U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43906074

Date: AUG. 19, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner to classify the Beneficiary as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

Through its Service Center Operations (SCOPS), USCIS denied the Form I-140, Immigrant Petition for Alien Workers (petition). 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. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

The regulation at 8 C.F.R. § 103.2(a)(2) provides that "[u]nless otherwise specified in this chapter, an acceptable signature on a benefit request that is being filed with the USCIS [U.S. Citizenship and Immigration Services] is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format."[1]

USCIS policy explains that a valid signature is "*any handwritten mark or sign made by a person*" and such signature must be made by the person who is the affected party with standing to file an appeal or motion to signify that "[t]he person knows of the content of the request and any supporting documents; [t]he person has reviewed and approves of any information contained in such request and any supporting documents; and [t]he person certifies under penalty of perjury that the request and any other supporting documents are true and correct." *See generally* 1 *USCIS Policy Manual* B.2(B) (emphasis added), https://www.uscis.gov/policymanual. A person's signature on an immigration form establishes a strong presumption that the signer knows its contents and has assented to them, absent

[1] Because this Form I-290B was not electronically filed, none of the provisions relating to electronic filings applies in this case. We note the Form I-290B is not a form that is available for parties to file electronically online. *Forms Available to File Online*, USCIS (Oct. 2, 2025), https://www.uscis.gov/file-online/forms-available-to-file-online.

evidence of fraud or other wrongful acts by another person. *Matter of Valdez*, 27 I&N Dec. 496, 499 (BIA 2018) (citing *Thompson v. Lynch*, 788 F.3d 638, 647 (6th Cir. 2015); *Bingham v. Holder*, 637 F.3d 1040, 1045 (9th Cir. 2011). The probative force of a declaration subscribed under penalty of perjury derives from the signature of the declarant.

The USCIS Policy Manual provides that in "general, any person requesting an immigration benefit must sign their own immigration benefit request, and any other associated documents, before filing it with USCIS." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(C)(1) (citing to 8 C.F.R. § 103.2(a)(2)). Agency policy provides that "[u]nless otherwise specified, USCIS accepts a copy (photocopied, scanned, faxed, or similarly reproduced) of paper forms. Because the executed form has been copied, the submission to USCIS need not contain an 'original' or 'wet ink' signature. . . . When a copy of a form has been submitted, USCIS may request the original documents, which must contain the original signature." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B).

Relating to the Form I-290B, the Instructions for Notice of Appeal or Motion additionally provides: "**Validity of Signatures.** USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature." The instructions for the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative contain the same signature requirements as the instructions for the Form I-290B. Every form, benefit request, or other document must be executed in accordance with the instructions on the form, which are incorporated into the regulation requiring its submission. 8 C.F.R. § 103.2(a)(1). Further discussion of the filing requirements for these documents is found at 8 C.F.R. § 103.2(b)(1), which provides that "[e]ach benefit request must be properly completed and filed with all initial evidence required by applicable regulations and other USCIS instructions." Therefore, the failure to follow the form instructions are tantamount to not complying with the regulation.

Finally, the regulation at 8 C.F.R. § 292.4(a) requires that the Form G-28 "must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS."

If someone acting on behalf of a petitioner's signatory—to include someone from their attorney's office—performs the function of electronically applying a signature to a Form I-290B, that act nullifies the filing because it is not a valid signature and it is not properly signed under the penalty of perjury. Ultimately, even if a filing party presents a photocopy of a Form I-290B to USCIS, that photocopied form must contain a filing party's original signature because "[a]n applicant or petitioner must sign his or her benefit request." 8 C.F.R. § 103.2(a)(2). *Also see generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A) (stating that "[w]ith very limited exceptions, every benefit requestor must personally sign his or her own request before filing it with USCIS.") USCIS has implemented these regulations and attendant policies "to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A).

In the same way that one person signing a declaration "for" another person carries no evidentiary force, neither will an image of a signature duplicated in using some electronic means or method. Without the signatory's actual and personal signature as the declarant, the declaration under the penalty of perjury on the Form I-290B has no evidentiary force. *See In re Rivera*, 342 B.R. 435, 458–

59 (D. N.J. 2006); *Blumberg v. Gates*, No. CV 00-05607, 2003 WL 22002739 (C.D. Cal. Aug. 19, 2003). Moreover, if we determine that a benefit request does not contain a valid or a proper signature, we reject, deny, or dismiss it without providing an opportunity to correct or cure a deficient signature. 8 C.F.R. § 103.2(a)(7)(ii)(A); *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A).

