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November 7, 2026

U.S. Citizenship and Immigration Services
Attn: I-140 EB-2 National Interest Waiver
[USCIS filing address omitted from public sample]

RE	Form I-140, Immigrant Petition for Alien Workers — Second Preference (EB-2), Member of the Professions Holding an Advanced Degree, with Request for a National Interest Waiver under INA § 203(b)(2)(B)(i)
PETITIONER / BENEFICIARY	Dr. Sofía REYES ARELLANO (self-petitioner), citizen of Chile
PROPOSED ENDEAVOR	Development and deployment of low-cost, sensor-based irrigation scheduling systems for drought-affected specialty-crop growers in the western United States, including the open-source AquaPlan decision tool and the grower-facing extension program built around it
CURRENT POSITION	Senior Irrigation Scientist, Veridian Agronomics, LLC, Fresno, California (H-1B status since March 2022) — SOC 17-2021, Agricultural Engineers
ADVANCED DEGREE	Ph.D., Biological Systems Engineering, University of California, Davis (June 2019)
ENCLOSED	Forms I-140 and G-28, required fees, ETA-9089 materials, and Tabs 1–14

Dear Immigration Officer:

This firm represents Dr. Sofía Reyes Arellano, who petitions on her own behalf for classification as a member of the professions holding an advanced degree under section 203(b)(2)(A) of the Immigration and Nationality Act, and who requests that the job offer and labor certification requirements be waived in the national interest under section 203(b)(2)(B)(i) of the Act. A Form G-28 is enclosed.

Dr. Reyes Arellano is an agricultural water engineer whose work addresses irrigation in regions with shrinking surface water supplies and groundwater depletion. Her proposed endeavor is to continue developing, validating and deploying AquaPlan, a low-cost, sensor-based irrigation scheduling system she created. She plans to bring AquaPlan from research pilots that documented reductions in applied irrigation water to routine use by specialty-crop growers across the drought-affected West.

This letter sets out the governing legal standard (Part 1), shows that Dr. Reyes Arellano qualifies for EB-2 classification as an advanced degree professional (Part 2), and demonstrates that she satisfies each of the three prongs of the national interest waiver test established in Matter of Dhanasar (Parts 3 through 5). References to Tabs are to the enclosed Index of Exhibits.

1. THE GOVERNING STANDARD

INA § 203(b)(2)(A) establishes the EB-2 classification for eligible advanced-degree professionals and persons of exceptional ability in the sciences, arts or business. Ordinarily, the statute requires a U.S. employer to seek the beneficiary's services.

Under INA § 203(b)(2)(B)(i), USCIS may waive the job offer and labor certification requirements in the national interest, and an eligible petitioner may self-petition. The filing still includes a copy of Form ETA-9089, Appendix A, and a signed Final Determination. See Matter of Dhanasar, 26 I&N Dec. 884, 885, 889 (AAO 2016); 90 Fed. Reg. 3238 (Jan. 14, 2025).

A petitioner seeking a national interest waiver must therefore establish two things: first, that she is eligible for the underlying EB-2 classification; and second, that the waiver is warranted. USCIS treats EB-2 eligibility as a threshold question and examines it before turning to the waiver. See USCIS Policy Manual, Vol. 6, Part F, Ch. 5.

The standard for the waiver itself is set out in *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016), which vacated *Matter of New York State Department of Transportation*, 22 I&N Dec. 215 (Acting Assoc. Comm'r 1998). Under *Dhanasar*, USCIS may grant a national interest waiver as a matter of discretion if the petitioner demonstrates, by a preponderance of the evidence, that:

> (1) the foreign national's proposed endeavor has both substantial merit and national importance; (2) the foreign national is well positioned to advance the proposed endeavor; and (3) on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.

Dhanasar, 26 I&N Dec. at 889. The petitioner bears the burden of proof, and the applicable standard is the preponderance of the evidence. See *Matter of Chawathe*, 25 I&N Dec. 369, 375–76 (AAO 2010). The evidence is to be considered in its totality. Each of these elements is addressed below.

