U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40292438

Date: NOV. 13, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a researcher in the field of wireless charging technology for smartphones, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

Service Center Operations (SCOPS) denied the petition, concluding the record did not establish that the Petitioner is eligible for or otherwise merits a national interest waiver as a matter of discretion. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3. On appeal, the Petitioner maintains that the totality of the evidence satisfies all three prongs of *Dhanasar*.

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 the underlying EB-2 visa classification, a petitioner must establish that they are an advanced professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit 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 U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

[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).

- The proposed endeavor has both substantial merit and national importance;
- The individual is well positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS determined that the Petitioner qualifies for the EB-2 visa classification as an individual holding an advanced degree based on his master of science degree in electrical computer engineering from [redacted] in South Korea, and we agree.

SCOPS further determined that the Petitioner's proposed endeavor has substantial merit, and the Petitioner is well positioned to advance the proposed endeavor, but the Petitioner has not established that his proposed endeavor is of national importance, and, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus a labor certification. The remaining issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer would be in the national interest. For the reasons discussed below, we agree with SCOPS that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The Petitioner intends to work in the United States as a researcher in the field of wireless charging technology for smartphones at a company that designs and develops mobile device components. The Petitioner plans to "conduct research on the development of contactless wireless charging technology using resonance frequencies to transmit energy over long distances and the creation of long-range wireless charger." The technology the Petitioner intends to develop involves "converting electrical energy into electromagnetic fields using coils" and can "transmit electromagnetic fields at resonance frequencies over long distances without energy dispersion, enabling concentrated delivery to the receiver."

The Petitioner obtained a bachelor of science degree in electronic engineering from [redacted] in 1997 and a master of science degree in electrical computer engineering from [redacted] in 2005. His present employment at [redacted] as corporate vice president of system platform research and development group began in 1997.

On appeal, the Petitioner contends that SCOPS' decision contains both mistakes of law and mistakes of fact. He argues that SCOPS mischaracterized the evidence on record, misapplied the legal standard, or failed to properly consider the evidence provided.

Except where a different standard is specified by law, a petitioner must prove eligibility for the requested immigration benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. at 375. Under the preponderance of the evidence standard, the evidence must demonstrate that the petitioner's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each case. *Id.* at 376. Thus, SCOPS must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true. *Id.* When SCOPS provides

a reasoned consideration to the petition and has made adequate findings, it will not be required to specifically address each claim the petitioner makes, nor is it necessary for it to address every piece of evidence the petitioner presents. *Guaman-Loja v. Holder*, 707 F.3d 119, 123 (1st Cir. 2013); *see also Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009); *Casalena v. U.S. INS*, 984 F.2d 105, 107 (4th Cir. 1993). Here, although SCOPS did not specifically address each claim the Petitioner made or did not address each piece of evidence individually, the record reflects SCOPS' consideration of all evidence in the totality and supports SCOPS' determination that the Petitioner has not established by a preponderance of the evidence the national importance of his proposed endeavor.

The first prong of the *Dhanasar* analytical framework, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit may be demonstrated in a range of areas, such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.* In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* An undertaking may have national importance, for example, because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances. *Id.* An 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 asserts that his proposed endeavor offers positive impacts that would benefit the entire smartphone industry, the U.S. economy, or the majority of Americans who use smartphones, not merely a single employer or its clients, because his proposed endeavor will "enhance nationwide economic productivity and consumer spending through advanced smartphone charging technology, advance national energy efficiency goals through precision-targeted power transmission, accelerate American economic growth through versatile wireless charging applications, strengthen U.S. mobile technology development through technology transfer from component companies to major manufacturers, create employment opportunities and support U.S. manufacturing revitalization, and contribute to U.S. military effectiveness and national security." While we acknowledge the Petitioner's claims, he has not offered sufficient evidence to substantiate them. *See Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of Cal.*, 14 I&N Dec. 190, 194 (Reg'l Comm'r 1972)).

The record includes support letters from experts in the field.[2] A letter from corporate vice president of communication processor platform research and development group at [redacted] states that the long-range wireless charging technology that the Petitioner plans to invent will provide benefits to smartphone users because users can charge their phones from a distance without having to connect their phones to the charger. The letter further states that the technology will increase the demand for smartphones and related accessories by enhancing user satisfaction, thereby boosting consumer spending and the U.S. economy. The letter also states that the technology will enable the continuous use of telecommunications equipment in emergencies, such as disasters, thereby ensuring the safety of the public and protecting the lives of the American people.

[2] While we may not address each piece of evidence individually, we have reviewed and considered each one.

