



February 15, 2018

PM-602-0134.1

## Policy Memorandum

SUBJECT: Signatures on Paper Applications, Petitions, Requests, and Other Documents  
Filed with U.S. Citizenship and Immigration Services

### **I. Purpose**

This policy memorandum (PM) finalizes the interim memorandum under the same title issued by U.S. Citizenship and Immigration Services (USCIS) on June 7, 2016. It provides the current USCIS policy regarding the signature requirement for applications, petitions, requests, and other documents that require a signature prior to filing with USCIS. This PM does not address electronic signatures for any document filed electronically with USCIS. USCIS will address the requirements for electronic signatures in future guidance.

### **II. Scope**

This PM applies to and shall be used to guide determinations by all USCIS employees. This guidance will become effective on March 17, 2018.

### **III. Authorities**

Title 8 Code of Federal Regulations (CFR) section 103.2(a)(2).

*Signature.* An applicant or petitioner must sign his or her benefit request. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the benefit request, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. Unless otherwise specified in this chapter, an acceptable signature on a benefit request that is being filed with the USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format.

#### **IV. Background**

On June 7, 2016, USCIS issued an interim PM titled “Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services.” The interim memorandum went into effect on June 21, 2016. The memorandum clarified USCIS policy regarding the signature requirement contained in 8 CFR § 103.2(a)(2). This PM finalizes that interim memorandum and states current USCIS policy.

The 2016 interim PM addressed general questions relating to the signature requirement contained in 8 CFR § 103.2(a)(2). One issue addressed by the interim PM involved allowing the signing of documents pursuant to a Power of Attorney (POA) under general agency principles.<sup>1</sup> This final PM removes those provisions. The practice of accepting POA signatures resulted in inconsistent treatment among USCIS officers and offices of petitions that were accompanied by a POA. In addition, the Department of Justice has indicated to USCIS that POAs create an additional evidentiary burden, making it more difficult to litigate or prosecute immigration fraud when the filing is signed and filed by a POA. Upon the effective date of this PM, USCIS will no longer accept documents signed under general agency principles pursuant to a POA. As provided in section V.D of this PM, if a POA is determined to be acceptable for a certain form, its form instructions will be revised to provide the requirements for a POA. As described below, the policy on POAs for individuals and the remaining signature policies for entities remain unchanged.

#### **V. Policy**

The content of the June 7, 2016 interim PM is replaced by the policy contained herein. This PM will govern signature policies for general benefits requests unless different signature requirements appear in the specific form instructions.

##### **A. Signature Requirements**

USCIS requires a valid signature on an application, petition, request, and certain other documents filed with USCIS (“request”). Except as specifically authorized in the regulations, this PM, or in the respective form instructions, an applicant, petitioner, or requester (“requester”) must personally sign his or her own request before filing it with USCIS.<sup>2</sup>

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<sup>1</sup> Under general legal principles, an individual or entity may authorize another to act on his or her behalf, and that person becomes an “Agent.” The use of this term in this context does not refer to a governmental “agency” such as USCIS.

<sup>2</sup> This PM uses the term “request” to refer to any written request for an immigration benefit, service, or request for action, whether the request is submitted on an OMB-approved form or is an informal written request submitted to USCIS. The term also includes any form supplements and any other materials that require the signature of the requester. The only exception to this requirement is for naturalization applications where a “designated representative,” as defined in the Policy Manual, may sign an application on behalf of an applicant who otherwise

A valid signature consists of any handwritten mark or sign made by an individual to signify that he or she:

- Knows of the content of the request and any supporting documents;
- Has reviewed and approves of any information contained in such request and any supporting documents; and
- Certifies under penalty of perjury that the request and any other supporting documents are true and correct.

A valid signature consists of any handwritten mark or sign made by an individual to signify his or her knowledge of the contents of the request and any supporting document(s); review and approval of any information contained in such request and any supporting document(s); and certification under penalty of perjury that the request and any other supporting documents are true and correct.

A valid signature does not need to be legible or in English and may be abbreviated as long as this is consistent with how the individual normally signs his or her name. A valid signature does not have to be in cursive handwriting. An individual who cannot write in any language may place an “X” or similar mark instead of a signature. A signature is valid even if the original signature is later photocopied, scanned, faxed, or similarly reproduced. Regardless of how it is transmitted to USCIS, the copy must be of an original document containing a handwritten, ink signature, unless regulations or the form instructions state otherwise.<sup>3</sup> USCIS will not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device.