2. DR. REYES ARELLANO QUALIFIES FOR EB-2 CLASSIFICATION AS AN ADVANCED DEGREE PROFESSIONAL

Under 8 C.F.R. § 204.5(k)(2), a U.S. academic or professional degree above a baccalaureate, or a foreign equivalent, qualifies as an advanced degree. A profession includes the occupations listed in INA § 101(a)(32) and occupations that require at least a U.S. bachelor's degree or foreign equivalent for entry. USCIS examines the occupation through which the petitioner proposes to advance the endeavor and whether the advanced degree relates to that occupation. See 8 C.F.R. § 204.5(k)(2), (k)(3)(i)(A); USCIS Policy Manual, Vol. 6, Part F, Ch. 5.

Dr. Reyes Arellano earned a Ph.D. in Biological Systems Engineering from the University of California, Davis, in June 2019. The official academic record at Tab 3 establishes her U.S. advanced degree. Her doctoral research in irrigation and crop water balance directly relates to the agricultural engineering work proposed here. She previously earned degrees in water resources engineering and civil engineering at the Universidad de Chile.

Agricultural engineering (SOC 17-2021) is a profession under INA § 101(a)(32), which expressly includes engineers. The Bureau of Labor Statistics' Occupational Outlook Handbook identifies a bachelor's degree in engineering as the typical entry-level education for agricultural engineers. Dr. Reyes Arellano's proposed duties include hydrologic modeling, sensor design and field validation. The employer letter at Tab 4 describes related work in her current Senior Irrigation Scientist position, for which Veridian required a doctorate. Her U.S. doctorate and its relationship to the proposed engineering work establish eligibility under INA § 203(b)(2)(A).

3. FIRST PRONG: THE PROPOSED ENDEAVOR HAS SUBSTANTIAL MERIT AND NATIONAL IMPORTANCE

A. The proposed endeavor

Dr. Reyes Arellano's endeavor statement (Tab 5) describes a specific, well-defined program of work. AquaPlan is an irrigation scheduling system that combines inexpensive soil-moisture and canopy-temperature sensors with a crop water-balance model to tell a grower, field by field and day by day, how much water to apply and when. Unlike commercial systems that depend on dense, costly sensor arrays, AquaPlan was designed from the outset for small and mid-sized specialty-crop farms: it runs on a handful of sensors per field, tolerates gaps in data, and publishes its model and firmware under an open-source license so that growers, extension agents and equipment

makers can adopt it without licensing fees. Over the next five years she proposes to (i) complete the validation of AquaPlan in almonds, pistachios, processing tomatoes and wine grapes across the San Joaquin Valley and the Columbia Basin; (ii) extend the model to deficit-irrigation strategies for years in which water allocations are cut; (iii) publish the results and release the tool through the cooperative extension programs of three land-grant universities with which she already works; and (iv) train extension agents and irrigation districts to deploy it independently.

The endeavor is not confined to the interests of her current employer. Veridian Agronomics hosts the field trials and employs her, but AquaPlan is published openly, the extension partnerships are with public universities, and the planned deployments involve growers, irrigation districts and water agencies that have no commercial relationship with Veridian (Tabs 6, 8 and 9). The work therefore has the broader implications that distinguish an endeavor of national importance from one whose benefit is limited to a single employer and its customers.

B. Substantial merit

Dhanasar recognizes that an endeavor may have substantial merit in fields including science, technology, business and health, and that merit may be shown without proof of an immediate quantifiable economic impact. 26 I&N Dec. at 889. AquaPlan helps growers make irrigation decisions when water supplies are constrained. Reducing applied water can lower pumping and diversion needs. Basin-wide savings depend on factors such as return flows and consumptive use. The field study measures reductions in water applied to the participating farms.
and environmental uses. The published results at Tab 7 — a peer-reviewed study of 42 growers farming approximately 9,800 acres over three seasons — report an average reduction in applied irrigation water of 18 percent with no statistically significant loss of yield or crop quality. The merit of the work is further attested by the independent experts whose letters appear at Tab 8, including a professor of irrigation engineering at a land-grant university who has no professional connection to Dr. Reyes Arellano, a district engineer of a California irrigation district, and a former state water official.

