



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

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

In Re: 29045059

Date: NOV. 16, 2023

Appeal of Texas Service Center 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).

The Director of the Texas Service Center denied the petition, concluding that while the record established that he qualifies for the EB-2 classification as a member of the professions holding an advanced degree, it did not establish that he merits, as a matter of discretion, a 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.

## 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.” A valid signature signifies that:

- The person knows of the content of the request and any supporting documents;
- The person has reviewed and approves of any information contained in such request and any supporting documents; and
- The 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), [www.uscis.gov/policy-manual](http://www.uscis.gov/policy-manual). A valid signature consists of any handwritten mark or sign made by a person “that is consistent with how the person signing normally signs his or her name.” *Id.* Such an original signature that is photocopied, scanned,

faxed, or similarly reproduced is valid. However, a signature is invalid if it is a typed name on a signature line, or any signature created by a typewriter, word processor, stamp, auto-pen, or similar device. These regulations and policies are implemented “to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors.” *Id.*

## II. ANALYSIS

The Petitioner submitted Form I-290B, Notice of Appeal or Motion, with a “signature” produced by a word processor in line 6.a of Part 4. The font used for this “signature” is of a type and variety commonly used for word processor produced “signatures,” and we note that it consists of all capital letters which are uniform in appearance. Further, it does not match the Petitioner’s handwritten signature found on Form I-140, Immigrant Petition for Alien Worker, or on Form ETA-750B, Application for Alien Employment Certification. Based upon the totality of these observations, we conclude that the “signature” on the Form I-290B was generated by a word processor and is therefore not valid as required by regulation. 8 C.F.R. § 103.2(a)(7)(ii)(A).

The Petitioner’s “signature” on Form I-290B is deficient, and we will dismiss this appeal as improperly filed. Per 8 C.F.R. § 103.2(a)(7)(ii)(A), USCIS will reject a request that does not bear a valid signature when it receives the request. Likewise, it stands that a request without a valid signature that USCIS does not discover until a later date also will not be considered as properly filed. *See generally* 1 *USCIS Policy Manual* B.2(A), <https://www.uscis.gov/policymanual>. Once USCIS initially accepts a benefit request and subsequently discovers a deficient signature, the matter is denied or dismissed rather than rejected. *See generally* 1 *USCIS Policy Manual*, *supra*, at B.2(A).

**ORDER:** The appeal is dismissed.