U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 29422132

Date: FEB. 15, 2024

Appeal of Texas Service Center Decision

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

The Petitioner, a marketing strategist and an entrepreneur in the construction industry, seeks second preference immigrant classification as an individual of exceptional ability in the sciences, art, or business, as well as a national interest waiver of the job offer requirement attached to this EB-2 immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not "establish eligibility for the benefit sought due to a deficient signature" per 8 C.F.R. § 103.2(a)(2). The Director did not make any findings on the Petitioner's qualification for the EB-2 classification as an individual of exceptional ability or his eligibility for the national interest waiver. The matter is now before us on appeal. 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) states that "an acceptable signature on a benefit request that is being filed with the USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format."

The Director denied the petition, concluding that the Petitioner "did not personally sign" his immigration forms[1] because his signature "is not a handwritten mark or sign made by an individual, and was instead created by a word processor, auto-pen, or similar device."

On appeal, the Petitioner claims that his signatures were valid according to the U.S. Citizenship and Immigration (USCIS) Policy Memorandum PM-602-0134.1, *Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services*, (February 15, 2018). The Petitioner contends that "[t]he signatures on the Form I-140 and G-28 are

[1] The Director specifically referenced Form I-140, Immigrant Petition for Alien Worker, and Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

in fact the handwritten ink signatures of the Appellant that was scanned into a computer program and attached to the documents" and "not created by a "word processor, auto pen, or similar device." The Petitioner further describes in detail how the signature was produced:

> [The Petitioner's] Form I-140, ETA 750, and G-28, were filled in with the assistance of [the Petitioner's] counsel. The completed but unsigned forms were then electronically transmitted to [the Petitioner] as a PDF. [The Petitioner] then reviewed all the information on the forms and hand wrote his signature in ink on a lined piece of paper, scanned it into a computer program and attached the scanned handwritten ink signatures to the forms that were transmitted to him as a PDF.

We note that the referenced policy memorandum has been fully superseded by 1 *USCIS Policy Manual* B.2(A), https://www.uscis.gov/policy-manual. The policy manual states, in relevant parts, the following:

> A signature is valid even if the original signature on the document is photocopied, scanned, faxed, or similarly reproduced. Regardless of how it is transmitted to USCIS, the copy must be of an original document containing an original handwritten signature, unless otherwise specified. 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.
>
> When determining whether a signature is acceptable, officers should review any applicable regulations, form instructions, and policy to ensure that the signature on a particular benefit request is proper. USCIS does not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device.

We acknowledge the Petitioner's explanation that the signature was not computer generated but a scanned copy of his handwritten signature affixed to the forms. However, USCIS policy specifically states that any photocopy "must be of an original document containing an original handwritten signature, unless otherwise specified." *See* 1 *USCIS Policy Manual*, *supra*, at B.2(B). Here, the Petitioner electronically inserted a copy of his signature scanned from another document to the immigration forms, instead of placing his original signatures directly on the forms and submitting photocopies of the originally signed forms. Therefore, we find that the Petitioner's signature does not comply with USCIS policy.[2]

The Petitioner also asserts that the denial "lacks good faith" because it did not initially reject the petition for the deficient signature which would have "led to a more expeditious and equitable result." Although 8 C.F.R. § 103.2(a)(7)(ii) allows USCIS to reject petitions for improper signatures, the policy manual clarifies that: [i]f USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS denies the request." *See* 1 *USCIS Policy Manual*, *supra*, at B.2(A). Therefore, the Director followed the procedures as outlined in the policy manual.

[2] USCIS has implemented the policy on signatures "to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors." 1 *USCIS Policy Manual*, *supra*, at A.

Based on the foregoing, we conclude that the Petitioner's signature was deficient according to USCIS policy and will dismiss the appeal.

ORDER: The appeal is dismissed.