The USCIS Policy Manual further explains that the agency interprets the regulatory term "valid signature" to require that a signature on any form transmitted to USCIS must be "[a]n original handwritten signature on the benefit request that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions" and that this "copy must be of the original benefit request containing the original signature." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B) (explaining that the appearance of the signature on USCIS forms must be preponderantly consistent with that person's normal signature).

II. ANALYSIS

On the appellate Form I-290B, the form contains an image of a signature under Part 4., Item Number 4. in the Petitioner's Signature block. We conclude that this is an image of a signature and not an original signature due to multiple factors. First, the Petitioner's signatures on the appellate forms (Form I-290B and the Form G-28) are identical and indistinguishable, to include each line, loop, slant, spacing, and pen lift. Also, the signature is barely visibility in the same way on both forms and the lines darken and lighten at the same points in meaning this is one additional identical factor.

Because of the above factors, we conclude that it is more likely than not that the image of the signature on the Form I-290B is not a valid signature as required by the regulation. 8 C.F.R. § 103.2(a)(7)(ii)(A). To be valid here, regardless of how the filing party transmits the immigration form to USCIS, any signature must be on an original immigration form "which must contain the original signature." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B).

We observe the same shortcomings on the appellate Form G-28, meaning that form does not comply with the regulation at 8 C.F.R. § 292.4(a) requiring that the Form G-28 "must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS." Therefore, the Petitioner has not satisfied their burden, or the preponderance standard of proof, that the signature on the Form I-290B or the Form G-28 are valid signatures. *Chawathe*, 25 I&N Dec. at 375 n.7 (explaining that the filing party bears the burden of proof, and that the preponderance standard does not relieve them from satisfying regulatory requirements, such as providing a "valid signature").

Considering the totality of the circumstances, the record preponderantly reflects that the signatures of the Petitioner on the Form I-290B and the Form G-28 were electronically applied to the forms and those are not copies of "the original documents, which must contain the original signature," as the USCIS Policy Manual requires. *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B). Based on that determination, we are dismissing the appeal. Additionally, because we conclude the signatures in question are not "any handwritten mark or sign made by a person," we are not basing this decision on a signature that appears inconsistent with other signatures in the record, and we will not issue a notice seeking additional information relating to the appearance of the signature.

If the record does not establish that the Form I-290B and the Form G-28 were personally signed by the Petitioner, we cannot recognize the appellate forms to have been properly filed by an affected party with legal standing in these proceedings. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B). Nor can we decide that the Petitioner properly filed this appeal, and we will dismiss this filing. *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B).

Furthermore, we discern no distinction between a digitally "cut and paste" signature and the simulated signatures created by word processor, stamp, auto-pen, or similar device, as they all may be used to replicate a person's signature without their direct involvement in the act of signing. Each format may be created or applied by someone other than the signatory, in violation of 8 C.F.R. § 103.2(a)(2). In this case, the signature is invalid because it does not signify the purported signatory knows the contents of the request and supporting documents submitted on their behalf, that they have reviewed and approved of the information therein, and that they have certified the truth and correctness of the request under penalty of perjury.

The probative force of a benefit request subscribed under penalty of perjury derives from the actual signature of the applicant or petitioner. 28 U.S.C. § 1746 (requiring the signature of the declarant); *see also U.S. v. Bueno-Vargas*, 383 F.3d 1104, 1111 (9th Cir. 2004) ("We conclude that signing a statement under penalty of perjury satisfies the standard for an oath or affirmation, as it is a signal that the declarant understands the legal significance of the declarant's statements and the potential for punishment if the declarant lies."). By requiring an applicant or petitioner to verify the truth of the benefit request, the submitted evidence, and the related claims by personally reviewing and signing the immigration form under penalty of perjury, USCIS aims to ensure the accuracy of the information. Only the applicant or petitioner can attest to the truth of these matters. When a USCIS form is not signed by the applicant or petitioner to attest to its veracity, the evidentiary basis for the application or petition and supporting evidence no longer exists.

III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision. In visa petition proceedings, it is a petitioner's burden to establish eligibility for the immigration benefit sought. The Petitioner has not met that burden.

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.