U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39714413

Date: OCT. 20, 2025

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a civil engineer engaged in highway design, 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 that the record did not establish: (1) the national importance of the Petitioner's proposed endeavor; and (2) that, on balance, waiving the job offer requirement would benefit the United States. 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

If a petitioner establishes eligibility for EB-2 classification as an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business, 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) the proposed endeavor has both substantial merit and national importance; (2) the individual is well-positioned to advance their proposed endeavor; and (3) on balance, waiving the job offer requirement would benefit the United States. *Id.*

[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).

II. ANALYSIS

The Petitioner earned a bachelor's degree in civil engineering at [redacted] in 2017. As a student, he served as an intern with [redacted] Since that time, the Petitioner has spent most of his time in the United States, working for various employers in the field of transportation engineering, first in North Dakota and later in Florida. Since 2021, he has worked for [redacted] as a project engineer in H-1B nonimmigrant status.

The Petitioner's occupation qualifies as a profession, and his bachelor's degree and post-baccalaureate experience are equivalent to an advanced degree. The Petitioner therefore meets the requirements for the underlying EB-2 classification, and we need not discuss the Petitioner's parallel claim to qualify as an alien of exceptional ability.

In a statement describing his proposed endeavor, the Petitioner stated that federal and state departments of transportation (DOTs) have traditionally relied on printed two-dimensional (2D) plans for the design of highway infrastructure projects. But "many states and agencies . . . are beginning to explore a [three-dimensional (3D)] model-based delivery approach." The Petitioner discussed the advantages of 3D digital models and cited evidence that the U.S. DOT's Federal Highway Administration (FHWA) has taken notice of "the benefits and innovations that 3D models bring into the field." The Petitioner observed that federal legislation "fund[s] the purchase of Advanced Digital Construction Management Systems (ADCMS)."

The Petitioner stated that his proposed "endeavor is to continue delivering transportation infrastructure projects with 3D engineered models for different transportation agencies." The Petitioner added: "One of my main career goals is to develop or be part of a program where transportation engineers can train and develop their skills in Smart Design Data and 3D-engineered models. . . . I have explored options like opening a new consultant company to provide my expertise to other companies and agencies."

The first prong of the Dhanasar national interest test, involving substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of 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.*

The Petitioner asserted that his "technical skills and transportation engineering background will be essential in the transition between 2D plans and 3D plan digital deliverables." He stated:

> My career as a transportation engineer focuses on designing and developing plans using digital 3D model data. . . . There have been multiple advances in the software, and I have continued growing my transportation design knowledge and integrating CADD [computer-aided design and drafting] skills to produce accurate and more reliable designs; those designs can be used during construction and for future digital data collection. The project contributions during my career aligned with the goals of the

> ADCMS program to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

The Petitioner cited background information about various aspects of 3D digital design, such as Automated Machine Guidance (AMG), which "uses data from sources such as 3D engineered models to guide constr[u]ction equipment," and Building Information Modeling (BIM), "a process involving the generation and management of digital representations of physical and functional characteristics of places." The Petitioner also observed that his proposed endeavor is in a STEM field (sciences, technology, engineering, and mathematics). The Petitioner stated:

> My outstanding knowledge and skills are crucial for the future success of BIM infrastructure in the transportation field. BIM technology is in the early stages of implementation; [r]egardless, with my knowledge on 3D engineered models, [d]igital design data, AMG, and visualization techniques back up by several professional engineers and designers. I can say with confidence that I will be key to the transition between regular 3D models and future BIM data.

Although the Petitioner stated that "BIM technology is in the early stages of implementation," he also stated that it is "becoming common practice in highway project design and construction."

The Petitioner stated that his proposed endeavor would result in faster design turnaround and lower construction costs, while enhancing the workforce "by streamlining business practices" and teaching "scarce" 3D modeling skills to new engineers.

The Petitioner submitted printouts from FHWA's website, describing the advantages of 3D modeling and indicating that the technology has been used in projects dating back to 2012. A printout from 2016, eight years before the Petitioner filed the petition in 2024, states: "Using 3D engineered models in project planning, design, and construction is becoming a widespread practice, with 29 States and FLH [the Federal Lands Highway Program] implementing it or planning how to make it a standard practice. Another six States have institutionalized the practice."

