



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 25691493

Date: JUN 12, 2023

Appeal of Texas Service Center Decision

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

The Petitioner seeks classification as a member of the professions holding an advanced degree. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). The Petitioner also seeks a national interest waiver of the job offer requirement that is attached to this EB-2 immigrant classification. *See* section 203(b)(2)(B)(i) of the Act, 8 U.S.C. § 1153(b)(2)(B)(i).

The Director of the Texas Service Center denied the petition, concluding that the Petitioner did not establish eligibility for 1) the underlying classification and 2) the requested national interest waiver. 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 regulation at 8 C.F.R. § 103.2(a)(1) incorporates form instructions into the regulations requiring its submission.<sup>1</sup> The “general instructions” section regarding signatures for the Form I-290B, Instructions for Notice of Appeal or Motion, explains that “[e]ach form must be properly signed” and that “[f]or all signatures on this form, USCIS will not accept a stamped or typewritten name in place of a signature.” Further, the “specific instructions” for Part 6 mandate the following:

**1.a. - 8.b.** This section must contain the signature of the person who completed your form, if other than you, the applicant or petitioner. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 5.** and **Part 6.** If the person who completed this form is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this form **MUST** sign and date the form. A stamped or typewritten name in place of a signature is not acceptable.

(Emphasis in original).

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<sup>1</sup> Per 8 C.F.R. § 103.3(a)(2)(i), affected parties must submit an appeal on Form I-290B, Notice of Appeal or Motion.

In this matter, the Preparer's signature in Part 6. 8.a. of the Form I-290B was created by a word processor or other similar device, which is specifically disallowed by regulation and the form instructions.<sup>2</sup> See 8 C.F.R. § 103.2(a)(2). Consequently, we do not recognize this Form I-290B as being properly executed.

Per 8 C.F.R. § 103.2(a)(7)(ii)(A), a benefit request that does not bear a valid signature will be rejected. If a benefit request is initially accepted and subsequently discovered to contain a deficient signature, it is denied or dismissed rather than rejected. See generally 1 *USCIS Policy Manual* B.2(A) and (B), <https://www.uscis.gov/policymanual>.

Because the Preparer did not properly sign the Form I-290B, we will dismiss the appeal.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> The Preparer's certification attests that:

By my signature, I certify, under penalty of perjury, that I prepared this form at the request of the applicant or petitioner. The applicant or petitioner then reviewed this completed form and informed me that he or she understands all of the information contained in, and submitted with, his or her form, including the Applicant's or Petitioner's Certification, and that all of this information is complete, true, and correct. I completed this form based only on information that the applicant or petitioner provided to me or authorized me to obtain or use.