U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 43119735

Date: MAY 28, 2026

Appeal of U.S. Citizenship and Immigration Services (USCIS) Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner is a business management specialist who seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

USCIS denied the petition, concluding that the record did not establish that the Petitioner had a major, internationally recognized award, nor did she demonstrate that she met at least three of the ten regulatory criteria. 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.

The Petitioner asserts that the appeal was improperly rejected and requests that the AAO reconsider the filing as timely. The Petitioner argues that the rejection notice incorrectly stated that the filing lacked an address, maintaining that the submitted form did, in fact, contain the required address information in accordance with the form instructions. The Petitioner also contends that the rejected filing package was not returned until after the filing deadline had passed.

Upon review of the record, including USCIS systems and the submitted filing, we agree with the Petitioner that the Form I-290B contained the required information and should not have been rejected as incomplete. Nevertheless, the appeal will be dismissed because Form I-1290B was not properly signed. The Petitioner's signature appears to have been copied and pasted or created by a stamp or similar device for use on multiple documents. This is not acceptable as a valid signature.

USCIS requires a valid signature on forms and other documents filed with the agency. 8 C.F.R. § 103.2(a)(2). 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 C.1 (citing to 8 C.F.R. § 103.2(a)(2)). 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 the benefit request 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), https://www.uscis.gov/policymanual. A person's signature on an immigration form establishes a strong presumption that the signer knows and has assented to its contents, 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.

USCIS does not accept electronic or digitally produced signatures on forms submitted for immigration benefits. Although a signature may be considered valid if it is "photocopied, scanned, faxed, or similarly reproduced.... 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. If signature is electronically applied to a form, that act nullifies the filing because it is not a valid signature, and it is not properly signed under penalty of perjury. Ultimately, even if a filing party presents a photocopy of a form to USCIS, that photocopied form must contain a filing party's original signature that is consistent with how the person normally signs his or her name because "[a]n applicant or petitioner must sign his or her benefit request." 8 C.F.R. § 103.2(a)(2).

The *USCIS Policy Manual* further explains that the agency interprets the regulatory term "valid signature" to mean a signature that "is consistent with how the person signing normally signs his or her name." *See generally* 1 *USCIS Policy Manual*, *supra*, at B (explaining that the appearance of the signature on USCIS forms must be preponderantly consistent with that person's normal signature). 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," USCIS does "not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device" such as a pen tool in off the shelf software. *See generally* 1 *USCIS Policy Manual*, *supra*, *at B. See also generally* 1 *USCIS Policy Manual*, *supra*, at 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 A.

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 a 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 petitioner can attest to the truth of these matters. When a USCIS form is not signed by the petitioner

to attest to its veracity, the evidentiary basis for the application or petition and supporting evidence no longer exists.

Although we acknowledge the difficulties the Petitioner may face as a result of the adverse finding in her case here, we lack the authority to waive or disregard any of the Act's requirements, as implemented by regulation. *See United States v. Nixon*, 418 U.S. 683, 695 (1974) (providing that "[s]o long as this regulation is extant it has the force of law"). The review and analysis of a questionable signature is an adjudication itself and it is appropriate to deny a benefit request when it is not properly signed under penalty of perjury.

In visa petition proceedings it is a petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. 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.