If USCIS determines that the requisite signature on the request is not valid, USCIS will consider the request to be unsigned. USCIS will reject the request and return it. *See* 8 CFR § 103.2(a)(7). If USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS will deny the request.

If USCIS needs additional information to confirm that the individual is authorized to act on behalf of an individual, corporation, or other legal entity, USCIS may issue either a Request for Evidence or a Notice of Intent to Deny to confirm that such authority existed at the time the document was submitted.

If a request or other document is not properly signed at the time of submission, USCIS will not provide an opportunity to correct (sometimes referred to as “to cure” the signature), and will proceed as outlined above.

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qualifies for an oath waiver under INA 337(a) because of a physical or developmental disability or mental impairment.

<sup>3</sup> The regulations do not require that a requester submit an “original” or “wet ink” signature on a petition, application, or other request to USCIS. *See* 8 CFR § 103.2(b)(4).

**B. Who Must Sign a Request or Document Submitted to USCIS?**

*1. Individuals Requesting an Immigration Benefit or Other USCIS Action*

Any individual filing a request or any other document with USCIS must personally sign the request or document. The term “individual” excludes corporations or other legal entities as well as attorneys, accredited representatives, agents,<sup>4</sup> preparers, and interpreters. No other person may sign a request or document on behalf of an individual filing a request with USCIS except when that individual is under 14 years of age or is mentally incompetent.

A parent or legal guardian may sign a request for a child who is less than 14 years old. A legal guardian may sign a request for a mentally incompetent person. For signatures on USCIS forms, a legal guardian means a person who a proper court or public authority has designated as the applicant’s legal guardian or surrogate and who is authorized to exercise legal authority over the applicant’s affairs. If the appropriate court or public authority has given an individual this authority, USCIS considers this individual to be a “legal guardian” who may sign for the child or mentally incompetent person. This is the case even if the law of the jurisdiction refers to the individual as “conservator,” “committee,” “tutor,” or other title designating an appointed surrogate. The term “legal guardian” does not include individuals who were not appointed by the proper court or public authority, even if they have a legitimate interest in the legal affairs of the child or incapacitated adult, are acting *in loco parentis*, or are a family member. USCIS requires documentation that establishes the legal guardian’s authority to sign a request on behalf of the child or mentally incompetent person. Acceptable documents include, but are not limited to, official letters of guardianship or other orders issued by a government agency or court authorized to make such appointments under the law governing the place where the child or incapacitated adult resides.

Formal court appointment is not necessary if an individual signs on behalf of an incapacitated adult under the authority of a POA or similar legally binding document. In the case of an incapacitated adult, the POA must be durable, meaning that the POA states that it remains in effect if the person becomes incapacitated and unable to handle matters on their own. The immigration benefit request must include a copy of the durable POA, and evidence (such as a physician’s statement) indicating that the durable POA is in effect as a result of the incapacitated adult’s disability.

However, if the individual signing the request is also acting as the requester’s attorney or authorized representative when dealing with the Department of Homeland Security (DHS), the

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<sup>4</sup> This section does not address agents who are filing as a petitioner on behalf of a corporation or other legal entity seeking an H, O, or P nonimmigrant worker, as provided in 8 CFR § 214.2(h)(2)(i)(F), (h)(5)(i)(A), (h)(6)(iii)(B), (o)(2)(i), (o)(2)(iv)(E), (p)(2)(i), (p)(2)(iv)(E). Please refer to the particular nonimmigrant category’s regulations or the Form I-129, Petition for a Nonimmigrant Worker, instructions for the requirements governing the scope of an agent’s authority in those contexts.

individual must submit a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, and meet the requirements of 8 CFR part 292.

USCIS will accept a POA only if it complies with the state laws governing the jurisdiction in which it was executed. It is the requester's burden to demonstrate that these state requirements have been satisfied.

*2. Individuals Employed Within a Corporation or Other Legal Entity Who Are Permitted to Sign a Request or Submit a Document to USCIS*

Under the Immigration and Nationality Act (INA), corporations and other legal entities, such as a professional corporation (abbreviated as PC or P.C.), limited liability company (LLC), or limited liability partnership (LLP), are permitted to file certain requests with USCIS. Such a filing may include a request to classify a foreign national as an immigrant or nonimmigrant under a specific employment-based category or may serve another purpose. In certain circumstances, legal entities are permitted to file a request with USCIS to extend a petition's validity period and the authorized period of stay for a current nonimmigrant worker.

