OFFICIAL DATA

EB-1A and NIW: more filings, *more denials.*

Ten years of USCIS data, analyzed by the American Immigration Council, show more people filing for EB-1A and EB-2 NIW green cards, longer queues, and a much larger share of petitions denied in 2025.

64.3%
of EB-2 NIW petitions denied in FY2025 Q4, up from 6.6% in FY2022 Q1

46.6%
of EB-1A petitions denied in FY2025 Q4, up from 25.3% in FY2025 Q1

74,392
EB-2 NIW petitions waiting for a decision, up from 20,584

~3x
new NIW filings per quarter: 4,883 in FY2022 Q1, 13,983 in FY2025 Q4

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EB-1A and EB-2 NIW in numbers: filings, backlogs and denials

KEY FINDINGS

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Short answer: More people are filing for extraordinary-ability and national-interest green cards, and USCIS is denying many more of them. New EB-2 NIW filings went from 4,883 in the first quarter of FY2022 to 13,983 in the last quarter of FY2025, and the NIW denial rate went from 6.6% to 64.3%.[1] The rules haven't changed, but the evidence now has to hold up under much closer review.

Filings: NIW nearly tripled

New EB-2 National Interest Waiver (NIW) filings rose from 4,883 in FY2022 Q1 to 13,983 in FY2025 Q4, almost three times as many in one quarter.[1] Across all I-140 petitions, the form used for employment-based green cards, quarterly filings more than doubled over the decade, from 32,739 to 66,692.[1]

EB-1A (extraordinary ability) and NIW are the two categories where you can file for yourself, without an employer or a job offer. That makes them popular with founders, researchers and other professionals.

New EB-2 NIW filings in one quarter

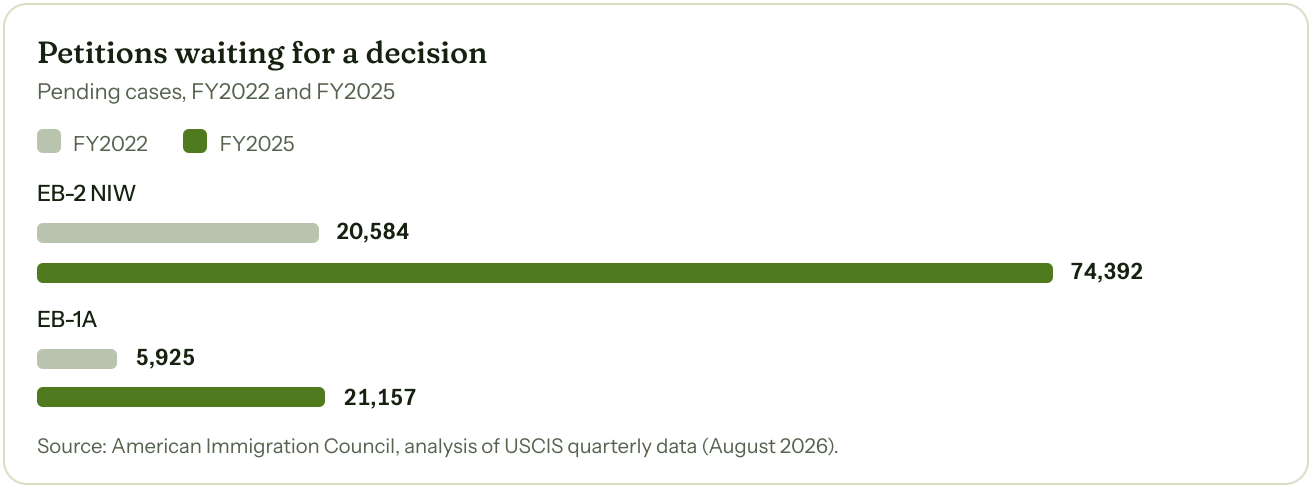
Petitions filed



Source: American Immigration Council, analysis of USCIS quarterly data (August 2026).

The queue: pending cases more than tripled

Petitions waiting for a decision grew even faster than filings. Pending NIW cases rose from 20,584 to 74,392 between FY2022 and FY2025, and pending EB-1A cases from 5,925 to 21,157.[1]

