



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

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

In Re: 26423180

Date: JULY 25, 2023

Appeal of Vermont Service Center Decision

Form I-129, Petition for a Nonimmigrant Worker (H-1B)

The Petitioner seeks to temporarily employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. *See* Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b). The H-1B program allows a U.S. employer to temporarily employ a qualified foreign worker in a position that requires both: (a) the theoretical and practical application of a body of highly specialized knowledge; and (b) the attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum prerequisite for entry into the position.

The Director of the Vermont Service Center denied the petition. 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.

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 request 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 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

¹ Because this Form I-290B was not electronically filed, none of the provisions governing electronic filings apply.

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 C.1 (citing to 8 C.F.R. § 103.2(a)(2)). 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 someone acting on behalf of a petitioner’s signatory, such as 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 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 that is consistent with how the person normally signs their name 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. *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.

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 using some electronic means or method. Without the signatory’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, 458-459 (D. N.J. 2006). 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 A.

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).

II. ANALYSIS

On the appellate Form I-290B, the form contains a word processor generated “signature” under Part 4 8.a in the Petitioner’s signature block. We conclude that this is a word processor generated “signature” because it is of a type and variety commonly recognized as the “default” for word processor generated “signatures” in the same style and font. Moreover, the word processor generated “signature” does not

match the Petitioner's signature on the Form G-28 or any other material present in the record, such as the Form I-129.²

USCIS policy requires the appearance of the signature on USCIS forms to be consistent with that person's normal signature. *See generally* 1 *USCIS Policy Manual*, *supra*, at A. Because of the above observations, we conclude that 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).

Considering the totality of the circumstances, the record reflects that the "signature" of the Petitioner's signatory on the Form I-290B was electronically generated and applied to the form. It is not their "originally handwritten signature" as required by the *USCIS Policy Manual*. *See generally* 1 *USCIS Policy Manual*, *supra*, at B. Based on that determination, we are dismissing the appeal. And because we conclude the signature in question is not "any handwritten mark or sign made by a person," we are not primarily 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 Petitioner does not establish that the Form I-290B was personally signed by an authorized individual, 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. So we will dismiss the appeal. *See generally*, 1 *USCIS Policy Manual*, *supra*, at B.

III. CONCLUSION

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.

² The Form I-290B was initially accompanied by a deficient Form G-28 containing the same style and type of word processor generated "signature" for the Petitioner. Consequently, the Petitioner was notified that we would consider them self-represented for purposes of the appeal. The Petitioner subsequently submitted a new Form G-28 which we accepted. This Form G-28 contains a signature which more likely than not adheres to the regulations and attendant policy we discuss above and is in accord with other signatures attributed to the Petitioner's signatory present in the record before us.