do four things quickly: identify the legal exception lane, show a real U.S. stake, prove urgency with dates and documents, and demonstrate why the beneficiary is specifically tied to the benefit rather than merely helpful in a general way.

The first issue is whether the claimed benefit runs to the United States rather than merely to the applicant. Personal hardship, career disruption, tuition loss, emotional strain, family separation, and business inconvenience can supply background context, but they rarely carry an NIE by themselves. The request must translate the facts into U.S.-facing consequences: loss of critical services, disruption to an identified project, delayed public benefit, measurable economic harm, research interruption, healthcare access consequences, energy or infrastructure delay, or another specifically American stake.

The second issue is urgency. Many otherwise respectable cases fail because they describe value but not timing. Agencies are more likely to respond to a case where the benefit is not only real but time-

sensitive: a project start date, grant cycle, patient-care need, semester timeline, federal reporting deadline, contract milestone, compliance deadline, or other event that makes delay itself injurious.

The third issue is fit. The request must fit the language of the exception actually available. If the operative authority speaks in terms of national interest, then the submission should be framed in national-interest language. If the hold materials emphasize public safety, national security, or case-specific exemptions, the request should speak to those themes directly instead of recycling a generic cover letter written for another filing context.

The fourth issue is adjudicator comfort. Even when the equities are favorable, officers are more receptive where the file shows low procedural risk: a complete record, credible identity documents, stable status history where relevant, no obvious inadmissibility problem left unexplained, and a narrow request that asks only for what is necessary to move the case.

The fifth issue is proof discipline. Agencies expect claims that can be verified quickly. Bare assertions by the beneficiary are weaker than third-party letters, contracts, employer attestations, grant materials, patient or program data, regulatory timelines, institutional letters, and objective project documents. In NIE work, documentary credibility matters as much as rhetorical quality.

Positive framing for held cases

An adjudication hold is not automatically the end of the road. Where the governing policy preserves a case-by-case exception path, a disciplined NIE package can reposition the matter from passive delay to active, document-supported review.

4. The architecture of a strong NIE request

A strong NIE submission should be built like a targeted litigation packet, not like a motivational essay. The goal is to make the reviewing officer's job easy: identify the authority, define the exception requested, present the U.S. interest, prove urgency, document credibility, and state the exact action sought.

- Identify the governing authority first. Name the proclamation, policy memorandum, hold notice, or public guidance that is creating the problem, and identify the specific exception or discretionary lane the request is invoking. If the file may be affected by more than one layer of review, say so clearly.
- Diagnose the case posture with precision. State whether the matter is a pending immigrant-visa case, a consular case post-interview, a USCIS-filed petition or application awaiting final adjudication, a re-review case, or a matter effectively frozen because of screening or vetting hold procedures. A request written to the wrong posture sounds careless.
- Articulate the U.S. interest in one sentence. Before adding detail, produce a single plain-English sentence explaining why moving this case benefits the United States. This sentence should be strong enough to appear in the opening paragraph, the subject line, and the conclusion.
- Prove urgency with dates and milestones. The request should explain not just that the applicant is useful, but why action is needed now. Use dates, milestones, implementation windows, contract phases, academic calendars, treatment schedules, startup launches, public deadlines, or other verifiable timing anchors.
- Tie the beneficiary uniquely to the benefit. If another person could easily do the same work, the request weakens. Explain the beneficiary's role, specialized knowledge, continuity, prior work on the project, licensing, language ability, institutional familiarity, or other features showing that the U.S. benefit is materially linked to this person rather than to a hypothetical replacement.
- Show immediate readiness. The packet should demonstrate that, if the exception is granted, the case can move without avoidable delay. Include evidence that the job, project, admission, placement, funding line, research appointment, or program slot is real and presently available.
- Address government-facing concerns affirmatively. If the surrounding policy landscape is driven by security, public safety, or public-charge concerns, the request should not ignore those themes. Where supported by the facts, show compliance history, financial self-sufficiency, institutional sponsorship, stable housing or support structure, insurance coverage if relevant, and the absence of unresolved risk indicators.
- Keep the requested relief narrow and administrable. Ask for a case-specific exception to permit adjudication, visa issuance, or movement out of hold status, rather than making sweeping policy arguments. A narrow ask feels safer to approve.
- Submit a clean documentary packet. Organize exhibits so the officer can confirm the core proposition quickly: authority, project, urgency, beneficiary role, institutional support, and documentary proof. An NIE request is often read under time pressure; structure is persuasive.
- End with an exact ask. The closing paragraph should specify the action requested: for example, case-by-case national-interest exception treatment, release of the pending matter from adjudicative hold, continuation of adjudication, or authorization to issue the visa if all other requirements are satisfied.

