U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 39837109

Date: NOV. 6, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-129, Petition for a Nonimmigrant Worker (Extraordinary Ability – O)

The Petitioner, a restaurant, seeks to classify the Beneficiary as an executive chef of extraordinary ability. To do so, the Petitioner pursues O-1 nonimmigrant classification, available to individuals who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(O)(i), 8 U.S.C. § 1101(a)(15)(O)(i).

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner did not establish the Beneficiary's satisfaction of the initial evidentiary criteria applicable to individuals of extraordinary ability in the arts: nomination for or receipt of a significant national or international award or at least three of six possible forms of documentation. 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 appellate Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, identifies [redacted] as the Petitioner's counsel and contains an "Authorized Signatory for an Entity" that is markedly different from prior signatures of the authorized representative of the Petitioner. Specifically, the signatures on Form I-129, Petition for a Nonimmigrant Worker; initial filing Form G-28; and "EMPLOYMENT AGREEMENT" reflect a purported signature for [redacted], indicated as owner of the Petitioner. However, the signature of the appellate Form G-28, which appears to reflect in cursive writing the name of [redacted]' contrasts the signatures on prior forms and documents for [redacted] The same appellate G-28 signature is also reflected on Form I-290B, Notice of Appeal or Motion, submitted in this matter. 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."

U.S. Citizenship and Immigration Services (USCIS) requires a valid signature on certain documents filed with the agency. 8 C.F.R. § 103.2(a)(2). Unless specifically authorized, an individual representing a

petitioner must personally sign his or her own request before filing it with USCIS. Again, while [redacted] purported and ostensible signatures on the appellate Form G-28 and Form I-290B appear consistent, these signatures are markedly different from prior signatures of [redacted] Consequently, the Petitioner did not establish that [redacted] actually signed the appellate Form G-28 as an authorized signatory. Therefore, we do not recognize the appellate Form G-28 as being properly executed. Without a properly executed Form G-28 authorizing [redacted] to represent the Petitioner in the appeal, we cannot recognize him as counsel on appeal. 8 C.F.R. § 103.2(a)(3).

Moreover, as [redacted] purported and ostensible signature on the Form I-290B differs markedly from signatures on other documents in the record, we do not recognize the appeal to have been properly filed. Without knowing who physically signed the documents, and this individual's capacity to sign on the Petitioner's behalf, we cannot recognize the appeal to have been properly filed by an affected party with legal standing in these proceedings. 8 C.F.R. § 103.3(a)(1)(iii)(B)-(2)(i). In addition, without knowing who signed the documentation, we cannot determine whether the original immigration benefit petition was properly filed. *See generally* 8 C.F.R. § 103.2(a).

USCIS will reject a request that does not bear a valid signature when it receives the request. 8 C.F.R. § 103.2(a)(7)(ii)(A). Likewise, it stands that a request without a valid signature that USCIS does not discover until a later date also will not be considered as properly filed. *See generally* 1 *USCIS Policy Manual* B.2(A), https://www.uscis.gov/policymanual (indicating that once USCIS initially accepts a request and subsequently discovers a deficient signature, the matter is denied or dismissed rather than rejected).

Here, the Petitioner did not establish that [redacted] as its authorized signatory, was the actual individual who signed both the Form I-129 and the Form I-290B. The Petitioner must resolve inconsistencies in the record with independent, objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Nor has the Petitioner established that the individual who signed the forms was authorized to sign a request or other document on behalf of a corporation or other legal entity. *See generally* 1 *USCIS Policy Manual*, *supra*, B.2(A). Because the Petitioner did not demonstrate that [redacted] signed Form I-290B as its authorized representative, we cannot recognize the appeal 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*, B.2(A).

In visa petition proceedings, it is the 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. The appeal will be dismissed for the above stated reasons, with each considered an independent and alternative basis for the decision.

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.