An FHWA "BIM for Infrastructure" data sheet from 2017 states that "BIM for transportation infrastructure continues to be used globally," indicating widespread implementation seven years before the petition's filing date. A 2021 FHWA report to Congress states: "Modeling in 3D in transportation construction is a mature technology that serves as a key building block for the modern-day digital jobsite," implemented to some extent by over 40 agencies in the United States.

The FHWA printouts indicate widespread and increasing use of 3D modeling and related technologies several years before the petition's filing date. This evidence does not appear to support the Petitioner's description of 3D modeling skills as "scarce" within the profession.

The Petitioner submitted 14 letters describing his skills and work on past projects. The Petitioner asserted that two of these letters are "Independent Assessment[s]," but the writers of both letters described connections with the Petitioner. Specifically, an engineering contractor stated that his company engaged the Petitioner to "prepare[] the necessary plans and documentation" for a successful

project proposal. A construction subcontractor stated that the Petitioner provided "AMG data" that allowed the company's "team . . . to execute the work with precision."

The Petitioner also stated that two of the letters are from "government agency professional[s]." One of these individuals is now a deputy county engineer in Minnesota, but previously worked with the Petitioner as his "direct supervisor during his internship with . . . a consultant engineering company" while the Petitioner was an undergraduate university student. The other government employee, a senior engineer and design lead with the [redacted] worked alongside the Petitioner "while [they] were both student workers . . . while attending [redacted]" and both "joined the same consulting firm . . . as Transportation Engineers" after graduation. These letters do not show that the Petitioner's work has attracted the attention of government authorities who have not previously worked with the Petitioner in other capacities.

The writers of the letters described the Petitioner's work on a variety of road construction projects and praised his expertise in 3D modeling and related technologies. Because the Petitioner proposes to continue performing similar work, it is appropriate to consider how his past work measures up to the *Dhanasar* prongs, including national importance. The letters focused on the Petitioner's importance to specific projects, not all of which came to fruition, rather than on the broader implications of the Petitioner's proposed endeavor.

Several letters also indicated that the Petitioner could play a role in educating future engineers. An intention to train others, however, does not necessarily have the broader impact needed to show national importance. *See Matter of Dhanasar*, 26 I&N Dec. at 893.

In a request for evidence, SCOPS stated that the Petitioner's initial submission emphasized "the overall importance of the field and industry" and the Petitioner's "own background, qualifications, [and] experience," but did not establish the national importance of the proposed endeavor. SCOPS stated: "Merely working in an important field is insufficient to establish the national importance of a proposed endeavor; skills and experience do not take on national importance merely because they may be potentially useful to a prospective client." SCOPS requested evidence to show the broader implications of the Petitioner's proposed endeavor.

In response, the Petitioner stated:

> Over the next five years, I am committed to advancing the integration of advanced modeling technologies in highway transportation projects, providing expertise to any company in need of my services. Long-term, I intend to establish my own consulting engineering firm to expand these contributions and assist even more organizations in optimizing their infrastructure projects. Additionally, I am open to joining a transportation government agency, where I can continue to lead the deployment and implementation of cutting-edge technologies in highway systems. My efforts will directly contribute to the U.S. economy by improving the efficiency and sustainability of transportation infrastructure, thereby supporting national economic growth and societal welfare.

The Petitioner stated that his "proposed endeavor as a Transportation Engineer specializing in BIM/3D modeling will help transform highway infrastructure development in the United States." The Petitioner stated that his work "delivering BIM/3D models for highway projects" will have broader impact because it will "contribute directly to the modernization and improvement of the nation's highway infrastructure," reducing both the risks of accidents and the costs of infrastructure projects. The Petitioner did not specify in detail how his work would have such impact, beyond discussing the advantages of BIM/3D modeling and asserting that his "models can set benchmarks for quality and innovation, influencing industry practices across the country." The Petitioner also stated that he "can train and guide skilled engineers" in the use of "digital tools like BIM/3D."

The Petitioner asserted that the [redacted] incorporated his "contributions to [redacted] Standards and Guidance . . . that other consultant engineering companies and contractors will need to follow." To support this claim, the Petitioner submitted printouts from an email conversation between him and an engineer at [redacted] Design Division. The [redacted] engineer requested project data "to create an example/template for the MEF for our ADA Transportation conference." The Petitioner did not show that his work was incorporated into binding [redacted] Standards and Guidance," or that the materials he submitted for the conference changed the existing standards and guidance.

