U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 41326308

Date: JULY 27, 2026

Motion on Administrative Appeals Office Decision

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

The Petitioner seeks employment-based second preference (EB-2) immigrant classification 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).

Through its Service Center Operations (SCOPS), U.S. Citizenship and Immigration Services (USCIS) denied the petition and we dismissed a subsequent appeal. The matter is now before us on motion to reconsider. 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). Upon review, we will dismiss the motion.

A motion to reconsider must: (1) state the reasons for reconsideration, (2) be supported by any pertinent precedent decision to establish that our prior decision was based on an incorrect application of law or policy, and (3) establish that our prior decision was incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). Because the scope of a motion is limited to the prior decision, we will only review the latest decision in these proceedings. 8 C.F.R. § 103.5(a)(1)(i), (ii). A motion to reconsider that does not satisfy these requirements must be dismissed. 8 C.F.R. § 103.5(a)(4).

Within the appellate dismissal, we found that the Petitioner's signature on the Form I-290B, Notice of Appeal or Motion was not a valid signature because it was determined to be an image of a prior signature rather than an original handwritten signature. The signature on the appeal form was identical and indistinguishable from the Petitioner's signatures on multiple other immigration forms in the record, matching exactly in each line, loop, slant, spacing, and pen lift, with only lighter pen marks differing. We concluded the documents containing the identical signature in the underlying petition appeared on three forms: Form I-907, Request for Premium Processing Service; the Form I-140, Immigrant Petition for Alien Workers; and the U.S. Department of Labor Form ETA-9089, Application for Permanent Employment Certification.

Considering these factors, we concluded that the Form I-290B signature was electronically applied and not an original handwritten signature, nor a copy of an original document containing such a signature, as required by 8 C.F.R. § 103.2(a)(7)(ii)(A) and the USCIS Policy Manual. Because the

Petitioner did not meet his burden to show the form was personally and validly signed, the appeal was deemed improperly filed and was dismissed.

Now in this motion, the Petitioner alleges that his "Form I-290B was properly executed with a handwritten signature and then scanned for submission," and by extension, his appellate filing complied with USCIS regulations and policy. When discussing agency signature policies he states:

> This policy confirms that a scanned copy of a hand-signed document satisfies USCIS signature requirements, as long as the signature originates from an ink-signed original. The prohibition on signatures created by "typewriter, word processor, stamp, auto-pen, or similar device" applies only to mechanically or electronically generated facsimiles, not to authentic reproductions of handwritten signatures.
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> In the Petitioner's case, the record shows that the Form I-290B was hand-signed by the Petitioner and then scanned for submission, consistent with USCIS policy. The AAO's conclusion that the form was electronically applied misinterprets this rule and effectively nullifies a compliant, legally valid signature.

While the Petitioner has stated the reason for the motion and cited to the relevant authoritative resources, he has not established that our prior decision was incorrect based on the evidence in the record at the time of the decision. We explained that the four signatures in question were identical in absolutely every manner. But he does not address that aspect in his motion, and he only claims he applied an original signature to his Form I-290B before electronically scanning it.

Possibly realizing that position was unavailing, the Petitioner shifts to a different argument—one that is incorrect. He states:

> Assuming arguendo that the signature in question was not executed by hand on each individual page, but rather mechanically reproduced from an original handwritten mark, such reproduction remains permissible under the governing USCIS policy. The USCIS Policy Manual, Volume 1, Part B, Chapter 2 ("Signatures"), expressly states (emphasis added):
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> > "A signature is valid even if the original signature on the document is photocopied, scanned, faxed, or similarly reproduced."
> >
> > "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."
>
> The only explicit prohibition in the same section concerns signatures created entirely by mechanical or automated means, such as by typewriter, word processor, stamp, or auto-pen. This distinction is critical. The Policy Manual prohibits signatures that are generated mechanically, but it does not prohibit those that are reproduced from an authentic handwritten signature.

> Even if the officer's conclusion were correct that the same signature image appeared across multiple forms due to mechanical reproduction, that fact alone would not render the signature invalid. The Manual expressly allows submission of copies or scans of handwritten signatures and contains no requirement that each signature instance appear visually distinct. Consistency in appearance across forms may simply reflect the signatory's consistent style or the method of reproduction, not non-compliance.

What makes the Petitioner's broader point incorrect is the actual USCIS Policy Manual itself. While the policy included the text the Petitioner quotes, he omitted other pertinent text that disproves his broader point. The full uninterrupted text stated:

> 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.

See generally 1 *USCIS Policy Manual* B.2(B) (emphasis added), https://www.uscis.gov/policymanual. We italicized the portion of the policy that the Petitioner omitted from his motion filing. We have multiple requirements in that quote, and the Petitioner's filing did not comply with several of them. For a signature to be valid, USCIS policy required:

1. That the original signature is directly applied to the immigration benefit form with the alien's hand holding and directing the writing instrument (i.e., an "original signature on the document").
2. That original signature may then be "photocopied, scanned, faxed, or similarly reproduced," and such an action transforms the original immigration form containing an original signature into a "copy."
3. That "copy" "must be of an original document containing an original handwritten signature."
4. The regulations do not mandate the filing party directly submit to USCIS an "original" or "wet ink" signature on the original document or original immigration form the filing party signed, and it permits a "copy" of the original signature directly applied to the original document to USCIS.

So, the Petitioner has not demonstrated the truth of his statement that USCIS policy "does not prohibit [signatures] that are reproduced from an authentic handwritten signature." If that were the case, a filing party could sign a blank piece of paper, and they—or another person acting on their behalf—could electronically copy and paste that original signature onto immigration forms. Such an allowance would defeat the purpose behind requiring that a filing party sign their immigration forms: (1) to establish the signatory knows the contents of the request and supporting documents submitted on their behalf, (2) that they have reviewed and approved of the information therein, and (3) 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.

On motion to reconsider, the Petitioner has not established that our previous decision was based on an incorrect application of law or policy at the time we issued our decision. Therefore, the motion will be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.

NOTICE: 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.