Only certain individuals have the authority to sign a request or other document that will be filed with USCIS on behalf of a corporation or other legal entity.<sup>5</sup> Authorized individuals may include:

- (1) An executive officer of a corporation or P.C. with authority to act on behalf of the corporate entity and legally bind and commit the corporate entity in all matters (such as the chief executive officer, president, vice president);
- (2) A managing member or managing partner of an LLC or LLP;
- (3) A duly authorized partner of a partnership;
- (4) An attorney employed in an employer-employee relationship by the corporation or other legal entity as its legal representative or as a legal representative by the corporation or other legal entity's legal department in an employer-employee relationship (such as in-house counsel or other attorney employees);
- (5) A person employed in an employer-employee relationship as a human resources professional within the entity's human resources, human capital, employee relations, personnel, or similar department who is authorized to sign legal documents on behalf of the corporation or other legal entity;
- (6) An executor or administrator of an estate;
- (7) A trustee of a trust or a properly appointed conservator; or
- (8) Any other person employed in an employer-employee relationship by the corporation or other legal entity who has the authority to legally bind and commit the corporation or other legal entity to the terms and conditions attached to the specific request and

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<sup>5</sup> An owner of a sole proprietorship must sign any request as an individual. This section of the PM does not apply to sole proprietors.

attestations made in the request.<sup>6</sup> It does not matter what this person's title is or the name of this person's department with the corporation or other legal entity.

In all cases, the form must contain a statement by the individual signing the request, affirming that he or she has the legal authority to file the request on the petitioning employer's behalf that the employer is aware of all of the facts stated in the request, and that such factual statements are complete, true, and correct. If such an affirmation is in the form itself, a signature by the person filing the form may be sufficient to meet this requirement. In cases where the affirmation specified above is not contained in the form or document, USCIS will require a separate statement from the person signing the form or document affirming that he or she has the authority to legally bind the corporation or other legal entity.

In all cases, when USCIS has reason to doubt the veracity of the person's authority to sign or act on behalf of the corporation or other legal entity, it may request evidence that demonstrates the person has the requisite legal authority to sign the request. Such requested evidence may include but is not limited to bylaws, articles of organization, a letter reflecting delegation of such authority from a corporate officer or board member, board of director's minutes reflecting the grant or the board's approval of such authority being exercised by the person in question, or a similar document that indicates the employee may legally bind the corporation or other legal entity with his or her signature.

### *3. Effect of a Signature*

An individual who signs a request or any document submitted to USCIS affirms that the individual has authority to sign the document, has knowledge of the facts being represented in the document, and attests to the veracity of the facts and claims made in the document. Any individual who signs a request or any document, including those on behalf of a child or mentally incompetent person as discussed above, or on behalf of a corporation or other legal entity, will be held accountable for any fraud and/or material misrepresentation.

### C. Purpose of the Form G-28

When an attorney or accredited representative submits a signed Form G-28 to USCIS, he or she is certifying that the individual, corporation, or other legal entity named in the Form G-28 has authorized the attorney/accredited representative to act on the individual's or other legal entity's behalf when filing requests or other documents with USCIS. However, a Form G-28 by itself does not authorize a representative to sign a request or other document on the individual's, corporation's, or legal entity's behalf. Further, an attorney or accredited representative may not

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<sup>6</sup> This section does not address agents who are permitted to act as a petitioner for a corporation or other legal entity seeking an H, O, or P nonimmigrant worker, as provided in 8 CFR § 214.2(h)(2)(i)(F), (h)(5)(i)(A), (h)(6)(iii)(B), (o)(2)(i), (o)(2)(iv)(E), (p)(2)(i), (p)(2)(iv)(E). Please refer to the particular nonimmigrant category's regulations or the Form I-129, Petition for a Nonimmigrant Worker, instructions for the requirements governing the scope of an agent's authority in those contexts.

use a POA to sign a Form G-28 on behalf of an individual, corporation, or other legal entity to authorize his or her own appearance.

#### **D. Form Revisions**

USCIS may specify on each form or in the form's instructions what the signature requirements are and what evidence must be submitted to establish that someone signing a document instead of the requester has the authority to act on a requester's behalf. USCIS will publish revised forms for public comment as required by 5 CFR § 1320.8(d)(1). If a form contains no clear signature authority requirements or limitations, then the policy in this PM applies.

#### **VI. Use**

This PM is intended solely for the training and guidance of USCIS personnel in performing their duties relative to the adjudication of immigration benefit requests. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

#### **VII. Contact Information**

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy.