U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40163629

Date: NOV. 13, 2025

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 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).

SCOPS denied the petition, concluding the Petitioner did not establish a waiver of the required job offer, and thus of the labor certification, would be in the national interest. We dismissed a subsequent appeal, concluding that the Petitioner did not submit a valid appeal due to signature deficiencies. The matter is now before us on motion to reopen.

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 reopen must state new facts and be supported by documentary evidence. 8 C.F.R. § 103.5(a)(2). 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). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit. *See Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992) (requiring that new evidence have the potential to change the outcome).

On motion, the Petitioner submits a brief and an affidavit. In the brief, the Petitioner acknowledges that the signatures submitted on the forms appear to be digital copies of his signature, rather than photocopies of handwritten, wet-ink signatures, and that the signatures appear to be traced over. The brief also contends that the signatures on the forms were "digitally copied and pasted" and he "personally traced over them to make them clearer and more visible." In addition, he states that at "no point did any other individual sign these forms on his behalf." The Petitioner's affidavit repeats these same claims.

The Petitioner noted that his signature was "digitally copied and pasted" for use on multiple documents. This is not acceptable as a valid signature because the regulation at 8 C.F.R. § 103.2(a)(2)

specifies that non-electronic applications require "handwritten" signatures, which include the instant application. The Petitioner must sign their benefit requests. *Id.* 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 the affidavit submitted on appeal, the Petitioner states that "prior to submission, I observed that my original handwritten signatures on both forms were too faint and not easily legible," and further noted that he "personally traced over them to make them clearer and more visible." Although the Petitioner contends that he traced over the copied and pasted signatures, it does not resolve the underlying concern as to how the two signatures are identical. As noted in our decision, the signatures are identical and indistinguishable, to include each line, loop, slant, spacing, and pen lift. On appeal, the Petitioner does not sufficiently address this concern and explain how the signatures are identical. It is well established that burden of proof rests solely with the Petitioner to establish eligibility by a preponderance of evidence. In this case, the record reflects unresolved discrepancies which the Petitioner has not adequately addressed. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Although the Petitioner has submitted additional evidence in support of the motion to reopen, the Petitioner has not established that the Form I-290B and the Form G-28 were personally signed by the Petitioner, and the appellate forms were properly filed by an affected party with legal standing in these proceedings. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B).

ORDER: The motion to reopen 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.