
AILA

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Cyrus D. Mehta
Editor-in-Chief

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USCIS and the Scrutiny of Signatures

Formalities over Substantive Eligibility

Sherry Neal*

Abstract: The United States Citizenship and Immigration Services (USCIS) requires immigration benefit requests to bear the requester's signature. A signature serves a valid purpose: to preserve the integrity of the filing, deter fraud, and ensure accountability. However, USCIS has increasingly scrutinized the validity of signatures on paper-based benefit requests, focusing more on the *method* of the signature rather than on the *identity* and *consent* of the signer. When USCIS concludes that a signature is not valid, the agency may deny the filing rather than allow a requester to correct the deficiency. Such denials can have significant consequences—such as missing an H-1B cap lottery opportunity, losing a priority date, failing to maintain status, or a child aging out—that refiling cannot adequately remedy. Moreover, strict scrutiny of the method of signature illuminates a larger issue: the extent to which an administrative agency may shape substantive outcomes based on internal adjudicative practices rather than formal rulemaking.

Introduction

“In general, any person requesting an immigration benefit must sign their own immigration benefit request, and any other associated documents, before filing it with USCIS [U.S. Citizenship and Immigration Services].”¹ The USCIS regulations refer to filings submitted to the agency seeking immigration relief as “benefit requests,” a term that includes petitions, applications, and other filings submitted to USCIS.² For consistency with the regulatory framework, this article uses the term “benefit request” when referring generally to filings submitted to the USCIS.

A signature is important to validate the *identity* of the signer and the *intent/consent* of the signer. For petitions with USCIS, a signature signifies the requester's consent to three things:³ (1) the person knows of the content of the request, (2) the person has reviewed and approves the information in the petition, and (3) the person certifies under penalty of perjury that the request and supporting documents are true and correct.

Black's Law Dictionary defines “sign” to mean “to affix one's name to a writing or instrument, for the purpose of authenticating it, or to give it effect as one's act.”⁴ The *Law Dictionary* defines “signature” as “the act of putting one's name at the end of an instrument to attest to its validity” and further explains various *methods* to apply a signature:⁵

A signature may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial what kind of instrument a signature is made.

Changes in USCIS Policy and Practice on Signatures

The regulatory authority for the signature requirement in USCIS benefit requests is 8 C.F.R. § 103.2(a)(2) which states:

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*.⁶

This regulation covers three key aspects of a signature: (1) *Person/Identity*: “An applicant or petitioner must sign his or her benefit request” except that an authorized person may sign on behalf of a person who is less than 14 years old or mentally incompetent⁷; (2) *Consent*: “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”⁸; and (3) *Method*: “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*.”⁹

Importantly, the USCIS regulation on signatures has not been updated in more than *two decades*, although since that time business transactions have shifted drastically from in-person and mail to virtual and electronic transactions.¹⁰ The last substantive revision to the regulation pertaining to signatures was in March 2003 when the Department of Homeland Security issued a notice in the Federal Register titled “Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits,” to amend the regulations concerning the signature requirement “by specifically permitting applicants and petitioners to sign electronically.”¹¹ This change was necessary to allow

the agency “to begin accepting electronically filed applications and petitions” as part of a “10-year effort to modernize the immigration services program.”¹²

While the USCIS regulation on signatures on USCIS petitions has not changed in more than two decades, the USCIS policy and practice on signatures has shifted through the years. USCIS issued the first “formal written guidance on the meaning of the regulatory requirement with respect to signatures” in 2016.¹³ The guidance explained who may sign on behalf of a corporation or other legal entity;¹⁴ clarified that a signature did not have to be legible, in English, or in cursive; and noted that the “regulations do not require that a requester submit an “original” or “wet ink” signature on a petition.” While this guidance affirmed that “a signature is valid even if the original signature is later photocopied, scanned, faxed, or similarly reproduced,”¹⁵ USCIS often continued to require an original signature for certain types of petitions. When the American Immigration Lawyers Association (AILA) raised this inconsistency with USCIS—rejecting petitions for lack of original signature despite the regulation not requiring original signature—USCIS responded that the Policy Memorandum controlled “unless otherwise provided by regulation *or form instructions*.”¹⁶