A letter from a principal engineer at [redacted] states that the Petitioner's project will create job opportunities in the United States, including technology researchers, software and hardware engineers, project managers, operations personnel, manufacturers, distributors, and retailers. The letter also states that the Petitioner's technology will enhance workplace productivity because it will decrease work interruptions due to the need to charge mobile devices. The letter further states that if the technology is successfully commercialized, American companies will be able to establish themselves as innovative leaders in the field of long-distance wireless charging technology, thereby securing the United States' leadership in this field.

A letter from a professor of semiconductors at [redacted] states that the Petitioner's proposed endeavor will provide significant benefits to consumers' daily lives because it will eliminate the time spent on charging their smartphones, and consumers will be able to spend more time on work or leisure activities. The letter also states that the Petitioner's technology, which precisely focuses power on a single point, will minimize energy that would otherwise dissipate into the surrounding environment during charging process, thereby achieving America's energy efficiency goals. The letter further states that the long-range charging technology has high potential for application in various other electronic devices, such as electric vehicles and household appliances, and the technology will increase demand for electronic devices and boost export of electronic devices, resulting in significant advantages for the American economy.

A letter from a professor of artificial intelligence engineering at [redacted] states that the Petitioner's research outcomes, including power management chipsets, embedded receiver modules, and smart charting software, will be incorporated into new-generation smartphones produced by U.S. manufacturers, and the technology will benefit users worldwide. Additionally, the letter states that commercialization of the technology aligns with U.S. efforts to reinvigorate domestic manufacturing and generate employment, particularly in underdeveloped regions. The letter also states that soldiers will no longer need to expose themselves to danger while recharging their devices during missions, thereby offering a strategic edge in defense readiness.

The Petitioner contends that SCOPS has misapplied holding of *Matter of Caron International, Inc.* because the expert letters provided extensive analysis of the broad implications of his proposed endeavor, and none of the letters contained information that was not in accord with other information or was in any way questionable. The opinions of the Petitioner's references are not without weight and have been duly considered. We may, in our discretion, use as advisory opinions statements submitted as expert testimony. *See Matter of Caron International*, 19 I&N Dec. 791, 795 (Comm'r 1988). However, we are ultimately responsible for making the final determination regarding an alien's eligibility for the benefit sought. *Id.* The submission of reference letters supporting the petition is not presumptive evidence of eligibility; we may evaluate the content of those letters as to whether they support the alien's eligibility. *See id.* at 795-796; *see also Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to "fact"). Thus, the content of the references' statements and how they became aware of the petitioner's reputation are important considerations. Even when written by independent experts, letters solicited by an alien in support of an immigration petition are of less weight than preexisting, independent evidence. *Cf. Visinscaia v. Beers*, --- F. Supp. 2d ----, 2013 WL 6571822, at *6, *8 (D.D.C. Dec. 16, 2013) (concluding that USCIS' decision to give little weight to uncorroborated assertions from professionals in the field was not arbitrary and capricious).

The expert letters provide details on the Petitioner's past achievements in technological development for smartphones, explain the long-distance wireless charging technology that the Petitioner intends to develop, and articulate the importance or positive impacts of the technology. However, the letters do not offer sufficient information or evidence to support the proposed endeavor's impact rising to the level of national importance. *See Dhanasar*, 26 I&N Dec. at 889. The record lacks sufficient evidence to corroborate or substantiate assertions made by the writers regarding the asserted "national importance," "significant public interest value," or "substantial economic benefits to the United States" of the Petitioner's proposed endeavor. The Petitioner's references speculate about how the Petitioner's long-distance wireless charging technology may affect American consumers, emergency personnel, and soldiers in battlefield who will use the smartphone and long-range wireless charger developed by the Petitioner, the U.S. smartphone manufacturers who will use the technology developed by the Petitioner, the U.S. technological leadership, and the U.S. economy, at some point in the future, if the technology is successfully developed, licensed to major U.S. manufacturers, implemented into smartphones, commercialized in the market, used by consumers, emergency personnel, and soldiers in battlefield, and applied to other electronic devices. The assertions that the Petitioner's planned research activities are likely to bring the claimed positive results at some point in the future are not adequate to establish the national importance of the Petitioner's proposed endeavor. None of these letters sufficiently demonstrate that the Petitioner's planned research activities rise to the level of national importance. *See id.* Therefore, we determine that SCOPS' decision to give little weight to the uncorroborated assertions made by the experts in their letters was not an error.

