



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

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

In Re: 21561782

Date: MAY 19, 2022

Appeal of Newark, New Jersey Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident (LPR) and seeks a waiver of inadmissibility under section 212(h) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(h).

The Director of the Newark, New Jersey Field Office denied the application, concluding that the Applicant was inadmissible under section 212(a)(2)(A)(i)(I) of the Act for having been convicted of at least one crime involving moral turpitude (CIMT). The Director additionally held that the Applicant committed a violent or dangerous crime as contemplated in 8 C.F.R. § 212.7(d) and as such he must be held to a heightened discretionary standard. The Director then found that the Applicant did not meet that standard. On appeal, the Applicant argues the Director erred in finding that his spouse and children would not suffer exceptional and extremely unusual hardship if he remains inadmissible.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon *de novo* review, we will reject the appeal.

On appeal, the Applicant submits a Form I-290B that he did not sign, as the signature box in Part 4 section 6.a. only indicates "Detained [redacted] Jail." An applicant or petitioner must sign his or her benefit request. 8 C.F.R. § 103.2. While the Form I-290B indicates the Applicant requested his counsel prepare his form, the Applicant did not personally sign his Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, which is not properly executed.

Accordingly, the appeal itself must be rejected as improperly filed. Part 4, Section A of Form I-290B (Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature) instructs the filer of an appeal based on an application or petition filed by an individual to complete this section. However, the Applicant's Form I-290B lacks the requisite signature.<sup>1</sup> Additionally, Form G-28 does not, by itself, authorize a representative to sign a request or other document on behalf of a person or legal entity.<sup>2</sup> Moreover, the Applicant did not select the appropriate box in Part 4, Section A,

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<sup>1</sup> The instructions for Form I-290B state that "[e]very form MUST contain the signature of the applicant or petitioner (or parent, legal guardian, or authorized signatory, if applicable). See <https://www.uscis.gov/i290b>.

<sup>2</sup> We also note an attorney or representative may not use a power of attorney to sign a Form G-28 on behalf of a person or legal entity to authorize his or her own appearance. 1 *USCIS Policy Manual* B.2(D)

“Applicant or Petitioner’s Statement” of Form I-290B indicating whether the Applicant read the form himself and understands every question and answer on the form or had an interpreter assist in reading the questions and answers on the form to the Applicant. Finally, the absence of a proper signature invalidates the contents of the “Applicant’s or Petitioner’s Certification” that appears above the signature, in particular the closing sentence which reads, in pertinent part, as follows: “I certify, under penalty of perjury... that I reviewed and understand all of the information contained in, and submitted with my form, and that all of this information is complete, true, and correct.” In the alternative, we cannot consider the appeal filed by the Applicant because the form does not contain his information and his signature, certifying that the information therein is complete, true, and correct as there is no evidence that the Applicant reviewed the Form I-290B.

Here, we find the Applicant did not sign his Form I-290B or provide any indication he reviewed, understood, and certified as true the contents of the appeal. Without this information we cannot determine if the appeal was submitted by an “affected party” in this proceeding and find the preparer of this Form I-290B does not have legal standing to file the appeal. *See* 8 C.F.R. § 103.3(a)(1)(iii)(B). Further, the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(1) states that “[a]n appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee the Service has accepted will not be returned.”<sup>3</sup> Since the Applicant’s counsel did not submit a properly executed Form G-28 with the appeal and the preparer of the Form I-290B is not an “affected party” in this proceeding, we will reject the appeal.

**ORDER:** The appeal is rejected.

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<sup>3</sup> The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) further provides that “[i]f an appeal is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, the appeal is considered improperly filed. In such case any filing fee the Service has accepted will not be refunded regardless of the action taken.”