U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40945042

Date: FEB. 12, 2026

Appeal of Service Center Operations (SCOPS) Decision

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

The Petitioner, a climate change policy analyst, 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).

SCOPS denied the petition, concluding that the signature requirements have not been met. 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 withdraw the decision and remand the matter for entry of a new decision consistent with the following analysis.

After receiving the Petitioner's Form I-140, Form I-907, and Form G-28, SCOPS issued a request for evidence (RFE) stating that the forms did not contain acceptable attorney/preparer signatures for the representative and requested submission of properly completed Form I-140, Form G-28, and Form I-907 with original signatures. SCOPS later issued a notice of intent to deny (NOID), explaining that the RFE response contained duplicate documentation that was insufficient to establish that the signatures on the initially submitted forms contained original "wet ink" signatures as required and seeking further evidence that the submitted documentation contains original signatures.

Ultimately, SCOPS concluded that the submitted Form I-140, Form I-907, and Form G-28 did not contain original handwritten ink signatures for the Petitioner's representative because there were no "readily observable variations" in any of the representative's signatures. This suggested that the signatures were not original handwritten signatures made on the Form I-140, Form I-907, and Form G-28, but rather a single signature that had been copied and pasted in multiple places.

On appeal, the Petitioner asserts that SCOPS erred in denying the petition. Specifically, the Petitioner contends that SCOPS should have adjudicated her petition while disregarding the representative's forms. The Petitioner further requests that we reverse SCOPS' decision and adjudicate her petition.

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 is one that is either handwritten or, for benefit request filed electronically as permitted by the instructions to the form, in electronic format." By signing the benefit request, the requestor certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at or after the time of filing, is true and correct. *See generally 1 USCIS Policy Manual* B.2(C)(2), www.uscis.gov/policy-manual. Where a notice of representation is submitted that is not properly signed, the benefit request will be processed as if the notice had not been submitted. *See* 8 C.F.R. § 103.2(a)(3). In addition, the regulation at 8 C.F.R. § 292.4(a) requires that the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative "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."

We acknowledge that in some instances, a photocopy of an original signature is acceptable on USCIS forms. But such acceptance is limited to when the filing party: (1) executes an original signature directly onto the immigration form, (2) a photocopy is made of that form, and (3) the photocopy of the original signature on the original immigration form is submitted to USCIS. *See generally 1 USCIS Policy Manual, supra*, B.2(B). USCIS policy specifically states that any such photocopy "must be of an original document containing an original handwritten signature, unless otherwise specified." *Id.*

In the NOID, SCOPS acknowledged that the Petitioner's signatures in the above-listed forms appear to be original. However, SCOPS denied the petition, stating that the evidence was insufficient to establish that the representative's signatures on the initially submitted documentation met the requirements for original signatures. Nonetheless, because SCOPS denied the petition solely due to the deficiency in the representative's signature and did not process the benefit request as if the representative's notice had not been submitted, we will withdraw SCOPS' decision and remand the matter for further consideration of the Petitioner's petition. SCOPS may request any additional evidence considered pertinent to the new determination and any other issues. We express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.