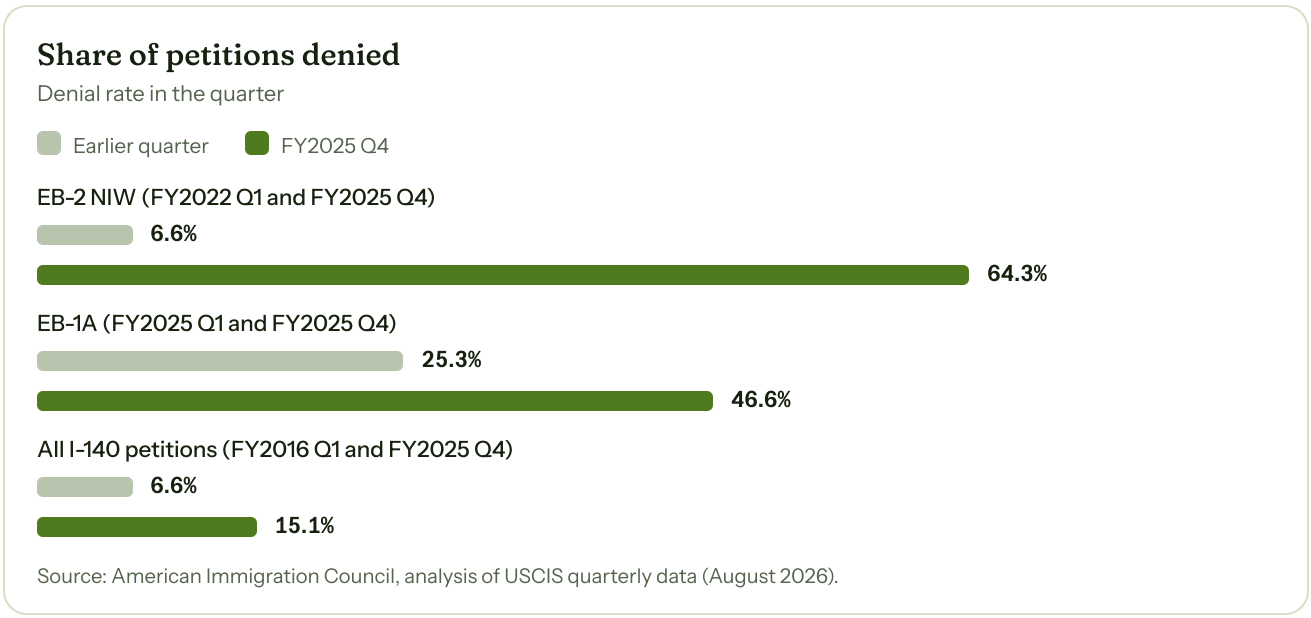


Denials: the big change of 2025

The NIW denial rate rose from 6.6% in FY2022 Q1 to 64.3% in FY2025 Q4: by the end of FY2025, USCIS was denying nearly two out of three NIW petitions.[1]

EB-1A denials changed within a single year. The rate was 26.1% in FY2022 Q1 and 25.3% in FY2025 Q1, then climbed to 46.6% in FY2025 Q4.[1] For all I-140 petitions together, the denial rate went from 6.6% in FY2016 Q1 to 15.1% in FY2025 Q4.[1]

Quarters here are federal fiscal-year quarters: FY2025 Q1 is October to December 2024, and FY2025 Q4 is July to September 2025.



What USCIS looks for (the rules are the same)

For EB-1A, you show either a one-time achievement, such as a major internationally recognized award, or evidence for at least three of ten criteria. USCIS then reviews everything together and decides whether you have sustained national or international acclaim and are among the small percentage at the very top of your field.[2] One of the ten criteria is published material about you and your work in professional or major trade publications or other major media.[2]

For NIW, USCIS looks at whether your proposed work has substantial merit and national importance, whether you are well positioned to advance it, and whether, on balance, it would benefit the United States to waive the job offer and labor certification.[3]

More on each: the ten EB-1A criteria, explained and PR for EB-2 NIW applicants.

What it means for your evidence

- **Quality over quantity.** With more petitions denied, each piece of evidence needs to show what it claims, clearly. A long list of weak items doesn't add up to a strong one.
- **Coverage about you, in respected outlets.** For the EB-1A press criterion, USCIS looks for material about you and your work, with its title, date and author, in professional, trade or major media.
- **Plan with your attorney, early.** Your attorney decides which criteria to claim and what evidence supports each one. Press takes time to plan and publish, so start well before your filing date.
- **No one can promise an outcome.** Not an attorney and not a PR firm. Be careful with anyone who does.

How we did this

The filing, backlog and denial figures come from the American Immigration Council's August 2026 report, which analyzes quarterly USCIS data on I-140 petitions from FY2016 to FY2025 (October 2015 to September 2025). We quote the figures as the report gives them, with the quarters it gives. A denial rate is for decisions in that quarter. The criteria come from the USCIS Policy Manual. This report explains the numbers; it isn't legal advice.

Questions

What is the EB-2 NIW denial rate?

In FY2025 Q4 (July to September 2025), the NIW denial rate was 64.3%, up from 6.6% in FY2022 Q1, according to the American Immigration Council's analysis of USCIS data.

Has EB-1A become harder to get?

More petitions are denied: the EB-1A denial rate rose from 25.3% in FY2025 Q1 to 46.6% in FY2025 Q4. The criteria themselves haven't changed: a one-time achievement, or three of ten criteria followed by a final review of all the evidence.

Can press coverage help an EB-1A or NIW petition?

For EB-1A, published material about you and your work is one of the ten criteria. For NIW, articles about your work can support the evidence your attorney presents. Your attorney decides what to claim, and no one can promise an outcome.

Sources

1. From Petition to Permanent Residence: A Decade of USCIS Filing, Processing, and Backlog Trends, American Immigration Council.
   https://www.americanimmigrationcouncil.org/report/uscis-employment-based-immigration/
2. Policy Manual, Volume 6, Part F, Chapter 2: Extraordinary Ability, U.S. Citizenship and Immigration Services.
   https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-2
3. Policy Manual, Volume 6, Part F, Chapter 5: Advanced Degree or Exceptional Ability, U.S. Citizenship and Immigration Services.
   https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5

How to cite this report

Edamame PR & Strategy, “EB-1A and EB-2 NIW in numbers: filings, backlogs and denials.” edamamepr.com/research/eb-1a-and-niw-in-numbers/

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