



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

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

In Re: 28285003

Date: NOV. 09, 2023

Appeal of Nebraska Service Center Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied for an immigrant visa abroad as the beneficiary of an approved Form I-130, Petition for Alien Relative, filed by his U.S. citizen spouse, and seeks a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(v), to waive inadmissibility under section 212(a)(9)(B)(i)(II) of the Act.¹ The Director of the Nebraska Service Center denied the Applicant's Form I-601, Application to Waive Inadmissibility Grounds, concluding that the record did not establish that the Applicant signed the application as is required pursuant to 8 C.F.R. §103.2(a)(2). The matter is now before us on appeal.

The Applicant 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.

U.S. Citizenship and Immigration Services (USCIS) requires a valid signature on applications, petitions, requests, and certain other documents filed with USCIS. *See generally* 1 *USCIS Policy Manual* B.2(A), <https://www.uscis.gov/policymanual> (describing in general the signature requirements for documents filed with USCIS). USCIS policy explains that a valid signature is "any handwritten mark or sign made by a person" 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." *Id.* at B.2(B). A valid signature does not need to be legible or in English and may be abbreviated as long as the signature is consistent with how the person signing normally signs his or her name. *Id.*

As noted above, the Applicant submitted a Form I-601 seeking a waiver of inadmissibility. The Director notified the Applicant through issuance of a notice of intent to deny (NOID) that the signature did not match his signature on other documents in the record, including signatures from a biometrics

¹ The record shows that the Applicant entered the United States without being admitted or paroled in 1986 and was removed from the United States in 2018 rendering the Applicant inadmissible under section 212(a)(9)(B)(i)(II) of the Act for unlawful presence in the United States for one year or more and seeking admission within 10 years of departure or removal.

capture, two previously submitted USCIS forms,² his Nevada ID, and his social security card, and thus it did not appear that the Form I-601 was signed by him or someone authorized to sign on his behalf. In response, the Applicant provided copies of documents referred to in the NOID as well as an affidavit that bore his signature. In his affidavit, the Applicant explained that his signature varied depending on whether the signature was printed or signed and that for “the waiver application[]” he was instructed to sign his name. He also confirmed that the signature in the affidavit was his true signature that he would be using on all forms going forward. In providing the affidavit the Applicant believed any confusion regarding his signature was resolved and certified that the information contained therein was true to the best of his knowledge, information, and belief. The Director denied the application after determining that the signature provided in the Applicant’s affidavit did not match the signature on his Form I-601 and that there was no evidence that another individual was authorized to sign on his behalf.

On appeal, the Applicant claims the Director abused discretion, denied relief without justifiable cause, which is the essence of fundamental fairness, rushed to judgement, and used a sense of perversion to determine what an acceptable form of signature is.

After review of the record, including in particular the Applicant’s response to the NOID, the record does not support the Director’s decision. We note that while the signature on the Form I-601 may appear inconsistent with other signatures used by the Applicant, consistent with the requirements for a valid signature, the Applicant provided an explanation for any inconsistencies, affirmed that he signed “the waiver application[],” and therefore signified that he knew the content of his application and supporting documents; reviewed and approved of any information contained in his application and supporting documents; and that the request and other supporting documents were true and correct. *See generally* 1 *USCIS Policy Manual* B.2(A). We therefore withdraw the Director’s determination that the Form I-601 lacks a valid signature by the Applicant.

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

² The USCIS forms include the Form I-485, Application to Register Permanent Residence, signed in 2001, and the Form I-601A, Application for Provisional Unlawful Presence Waiver, signed in 2016.