C. National importance

In determining national importance, USCIS looks to the potential prospective impact of the endeavor and considers whether it has national or even global implications within a particular field, significant potential to employ U.S. workers, or other substantial positive economic effects, particularly in an economically depressed area. *Dhanasar*, 26 I&N Dec. at 889–90. The Policy Manual directs officers to consider the specific endeavor the petitioner proposes rather than the general importance of her field or occupation. USCIS Policy Manual, Vol. 6, Part F, Ch. 5.

The specific endeavor meets that standard for the following reasons, each documented in the enclosed exhibits:

- *Water scarcity is a recognized policy priority.* The Bureau of Reclamation has managed shortages on the Colorado River. Under California's Sustainable Groundwater Management Act, affected basins generally must achieve sustainability by 2040 or 2042, depending on the applicable planning schedule. Tab 10 documents these pressures and their relevance to the pilot regions, where growers face tighter limits on groundwater pumping.

- *The proposed distribution reaches beyond individual farms.* The tool is designed for growers who cannot afford commercial precision-irrigation systems, and it is released without licensing fees. Extension partners at Tab 9 serve growers in California, Washington and Oregon. The participating irrigation districts' service areas cover more than 300,000 irrigated acres, which shows the potential reach of distribution.
- *Federal conservation programs recognize irrigation efficiency.* A USDA National Institute of Food and Agriculture subaward supported validation (Tab 11). The Natural Resources Conservation Service's Environmental Quality Incentives Program offers financial and technical assistance for eligible conservation practices, including certain irrigation water management practices (Tab 10).

- *The economic stakes are substantial and concentrated in distressed regions.* The San Joaquin Valley counties where the pilots are located have among the highest unemployment and poverty rates in

California, and farm employment in those counties depends on keeping irrigated acreage in production. Reducing the water required per acre is the most direct way to keep that land farmed as allocations fall (Tab 10).

- *The work has already been noticed beyond Dr. Reyes Arellano's own institution.* Her publications have been cited by researchers in at least eleven countries, AquaPlan has been described in trade and general press, and the California Department of Water Resources cited her validation study in a published guidance document on agricultural water-use efficiency (Tabs 7 and 10).

These are not generalized claims about the importance of agriculture or water. They show that this particular endeavor, if carried out as proposed, has significant potential to reduce agricultural water use across a multi-state region, to preserve farm acreage and farm employment in economically depressed counties, and to support the implementation of federal and state water policy. The first prong is satisfied.

4. SECOND PRONG: DR. REYES ARELLANO IS WELL POSITIONED TO ADVANCE THE ENDEAVOR

The second prong asks whether the petitioner is well positioned to advance the endeavor, considering her education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress toward achieving the endeavor; and the interest of potential customers, users, investors or other relevant entities or individuals. *Dhanasar,* 26 I&N Dec. at 890. The petitioner need not show that the endeavor is more likely than not to succeed. *Id.*

A. Education, skills and record

Dr. Reyes Arellano has worked on irrigation water management for her entire career. Her doctoral research at UC Davis developed the crop water-balance model that became the core of AquaPlan; she then spent nearly three years as a postdoctoral scholar in the Department of Land, Air and Water Resources at UC Davis, where she designed the low-cost sensor package and led the first field trials; and since March 2022 she has directed the validation program at Veridian Agronomics (Tab 4). She is the author of fourteen peer-reviewed articles in journals including Agricultural Water Management and Irrigation Science, which have been cited more than 600 times according to the citation record at Tab 7, and she is the sole or lead inventor on the AquaPlan model and firmware. Three of the expert letters at Tab 8 are from scientists who know her work only through her publications and who describe the model as a meaningful advance over existing scheduling methods.