5. NIE readiness matrix

The matrix below is not an official government rubric. It is a practical pre-filing tool for deciding whether an NIE request is merely arguable or genuinely persuasive.

6. What evidence belongs in the packet

Dimension	What to examine	Typical rating	Why it matters
Correct legal vehicle	Whether the request identifies the right proclamation, hold, or policy and invokes the right exception lane	Strong / Moderate / Weak	A legally mismatched request often fails even if the facts are sympathetic.
U.S. interest clarity	Whether the American benefit is concrete, specific, and national-interest-facing	Strong / Moderate / Weak	The officer must be able to see a U.S. benefit beyond personal hardship.
Urgency and timing	Deadlines, milestones, patient or project windows, semester dates, contract phases	Strong / Moderate / Weak	National interest is easier to act on when delay itself causes measurable harm.
Beneficiary uniqueness	Proof that this person is materially tied to the benefit through expertise, continuity, licensing, or prior work	Strong / Moderate / Weak	If the role looks easily replaceable, exception treatment becomes harder to justify.
Evidence discipline	Quality of letters, contracts, schedules, institutional proof, metrics, and third-party corroboration	Strong / Moderate / Weak	Objective proof lowers adjudicative friction and increases reviewer confidence.
Risk and compliance profile	Whether the file addresses security, public-safety, financial-support, or procedural concerns where relevant	Strong / Moderate / Weak	A reviewer is more comfortable granting narrow relief where the record feels orderly and low-risk.
Routing and requested relief	Whether the packet states exactly where the case sits and exactly what action is sought	Strong / Moderate / Weak	Even a strong merits story can be lost if the submission is procedurally vague.

The best evidence package usually begins with a short cover letter and then moves immediately to objective project proof. For employment-linked cases, that means offer letters, updated employer support letters, project descriptions, statements of deliverables, implementation calendars, contracts, grant materials,

or institutional memoranda showing why the work matters now and why the beneficiary matters to the work.

For founder, consultant, entrepreneur, or self-petitioner cases, the packet should show more than ambition. Include signed client letters, statements of work, invoices or pipeline evidence, project schedules, pilot commitments, deployment plans, incorporation records where relevant, and documentation showing that the proposed activity is not speculative. A future-oriented business plan can help, but it is strongest when paired with present-tense evidence of execution.

For research, university, and healthcare cases, the record should connect the person to a specific U.S. need. Useful exhibits include principal-investigator letters, department letters, research protocols, IRB timelines where relevant, grant deadlines, patient-care schedules, faculty or program leadership letters, laboratory continuity statements, and evidence of why interruption harms a U.S. institutional objective.

Where the argument leans on economic value, quantify it. Jobs supported, revenue preserved, penalties avoided, patients served, classes taught, sites deployed, or research outputs delayed are all more persuasive than adjectives. National interest is often easier to see when the request converts abstract importance into measurable U.S. consequences.

Third-party corroboration is critical. A single employer letter is helpful, but independent letters from partners, clients, grant administrators, hospitals, universities, agencies, community institutions, or other stakeholders often strengthen the request because they show that the claimed U.S. interest is externally recognized rather than self-declared.

Finally, include a concise legal and procedural index. The packet should allow the reviewer to move from proposition to proof in one or two steps. Disorganized evidence can make even a good case feel weak because the officer cannot verify it efficiently.