The Petitioner has not provided sufficient information or evidence to establish that his proposed endeavor offers benefits that extend beyond his employer, licensees, and their customers who will use their smartphones and long-range wireless chargers, to impact the smartphone industry, the U.S. economy, the U.S. technology, or the U.S. national security more broadly. *See id.* The record does not sufficiently establish that the Petitioner's proposed research activities to develop contactless wireless charging technology for smartphones will have broader implications within the smartphone industry. The record also does not adequately explain how this technology will apply to other electronic devices, such as electric vehicles and household appliances, to impact other electronic devices industries more broadly, rather than benefiting his employer, licensees, and their customers who will use their smartphones and long-range wireless chargers. Without sufficient documentary evidence of its broader impact, the Petitioner's proposed endeavor does not meet the national importance element of the first prong of the *Dhanasar* framework.

As for the economic value and job creation that the Petitioner asserts his wireless charging technology will offer, the Petitioner claims that his proposed endeavor provides various economic benefits, including enhanced nationwide productivity and consumer spending, energy conservation, employment creation and manufacturing revitalization, and contributions to multiple industries from smartphones to electric vehicles. However, the record lacks sufficient evidence demonstrating that the Petitioner's technology will have an impact on the smartphone industry, other electronic devices industries, or the U.S. economy at a level commensurate with national importance. *See id.* For example, the Petitioner has not offered sufficient evidence that his employer or smartphone manufacturers who will use his technology will employ a significant population of workers in an economically depressed area or that his endeavor would offer a particular U.S. region or its population a substantial economic benefit through employment levels or business activity. Nor has the Petitioner

demonstrated that any increase in his employer's revenue attributable to his innovations stands to substantially affect economic activity regionally or nationally. The Petitioner has not provided sufficient information or evidence to establish that his proposed endeavor has "substantial positive economic effects" to have national importance as contemplated by *Dhanasar*. *See id.* at 890.

The Petitioner also claimed that his master's degree in electrical and computer engineering is directly related to his proposed endeavor, and his proposed research advances science, technology, engineering, and mathematics (STEM) technologies and has broader impact in STEM fields. He stated that according to the DHS' STEM designated degree program list, electrical and computer engineering is listed as a STEM field and that his contactless wireless charging technology research falls within the STEM field of electrical and computer engineering. He explained that through technology transfer, patent disclosure, multi-field applications, and commercialization, his research will have broader impact on a STEM field.

While we recognize the importance of progress in STEM fields and the essential role of persons with an advanced STEM degree in fostering this progress, merely working in an important STEM field is insufficient to establish the national importance of the proposed endeavor. For example, the Petitioner has not provided sufficient evidence specifically mentioning his work or discussing the government's interest in promoting the use of the Petitioner's work or his invention of contactless wireless charging technology for smartphones, such that it has "national or even global implications within a particular field." *See id.* at 889. The record lacks sufficient evidence showing that the Petitioner's proposed endeavor will help the United States to remain ahead of strategic competitors or current and potential adversaries where appropriate activity may contribute to the United States achieving or maintaining technology leadership or peer status among its allies and partners. *See generally* 6 *USCIS Policy Manual* F.5(D)(2), https://www.uscis.gov/policy-manual.

Lastly, regarding the Petitioner's plan to present his future research outcomes at international wireless charging conferences to promote academic and technical exchanges, the record does not sufficiently show that this undertaking has broader implications for his field, as opposed to being limited to those who attend his presentations or lectures. While the Petitioner's plan to present his research outcomes at conferences or disseminate his technical knowledge to other professionals in the field have merit, the record does not sufficiently demonstrate that his informative or instructional activities offer benefits that extend beyond his audiences or students to impact the smartphone industry, the field of electrical and computer engineering, or the field of technology more broadly. Likewise, in *Dhanasar*, we determined that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Dhanasar*, 26 I&N Dec. at 893.

The Petitioner's research plans reflect his intention to develop contactless wireless charging technology for smartphones using resonance frequencies to transmit energy over a long distance and create a long-range wireless charger, file for patents to make his future inventions publicly available, and present his future research outcomes at international wireless charging conferences to promote academic and technical exchanges. However, he has not offered sufficient information or evidence to demonstrate that the prospective impact of his proposed endeavor rises to the level of national importance. *See id.* at 889.

Because the record does not sufficiently show the national importance of his proposed endeavor as required by the first prong of the *Dhanasar* precedent decision, the Petitioner has not demonstrated eligibility for a national interest waiver. Therefore, further analysis of his eligibility under the second and third prongs outlined in *Dhanasar* would serve no meaningful purpose, and we will reserve these issues for future consideration should the need arise.[3]

III. CONCLUSION

Although the Petitioner has shown that he is a member of the professions holding an advanced degree and that his proposed endeavor has substantial merit, he has not established by a preponderance of the evidence that his proposed endeavor is of national importance. Accordingly, we conclude that the Petitioner is ineligible for a national interest waiver 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.

[3] *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternate issues on appeal where an applicant is otherwise ineligible).