B. Plan, progress and interest

The endeavor statement at Tab 5 is a detailed plan with defined phases, milestones and partners over a five-year horizon. Progress toward it is already substantial: the three-season validation study is complete and published; the model and firmware have been released and have been downloaded by users in more than 20 states; and two cooperative extension programs have incorporated AquaPlan into their irrigation workshops (Tabs 6 and 9). The interest of relevant entities is documented by the letters at Tab 9 from two irrigation districts and three university extension programs committing to the coming season's deployments, and by the funding documented at Tab 11, which includes the USDA-NIFA subaward that supported the validation study and a state-funded pilot agreement for the 2027 season.

Taken together, her education, her record of success on this very project, the concrete plan, the progress already made and the documented interest of growers, districts and extension programs establish that Dr. Reyes Arellano is well positioned to advance the endeavor. The second prong is satisfied.

5. THIRD PRONG: ON BALANCE, WAIVING THE JOB OFFER AND LABOR CERTIFICATION REQUIREMENTS WOULD BENEFIT THE UNITED STATES

Under the third prong, USCIS weighs whether, on balance, it would be beneficial to the United States to waive the job offer and labor certification requirements. Factors that may support a waiver include whether, in light of the nature of the petitioner's qualifications or the proposed endeavor, it would be impractical for her to secure a job offer or for the petitioner to obtain a labor certification; whether the United States would benefit from her contributions even assuming that other qualified U.S. workers are available; and whether the national interest in her contributions is sufficiently urgent to warrant forgoing the labor certification process. *Dhanasar,* 26 I&N Dec. at 890–91.

- *Labor certification would fit only part of the endeavor.* PERM generally tests the labor market for a particular employer's permanent job opportunity. A position with Veridian could cover some field trials, but its job offer would not encompass independent deployments with irrigation districts or extension work led by three universities. Tabs 5 and 9 identify how those partners would lead distinct parts of the work. Waiving the job offer and labor certification requirements would allow the petition to cover the proposed endeavor as a whole.

- *The United States benefits from her contributions even if other qualified engineers exist.* The question under this prong is not whether some U.S. worker could fill a job, but whether the country benefits from this petitioner's contributions. AquaPlan is her creation; the validation study, the extension partnerships and the district pilots are built around her continued leadership, and the letters at Tabs 8 and 9 state that the partners' commitments were made on that basis. The benefit of the endeavor flows from her, not from the position she happens to hold.
- *The 2027 irrigation season makes the work time-sensitive.* The district deployment commitments and state-funded pilot are scheduled for the 2027 irrigation season (Tabs 9 and 11). Delaying the partner-led work risks missing a growing season and postponing the collection of field data that growers and districts need to plan under tighter water allocations. That timing favors a waiver when weighed with the endeavor's cross-institutional structure and her existing role.

On balance, the benefit to the United States of waiving the job offer and labor certification requirements plainly outweighs the benefit of applying them. The third prong is satisfied.

6. CONCLUSION

Dr. Reyes Arellano holds a U.S. doctorate directly related to her proposed work in agricultural engineering. Her plan to deploy a validated, open-source irrigation scheduling system for specialty-crop growers across the drought-affected West has substantial merit and national importance. Her research, pilot results and partner commitments show that she is well positioned to advance the endeavor. On balance, its cross-institutional scope and time-sensitive deployments favor waiving the job offer and labor certification requirements.

We respectfully request that the Form I-140 petition be approved and that the national interest waiver be granted. Please direct any questions or requests for additional evidence to the undersigned.

Respectfully submitted,

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Enclosures: Forms I-140 and G-28, required fees, ETA-9089 Appendix A and signed Final Determination, and Tabs 1–14.