U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 37479941

Date: MAR. 25, 2025

Appeal of Nebraska Service Center Decision

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

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

The Nebraska Service Center Director denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding the record did not establish that the Petitioner merited a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility to U.S. Citizenship and Immigration Services (USCIS) by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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

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."[1]

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

[1] 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 (Mar. 3, 2025), https://www.uscis.gov/file-online/forms-available-to-file-online.

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 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).

II. ANALYSIS

On the appellate Form I-290B, Notice of Appeal or Motion, the form contains an image of a signature under Part 4, 4. in the Petitioner's Signature block. We conclude that this is an image of a signature and not an original signature due to multiple factors. The Petitioner's signatures on the appellate forms (Form I-290B and the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative) are identical and indistinguishable, to include each line, loop, slant, spacing, pen lift, dotting of the letter "i," and the signature's size. This is an indication that this may have been copied from another source and electronically transferred onto the submitted appellate forms. And we note the Petitioner's signature on the immigration forms in the underlying petition filing are also identical in every measure to the images on the appellate forms.

Because of the above factors, we conclude 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).

III. 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.