



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

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

In Re: 17866084

Date: FEB. 16, 2022

Motion on Administrative Appeals Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, the spouse of a U.S. citizen, has requested an immigrant visa abroad and seeks a waiver of inadmissibility for prior unlawful presence in the United States under Immigration and Nationality Act (the Act) section 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v).

The Director of the Nebraska Service Center denied the Form I-601, concluding that the Applicant was inadmissible to the United States under section 212(a)(9)(B)(i)(II) of the Act for having been unlawfully present in the United States for more than one year, and under section 212(a)(6)(C)(ii)(I) of the Act for having procured admission to the United States by falsely representing herself to be a citizen of the United States. Noting that there is no statutory waiver available for the ground of inadmissibility under section 212(a)(6)(C)(ii)(I) of the Act, the Director determined that as the Applicant's inadmissibility under section 212(a)(6)(C)(ii)(I) of the Act statutorily bars her admission to the United States, no purpose would be served in considering whether she is able to establish eligibility for a waiver of her inadmissibility under section 212(a)(9)(B)(i)(II) of the Act, and denied the waiver application as a matter of discretion.

We dismissed the appeal, concluding that the Form I-290B, Notice of Appeal or Motion, did not contain a valid signature. 8 C.F.R. § 103.2(a)(2). Specifically, we found that the signature on the prior Form I-290B was deficient because "it appears to have been located from a form other than the submitted Form I-290B."

The matter is now before us on a motion to reopen. On motion, the Applicant provides a copy of the previously submitted appellate brief and supporting documentation. She reasserts that she did not make a false claim to U.S. citizenship, that her Form I-601A, Application for Provisional Unlawful Presence Waiver, excuses her inadmissibility under section 212(a)(9)(B)(i) of the Act, and, alternately, that her spouse will suffer extreme hardship if the waiver of inadmissibility is not granted.

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 review, we will dismiss the motion.

I. LAW

A motion to reopen must state new facts and be supported by documentary evidence.¹ We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

A review of any motion is limited to the basis for the prior adverse decision. Thus, we examine any new facts and arguments to the extent that they pertain to our dismissal of the Applicant's appeal. As explained in that decision, U.S. Citizenship and Immigration Services (USCIS) requires a valid signature on certain documents filed with the agency. *See* 8 C.F.R. § 103.2(a)(2); *see also* 1 *USCIS Policy Manual* B.2(A), <https://www.uscis.gov/policy-manual> (incorporating former USCIS Policy Memorandum PM-602-0134.1, *Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services* (Feb. 15, 2018)). Unless specifically authorized in the regulations, policy manual or form instructions, the applicant must personally sign his or her own request before filing it with USCIS.² An acceptable signature on a benefit request that is being filed with USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format.³ USCIS does not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device.⁴ If USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS will deny the request.⁵

II. ANALYSIS

In our decision dismissing the Applicant's appeal, we found that the Applicant did not provide a valid signature on the prior Form I-290B, as the signature appears to have been copied and pasted from a form other than the submitted Form I-290B. As a result, we were unable to recognize the appeal as properly filed and dismissed on this ground.

On motion, the Applicant's statement, in relevant part, is as follows:

The [AAO] dismissed [the Applicant's] Form I-290B, Notice of Appeal or Motion, because the form was not properly signed. [The Applicant] is hereby resubmitting a properly signed form I-290B, Notice of Appeal or Motion, and Brief in Support (previously submitted) and documents for your favorable consideration of her Appeal.

The Applicant provides the same statement in a separate description of the basis for the motion.

Here, the Applicant did not comply with the regulation at 8 C.F.R. § 103.2(a)(2). Her above declarations confirm that she did not properly sign the Form I-290B. The Applicant's motion does

¹ 8 C.F.R. § 103.5(a)(2).

² *See* 1 *USCIS Policy Manual*, *supra*, at B.2(A).

³ 8 C.F.R. § 103.2(a)(2); *see also* 1 *USCIS Policy Manual*, *supra*, at B.2(B) (providing that "a signature is valid even if the original signature on the document is photocopied, scanned, faxed, or similarly reproduced. Regardless of how it is transmitted to USCIS, the copy must be of an original document containing an original handwritten signature, unless otherwise specified.")

⁴ *See* 1 *USCIS Policy Manual*, *supra*, at B.2(A).

⁵ *Id.*

not provide new facts that would overcome the signature defects raised in our appeal dismissal. Furthermore, the Applicant's submissions in its motion, which include the appellate brief and supporting documentation, are not relevant to the issue of the signature defects raised in our prior dismissal. The Applicant, therefore, has not met the requirements for a motion to reopen. As such, we will dismiss the motion.

ORDER: The motion to reopen is dismissed.