U.S. Citizenship and Immigration Services

**Non-Precedent Decision of the Administrative Appeals Office**

In Re: 41848002

Date: APR. 1, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, an entrepreneur in various mineral-related industries, seeks classification as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act. U.S. Citizenship and Immigration Services (USCIS) may grant this discretionary waiver of the required job offer, and thus of a labor certification, when it is in the national interest to do so.

SCOPS denied the petition, concluding that the record did not establish that the Petitioner qualifies for the national interest waiver. The matter is now before us on appeal under 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

## I. LAW

To qualify for a national interest waiver, a petitioner must first show eligibility for the underlying EB-2 visa classification, as either an advanced degree professional or an alien of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(B)(i) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then establish eligibility for a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that USCIS may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The alien is well positioned to advance their proposed endeavor; and

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.

## II. ANALYSIS

The Petitioner earned a bachelor's degree in law and a master's degree in oil and gas management in Kazakhstan. The Petitioner held leadership positions at various energy and mineral companies in Kazakhstan, most recently as owner of [redacted] since 2018. In 2021, the Petitioner established [redacted], a U.S. company that produces dietary supplements. At the time he filed the petition in January 2024, the Petitioner resided in Turkey.

The record demonstrates that the Petitioner qualifies as a member of the professions holding an advanced degree. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest. SCOPS determined that the Petitioner had not established the substantial merit of the proposed endeavor, but had not satisfied the other requirements of the *Dhanasar* national interest test.

The Petitioner stated:

> My proposed endeavor is to develop and implement innovative biotechnology solutions such as advanced fertilizers, pollution-absorbing filters, and environmentally friendly supplements to support the sustainable progress of the United States' agricultural and energy sectors. . . .
>
> My work will continue to support advancements in my field by collaborating with medium-sized agricultural companies in U.S. regions facing water scarcity, promoting eco-friendly soil treatments that require less water. I will also work with state governments and private enterprises to address oil spills and air quality challenges, ensuring compliance with U.S. ecological policies. I intend to disseminate my knowledge through participation in conferences, professional events, and industry consultancies, thereby sharing best practices and contributing to a more sustainable future.

The first *Dhanasar* prong, substantial merit and national importance, focuses on the specific endeavor that the alien proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Matter of Dhanasar*, 26 I&N Dec. at 889.

In determining national importance, the relevant question is not the importance of the industry or profession in which the alien will work; instead we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890.

The Petitioner's proposed endeavor focuses on various uses of zeolites, which are aluminosilicate minerals with properties useful for adsorbing or dispersing other chemicals. The Petitioner stated that his "endeavor has substantial merit because it will improve soil health and reduce the dependency on nitrogen, phosphorus, and potassium fertilizers through Zeolite-based fertilizers." The Petitioner stated "the use of innovative fertilizers . . . will reduce environmental hazards." The Petitioner also stated that he "will engage with nuclear agencies, environmental protection entities, and waste management facilities to incorporate Zeolite-based technologies for waste treatment, oil spills, and air filtration." The Petitioner also intends to produce "food supplements that will capitalize on Zeolite's silica benefits to detoxify the body and facilitate overall health improvement."

SCOPS concluded that the Petitioner had established the intrinsic merit of his proposed endeavor, and we will not disturb that conclusion.

But SCOPS also concluded that the Petitioner had not established the national importance of his proposed endeavor. We agree.

On appeal, the Petitioner cites previously submitted materials and contends that SCOPS did not sufficiently consider those materials. We will discuss some of these materials below. This discussion need not encompass every document that the Petitioner submitted in support of the petition. USCIS is not required to name every piece of evidence that was before it or that it considered. *L.N. v. Garland*, 109 F.4th 389, 396 (5th Cir. 2024); *Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Smith v. Garland*, 103 F.4th 1244, 1253 (7th Cir. 2024); *Kakar v. USCIS*, 29 F.4th 129, 132 (2d Cir. 2022); *Baker White v. Wilkinson*, 990 F.3d 600, 607 (8th Cir. 2021) (citing *Sharif v. Barr*, 965 F.3d 612, 624 (8th Cir. 2020); *Doe v. Holder*, 651 F.3d 824, 831 (8th Cir. 2011)). Rather, USCIS is allowed to conclude that evidence is not sufficiently material to warrant a discussion in its decision. *Id.*

The Petitioner asserted that his "proposed endeavor has national importance because. . . it will foster the sustainable progress of U.S. agricultural and energy sectors," "promote proper radioactive waste management, water and air filtration, and oil spills," and "improve eco-friendly fertilizers and dietary supplements."

