



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

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

In Re: 28433228

Date: NOV. 20, 2023

Appeal of Texas Service Center Decision

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

The Petitioner, a structural engineer, seeks second preference immigrant classification as a member of the professions holding an advanced degree or as an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this EB-2 immigrant 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 the Petitioner did not establish eligibility for the benefit sought due to a deficient signature. 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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

The Director found that pursuant to the regulation at 8 C.F.R. § 103.2(a)(2), the Petitioner is not eligible for the benefit sought due to a deficient signature. On appeal, the Petitioner stated the Director did not provide any explanation for the perceived defect of the Petitioner's signature. As correctly noted by the Petitioner on appeal, the Director's decision consists of a conclusion but is not supported by any analysis. Without further explanation of the Director's concerns, we are unable to review the issue and determine the proper outcome in this matter. An officer must fully explain the reasons for denying a visa petition to allow the Petitioner a fair opportunity to contest the decision and to allow us an opportunity for meaningful appellate review. 8 C.F.R. § 103.3(a)(i). We conclude that a remand is warranted in this case because the Director's decision lacks sufficient analysis and discussion of the evidence in the record.

The Director should review the evidence and provide a full analysis of whether the Petitioner's documents comply with the regulation and USCIS policy to determine whether the original petition was properly filed. *See generally* 8 C.F.R. § 103.2(a). As the Director conducts that analysis, they may wish to take into the account the following authorities.

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 U.S. Citizenship and Immigration Services (USCIS) is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format.” According to 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. USCIS policy reflects in instances where the agency has accepted a benefit request for adjudication and we subsequently discover a deficient signature, we will deny the benefit instead of rejecting it. *See generally* 1 *USCIS Policy Manual* B.2(A), <https://www.uscis.gov/policymanual>.

A person’s signature on an immigration form establishes a strong presumption that the signing party knows its contents and has assented to them, absent evidence of fraud or other wrongful acts by another person. *Matter of Valdez*, 27 I&N Dec. 496, 499 (BIA 2018) (citing *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.

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.” 1 *USCIS Policy Manual*, *supra*, at B. *Also see* 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.” 1 *USCIS Policy Manual*, *supra*, at A. Finally, the regulation at 8 C.F.R. § 292.4(a) requires that the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative “must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS.”

We acknowledge that in some instances, a photocopy of an original signature is acceptable on USCIS forms. But such acceptance is limited to when the filing party: (1) executes an original signature directly onto the immigration form, (2) a photocopy is made of that form, and (3) the photocopy of the original signature on the original immigration form is submitted to USCIS. USCIS policy specifically states that any such photocopy “must be of an original document containing an original handwritten signature, unless otherwise specified.” *See generally* 1 *USCIS Policy Manual*, *supra*, B.2(B).

Because the Director did not explain how they arrived at their conclusion that the Petitioner’s signature was deficient, we will withdraw the Director’s decision and remand the matter for further consideration of the record, including the claims and documentation submitted on appeal, and entry of a new decision to determine the sufficiency of the Petitioner’s signature. The Director may request any additional evidence considered pertinent to the new determination and any other issues. We express no opinion regarding the ultimate resolution of this case on remand.

ORDER: The Director’s decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.