U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40783433

Date: JUNE 29, 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).

U.S. Citizenship and Immigration Services (USCIS) denied the petition, concluding that the record did not establish that the Petitioner qualified for the underlying visa classification, nor did he merit a discretionary waiver of the job offer requirement 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.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

An advanced degree is any U.S. academic or professional degree or a foreign equivalent degree above that of a bachelor's degree. 8 C.F.R. § 204.5(k)(2). A U.S. bachelor's degree or foreign equivalent degree followed by five years of progressive experience in the specialty is the equivalent of a master's degree. *Id*. Profession is defined as one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a U.S. baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation.[1] 8 C.F.R. § 204.5(k)(2).

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides

[1] Profession shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries. Section 101(a)(32) of the Act.

the framework for adjudicating national interest waiver petitions. *Dhanasar* states that USCIS may, as matter of discretion,[2] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and
- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ADVANCED DEGREE REQUIREMENT

The Service Center Operations (SCOPS) partly denied the petition because the Petitioner did not tie his educational training (political science and public administration) to his proposed endeavor of supply chain management in the oil and gas industry, nor did he establish that the position he intended to pursue required an advanced degree to hold that position.

On appeal, the Petitioner mistakenly concludes because he filed his petition before USCIS issued guidance on that issue, that such a requirement does not attach to his petition. But the portion of the Policy Alert that the Petitioner quotes on appeal should have resolved the issue and informed him that the policy does apply to his petition. The Petitioner states:

> The Policy Alert cited in the denial (PA-2025-03) expressly states it is effective January 15, 2025 and "applies to requests pending or filed on or after the publication date." Because this petition was filed in 2023, that update does not govern the threshold EB-2 analysis here. Because the 2025 update is inapplicable, threshold eligibility must be adjudicated under the governing regulation itself, 8 C.F.R. § 204.5(k), as quoted in the RFE.

But his conclusion is belied by the Policy Alert's plain text in which it clearly conveyed that the policy applied to any petition that was filed and pending on the date the alert was issued. That includes his petition meaning he was subject to the policy. His refusal to accept that the policy applied to his petition and his subsequent refusal to rebut that issue on appeal means his petition will remain denied.

The Petitioner has not provided sufficient evidence to meet the regulatory requirements at 8 C.F.R. § 204.5(k)(3)(i)(A)–(B). As the Petitioner has not established he is qualified for the EB-2 classification as a member of the professions holding an advanced degree, he has failed to satisfy the antecedent requirement for consideration of an NIW. Although the Petitioner asserts on appeal that he meets additional NIW eligibility requirements under the *Dhanasar* analytical framework, we reserve our opinion regarding these issues. Where a case warrants a denial regardless of other eligibility considerations, it is unnecessary that we address those other considerations. *Patel v. Garland*, 596 U.S. 328, 332 (2022) (citing *INS v. Bagamasbad*, 429 U.S. 24, 25–26 (1976) (finding agencies are not required to make "purely advisory findings" on issues that are unnecessary to the

[2] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

ultimate decision)); *see also Matter of G-L-C-*, 29 I&N Dec. 717, 720 n.6 (BIA 2026) (declining to address other issues when one determination is dispositive of a benefit request.

III. SIGNATURE ISSUE

That is not the only reason we would dismiss his 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 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."[3]

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 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 "[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." *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

[3] 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.

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—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).

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. *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 of an original document containing an original handwritten signature" and it may not be a digital duplicate of a signature that is simply transposed onto an immigration form. *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).

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. 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 the collection of letters forming the middle of the signature. And we note the Petitioner's signature on the uncertified Department of Labor form dated December 13, 2023, that he submitted when he filed the petition is also identical in every measure to the images on the appellate forms.

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 "containing an original handwritten signature, unless otherwise specified." *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 an original document containing an original handwritten 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.

IV. 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.