The Petitioner asserted that "government officials" support his proposed endeavor. As before, the state and local officials in question have worked with the Petitioner or overseen his work on specific projects, in some instances predating their government employment. The record does not show that his work has attracted broader government notice. The submitted letters discuss the overall benefits of 3D modeling technology and discuss the Petitioner's work on specific projects. One individual, who studied alongside the Petitioner at [redacted] before becoming a hydraulic engineer with [redacted], asserted: "Experience with [3D modeling] technology is scarce in our industry," but also stated that "3D modeling is a well-established technology . . . widely used by State DOTs."

SCOPS denied the petition in April 2025. SCOPS acknowledged the overall importance of "transforming highway infrastructure development in the United States," but concluded that the Petitioner had not established that his "proposed endeavor has implications beyond the proposed business and its business partners, alliances, and/or clients or customers to impact the industry or field more broadly." SCOPS further stated:

> Without sufficient information or evidence regarding the projected U.S. impact, economic or otherwise, job creation, etc. attributable to the beneficiary's future work, the record does not show that benefits to the regional or national economy resulting from the beneficiary's projects would reach the level of "substantial positive economic effects" contemplated by *Dhanasar* . . . ; or otherwise demonstrate that the proposed endeavor rises to a level commensurate with national importance.

On appeal, the Petitioner asserts that SCOPS did not sufficiently consider evidence that the Petitioner had submitted in response to the request for evidence, showing that the use of BIM/3D modeling results in lower costs and faster project delivery than "the typical 2D plan methodology." The evidence that the Petitioner cites in support of this claim concerns the aggregate impact of all such engineering projects, rather than the economic impact of the Petitioner's specific proposed endeavor.

The government reports that the Petitioner cites do not discuss the Petitioner and his work specifically. Rather, they show that state and federal authorities are already aware of the benefits of BIM and 3D modeling and have already begun using them. The Petitioner himself had previously stated that BIM "is . . . becoming common practice in highway project design and construction." The total cost savings from national adoption of BIM and 3D modeling cannot all be attributed to the Petitioner's specific proposed endeavor. The Petitioner does not claim to have invented those technologies, or to be responsible for their adoption at a national level which, the record shows, is already well underway.

A petitioner must establish the national importance of the specific proposed endeavor; it cannot suffice for the petitioner to establish the overall importance of a particular subject, occupation, or field. The term "endeavor" is more specific than the general occupation. *See, generally,* 6 *USCIS Policy Manual* F.5(D)(1), https://www.uscis.gov/policy-manual.

The Petitioner's training and experience in a beneficial technology does not necessarily give national importance to the specific projects he would undertake using that technology. The Petitioner has not shown that, or explained how, his proposed endeavor would substantially accelerate the widespread adoption of BIM and 3D modeling, and he has not established that he is personally responsible for significant innovations or advancements in those technologies, and that his proposed endeavor will continue to drive that progress or otherwise reach the level of national importance.

The general importance of a given field and an alien's level of skill in that field do not suffice to establish the national importance of a given proposed endeavor. As members of the professions, civil engineers are typically subject to the statutory job offer requirement, including labor certification. Even a degree of expertise significantly above that ordinarily encountered in a given field is not sufficient for a national interest waiver of the job offer requirement.[2] Likewise, by statute, an alien is generally subject to the job offer requirement even if that alien's work will substantially benefit the national economy, cultural or educational interests, or welfare of the United States.[3]

We approved the petition in *Dhanasar* not because the petitioner in that case was familiar with particular technology, but because his research was advancing the development of that technology. In the case now before us, the record does not indicate that the Petitioner would be introducing new skills, techniques, or technology to his field. Rather, letters in the record indicate that the Petitioner learned 3D modeling during his [redacted] internship. The Petitioner has predicated his claim for the national interest waiver on his familiarity with technology that is already being implemented or used at the federal level and in a growing number of states.

In light of the above conclusions, the Petitioner has not met his burden of proof to show that he satisfies the national importance element of 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 remaining *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).

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[2] *See Matter of Dhanasar*, 26 I&N Dec. at 886 n.3.

[3] *See* section 203(b)(2)(A) of the Act.

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.