U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43921854

Date: AUG. 31, 2026

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

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

The Petitioner 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).

USCIS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal pursuant to 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.

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 USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format."

USCIS considers a valid signature to be "*any handwritten mark or sign made by a person"* and it does not need to be legible or written in cursive. However, an abbreviated or other handwritten signature must be consistent with how the person normally signs their name. *See generally* 1 *USCIS Policy Manual* B.2(B) (emphasis added), https://www.uscis.gov/policymanual. A valid 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). A person's signature on an immigration form establishes a strong presumption that the signer knows its contents and has assented to them, absent 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 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)). Without the Petitioner's actual and personal signature as the declarant, the declaration under the penalty of perjury on the Form I-290B has no evidentiary force. 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).

Although the "regulations do not require that the person signing submit an 'original' or 'wet ink' signature on a petition, application, or other request to USCIS," we do "not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device." *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B). *Also see generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A) (stating that "[e]xcept as otherwise specifically authorized, a 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 Petitioner's actual and personal signature as the declarant, the declaration under the penalty of perjury on the Form I-290B has no evidentiary force. 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 distinguishes between a photocopy, scan, fax, or similar reproduction of an original signed document, which may be acceptable, and a signature created by a typewriter, work processor, stamp, auto-pen, or similar device, which is not. *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B). Thus, the reproduction must be of the originally signed document; the policy does not permit an image of a handwritten signature to be electronically transposed onto a separate immigration form.

The Form I-290B contains an image of the Petitioner's purported signature in the Petitioner's signature section. The record does not establish that the image represents the Petitioner's handwritten signature on that form.

The signatures appearing on Forms I-290B and the accompanying Form G-28 are substantially identical in their lines, loops, slants, spacing, pen lifts, and connecting strokes. In addition, the size of each letter, and how it appears above and below each line is an almost exact match. The degree of similarity indicates that the same signature image was reproduced and electronically applied to both forms rather than that the Petitioner separately signed each document.

USCIS policy permits submission of a copy, scan, fax, or similar reproduction of a document that was originally signed by hand. It does not permit an image of a handwritten signature to be copies from one source and applied to another document. *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(B). 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)(2).

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 a 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 petitioner can attest to the truth of these matters. When a USCIS form is not signed by the petitioner to attest to its veracity, the evidentiary basis for the petition and supporting evidence no longer exists.

Because the record does not establish that the Petitioner personally signed Form I-290B, we cannot recognize the appeal as 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). Because this issue is dispositive of the appeal, we do not reach the merits of the USCIS' decision or the Petitioner's arguments on appeal.

The Petitioner has not established that Form I-290B contains her valid signature. Accordingly, the appeal was not properly filed. 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.