The Petitioner submitted background information about environmental issues and initiatives, but these materials did not directly address the potential impact of the specific proposed endeavor. For example, the Petitioner established that zeolites have been studied for various uses, but the Petitioner did not show to what extent his proposed endeavor would increase their use. A scholarly review article in the record includes this passage: "Various efficient techniques . . . are often used to remove [wastewater] contaminants. Among them, the use of zeolites as adsorbents is most popular."

The Petitioner asserts that he "will introduce . . . the use of Zeolite based fertilizers," but the article quoted above also states: "Zeolites have been used in a wide range of field crops production." If zeolite fertilizers are already used in the United States, then the impact of the Petitioner entering that market is not evident. The Petitioner submitted only a fragment of the review article, and therefore the record does not show what else the article might say about the extent of existing agricultural use of zeolites.

The Petitioner also submitted a "Presentation Plan" and a catalog for his company's line of nutritional supplements. These documents are essentially promotional in nature and therefore have little weight as evidence of the significance his company's products. *Cf. Braga v. Poulos,* No. CV 06-5105 SJO, 2007 WL 9229758, at *7 (C.D. Cal. July 6, 2007) *aff'd* 317 F. App'x. 680 (9th Cir. 2009) (concluding that the AAO did not have to rely on a magazine publisher's self-serving assertions as evidence of the magazine's status as major media).

The presentation plan does not indicate that the Petitioner's company has already developed a zeolite-based fertilizer. Rather, the plan indicates that the company's current focus is on nutritional supplements, with "[f]uture" plans in agriculture. The state of the fertilizer's development is a critical issue, because if the Petitioner had not yet developed that fertilizer at the time of filing, then the Petitioner could not offer concrete data to show how much of an improvement that fertilizer represents over already-existing products. Documents in the initial submission include very general references to the Petitioner's contributions to sustainable agriculture, but these materials do not indicate that the Petitioner's company had developed a zeolite-based fertilizer and established its effectiveness and viability.

The Petitioner has submitted letters from individuals in various fields, discussing the Petitioner's past work in general terms. For example, the president of "a privately-owned company operating globally in the consulting, energy and infrastructure sectors" stated:

> [The Petitioner] spearheaded the development of a revolutionary sorbent technology utilizing minerals like Zeolite. This innovative solution has not only transformed the approach to addressing critical situations such as oil spills and environmental pollution but has also set a new standard for safety and sustainability in the industry. . . .
>
> . . . Through his efforts, there has been a substantial increase in the utilization of Zeolite solutions, showcasing his commitment to meeting Environmental, Social, and Governance (ESG) standards effectively. The introduction of Zeolite into the operational framework not only serves as an efficient method for absorbing harmful residuals but also acts as a catalyst for enhancing well production.

This individual did not provide specific details or cite first-hand sources for the general assertions quoted above.

SCOPS issued a request for evidence (RFE), stating that the Petitioner had not submitted objective evidence to establish that his proposed endeavor "offers original innovations" that would have an impact beyond his own company's customers.

In response to the RFE, the Petitioner stated that his "proposed endeavor will meaningfully advance biotechnology, sustainable agriculture, and environmental engineering" "by introducing a new class of Zeolite-based products derived from a unique mineral deposit in Central Asia, which currently has no analogue in the U.S. market." As noted above, the Petitioner's response statement does not indicate that these products exist, and have been tested to an extent that would demonstrate the extent of their possible impact. Rather, the Petitioner indicated that he "will introduce advanced Zeolite-based fertilizers" and "will also develop and deploy Zeolite-based technologies for environmental remediation."

A business plan submitted in response to the RFE is consistent with this conclusion, indicating that the Petitioner's company "offers premium natural health and wellness products" and "aspires to . . . expand the product line . . . to offer organic fertilizers." The Petitioner submitted letters from various individuals discussing the Petitioner's intention to manufacture and market fertilizers in the United States, but these individuals do not work in agriculture or the fertilizer industry and they provided few details about the Petitioner's work in this area.

The lack of detail about this activity is significant. In the absence of credible evidence about the specific proposed endeavor, general background information about sustainable agriculture does not establish the national importance or potential impact of that endeavor.