Illustrative adjudication-hold readout

A case usually scores well for NIE purposes when the hold has been correctly diagnosed, the U.S. interest can be stated in one sentence, the timing pressure is supported by documents, the beneficiary's role is not generic, and the packet asks for narrow case-specific relief. It usually scores poorly when it relies mainly on personal hardship, vague future plans, or broad claims of importance without operational proof.

7. Writing strategies that materially improve acceptability

- **Choose one government-facing theme and stay with it. The strongest requests usually center on one dominant frame: public health, energy reliability,**

education continuity, national-security-adjacent support, public safety, critical research, economic continuity, or another identifiable U.S. stake. Multiple themes can be used, but one should lead.

- Write in an objective, officer-friendly tone. An NIE request should sound measured, documentary, and administrable. Emotional appeals can appear in background sections, but the core argument should read like a decision memorandum the officer could comfortably approve.
- Quantify U.S. consequences wherever possible. Replace 'important project' with the number of sites, people, deadlines, dollars, patients, students, systems, or deliverables affected. Specificity lowers adjudicative friction.
- Connect the request to imminent dates, not just general future value. If the best evidence concerns a grant deadline next month, a semester beginning in August, a patient launch window, or a regulatory milestone, say so clearly and early.
- Avoid overclaiming. Not every worthy professional serves the national interest in the exception sense. It is better to argue one serious and provable U.S. need than five inflated ones. Credibility is a major part of acceptability.
- Separate primary proof from supporting proof. Put the strongest documents first: institutional letter, project proof, timing proof, beneficiary-role proof. Recommendation letters, articles, resumes, and general background materials should support the core record rather than bury it.
- Anticipate objections in the letter itself. If replacement labor might be mentioned, explain continuity and transition costs. If the case involves a self-petitioner, explain existing clients or commitments. If the field is broad, narrow the claimed contribution to one immediate U.S. function.
- Distinguish the NIE ask from an expedite ask or from the merits of an NIW or EB-1 filing. The submission should make clear that the government need not decide the entire long-term immigration story in order to conclude that this specific case, at this specific moment, warrants exception treatment.

8. Common reasons NIE requests fail

The most common failure is that the letter proves only that delay hurts the applicant. That may support sympathy, but it does not necessarily prove national interest. Requests also fail where the asserted U.S. benefit is generic, where the project is speculative, where the timing is vague, or where the packet does

not explain why this particular person is needed rather than someone else.

A second common failure is poor procedural targeting. Some requests never identify the operative hold, never specify the relief sought, or are routed in a way that obscures the adjudicative posture. Others attach large volumes of undifferentiated exhibits without a disciplined narrative. An officer who cannot quickly see the exception theory is unlikely to build it for the filer.

A third failure point is legal mismatch. Practitioners sometimes paste NIW-style language about broad national importance into an NIE request without converting it into the narrower, more immediate question of why a case-specific exception should be exercised now. Related concepts can overlap, but they are not interchangeable.

9. Bottom line

A good NIE request for a pending case on adjudication hold is built on precision. It identifies the hold, invokes the correct exception lane, defines the U.S. interest in concrete terms, proves urgency with dates, documents the beneficiary's specific role, and asks for narrow relief that a reviewing officer can administer confidently.

In practice, acceptance becomes more likely when the packet reads less like advocacy for the person and more like a disciplined explanation of why the United States is better served by allowing this particular file to move now. That is the mindset that should govern construction, evidence development, and final drafting.

Appendix: selected official reference points used in this memorandum

- White House, Presidential Proclamation 10998 (Dec. 16, 2025), and the White House fact sheet describing case-by-case national-interest exceptions.
- U.S. Department of State guidance updated Feb. 2, 2026 stating that affected applicants may still apply and interview, but may remain ineligible for issuance or admission absent an exception.
- USCIS public materials from Jan. 1, 2026 and Mar. 30, 2026 describing adjudicative holds, exemptions, exception factors, and later lifting of some holds; see also the USCIS Policy Manual chapter on expedite requests.