The business plan mentioned above indicates that fertilizer manufacturing companies in [redacted] County employ an average of 13 employees, whereas the Petitioner's company "anticipates establishing a workforce comprising at least 16 full-time employees . . . [and] approximately 15 independent contractors." The plan listed the wages and taxes expected to result from this employment, but did not establish that these figures amount to substantial economic impact.

The business plan refers to "an organic fertilizer plant . . . that [the Petitioner] owns in Kazakhstan," but it also refers to future "development" of fertilizers. The plan cites no direct evidence that the Petitioner's company has already developed zeolite-based fertilizers and established their effectiveness. The general expectation that zeolite-based fertilizers would improve upon existing formulations is not, itself, strong evidence of the specific endeavor's national importance.

SCOPS denied the petition, concluding that the Petitioner had not sufficiently established and corroborated the impact of the proposed endeavor.

To establish broader public or commercial implications at a level consistent with national importance for a given field or industry, a petitioner could demonstrate, through the submission of relevant evidence, widespread interest in adoption or licensing of the technology, a novel and important manufacturing or operational process, or how the technology stands to impact the development of similar technology by other companies. *See, generally,* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual. Here, the Petitioner's evidence does not rise to these levels.

On appeal, the Petitioner states:

> [T]he Petitioner has demonstrated that the endeavor's impact is not speculative but grounded in a clear understanding of the challenges facing the U.S. agricultural and energy industries. The explanation provided ties the endeavor's objectives to measurable outcomes, such as increased crop yields, reduced nonpoint source pollution, enhanced drought resilience, and the development of eco-friendly technologies for pollution control.

Outcomes may be measurable after the fact, but the Petitioner has not provided data showing the prior impact of his past activities that relate to the proposed endeavor. The Petitioner has not, for example, shown that his company has produced an agricultural fertilizer that has "increased crop yields," and has not shown the amount of any such increase. The Petitioner has offered only the general assertion

that improved agricultural methods can result in such yields. We do not dispute this general assertion, but it does not necessarily follow that every proposed endeavor aiming at improving crop yields therefore meets the "national importance" element of the *Dhanasar* national interest test. The Petitioner's background evidence supports the general assertion that zeolites can have some effect, but the record does not establish the extent of that effect from the Petitioner's specific products, to the extent that those products may already exist.

The record offers somewhat more detail relating to cleanup of industrial pollutants, but the business plan that the Petitioner commissioned to support the petition heavily emphasizes the claimed agricultural implications of the proposed endeavor. Section 11 of the plan, headed "[The Petitioner's] Broad Impact," discusses agriculture but not remediation of contaminated soil.

We acknowledge the Petitioner's submission of additional evidence on appeal, concerning his ownership of a foreign business, chemical analysis of zeolites processed by his company, and documentation relating to his company's "services for the disposal of contaminated soil in sludge ponds" at an oil and gas production company. The Petitioner has not established that this information is material to the appeal. As noted above, the Petitioner's proposed endeavor appears to focus heavily on agricultural applications, which the new materials do not address.

The Petitioner has asserted that his company's products will address important issues such as sustainable agriculture, environmental remediation, and nutrition. In this proceeding, he has placed the most consistent emphasis on agricultural applications. But the Petitioner has not provided sufficient details about the expected impact of his proposed endeavor in this regard. The general assertion that the endeavor will yield some unspecified degree of benefit is not sufficient to meet the requirements of the first *Dhanasar* prong.

For the above reasons, we agree with SCOPS' conclusion that the Petitioner did not submit adequate evidence to show that the proposed endeavor "will impact the fields of agriculture and energy more broadly to demonstrate national importance."

In light of the above conclusions, the Petitioner has not met his burden of proof to show that he fully satisfies the first prong of the *Dhanasar* national interest test. Detailed discussion of the remaining prongs cannot change the outcome of this appeal. Because the Petitioner has not otherwise established eligibility for the classification sought, we need not reach, and therefore reserve, the second and third *Dhanasar* prongs. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) (holding that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision).

## III. CONCLUSION

The Petitioner has not established the national importance of the proposed endeavor. Therefore, the Petitioner has not shown eligibility for the national interest waiver, and we will dismiss the appeal as a matter of discretion.

**ORDER:** The appeal is dismissed.

**NOTICE:** This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.