During the COVID-19 pandemic and the proliferation of remote work, USCIS began to allow “reproduced original signatures” on “all benefit forms,” including forms that require a “wet” signature per form instructions.¹⁷ A little more than two years later, USCIS made the “reproduced signature flexibility” permanent for all forms.¹⁸ Thereafter, USCIS updated the USCIS Policy Manual section on valid signatures.¹⁹

Unlike most federal agencies, USCIS has not transitioned to electronic filing on a widespread basis, still relying heavily on paper-based benefit requests for most petitions involving work authorization, extension of legal status, and permanent residence. For these paper-based benefit requests, USCIS does not allow electronic signatures such as Docusign or other electronic services. This focus on the method of signature, rather than the identity and intent of the benefit requester, can have a substantive impact.

In September 2025, the AILA reported an increase in USCIS challenging signatures on benefit requests.²⁰ While USCIS has issued some Requests for Evidence and Notices of Intent to Deny for an original signed document with a wet signature,²¹ the issue is less about USCIS not accepting “scanned” copies of the signed forms and more about USCIS rejecting certain “electronically reproduced handwritten signatures.” Specifically, USCIS has denied applications where the requester “affixes” their handwritten signature on a document and then electronically applies it to a USCIS form, rather than handwriting the signature “directly” on the form. In essence, USCIS has interpreted “handwritten” to exclude a digitally reproduced handwritten signature—a signature a person handwrites and then digitally affixes to a USCIS form.²²

The USCIS regulations—the only binding authority on the issue of signatures—simply require the signature for paper-based benefits requests to

be “handwritten.” In practice, USCIS has viewed “handwritten” to exclude “digitally reproduced handwritten signatures.” USCIS refers to the USCIS Policy Manual, a collection of USCIS policies that are subject to change and susceptible to different interpretations. One issue with the latest version of the USCIS Policy Manual is the chart comparing acceptable and unacceptable signatures, which is reprinted below.²³

Acceptable and Unacceptable Signatures

Acceptable	Unacceptable
<ul style="list-style-type: none"> • Original signature • Handwritten “X,” or similar mark, in ink (including a fingerprint, if unable to write) • Abbreviated signature, if that is the normal signature • Signature of parent or legal guardian of benefit requestor if requestor is under 14 years of age • Signature by the benefit requestor’s legal guardian, surrogate, or person with a valid durable power of attorney or a similar legally binding document^[7] • An original signature on the benefit request that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions • Electronic signature^[8] 	<ul style="list-style-type: none"> • Typed name on signature line • Signature by an attorney or representative signing for the requestor or requestor’s child • Signature created by a typewriter, word processor, stamp, auto-pen, or similar device^[9]

The chart is a hodgepodge of who may sign and how someone may sign. For example, the chart lists who may sign on behalf of a minor but does not mention who may sign on behalf of a corporation. Similarly, the chart confirms the content of an acceptable signature can be an “X or similar mark” or an “abbreviated signature” but does not mention that a signature can be either “printed or cursive” or “English or foreign language,” although USCIS states within the same policy that such methods of signature are acceptable. Thus, the chart is not exhaustive.

In addition to the chart not being exhaustive, another factor creating confusion is that USCIS does not define or explain the examples in the chart. For example, USCIS does not define “electronic signature.” An ordinary understanding of an electronic signature is one embedded in a platform where a client consents electronically (either by clicking “agree” and/or typing their name). Yet USCIS seems to view a handwritten signature digitally pasted to a form as an electronic signature, even though the signature was originally created by a person writing their signature with pen-to-paper.²⁴ Does a handwritten signature that is digitally applied become an electronic signature or does it remain a handwritten signature?

A handwritten signature does not lose its character as handwritten simply by saving it digitally and affixing it to a form. That is, viewing one method (handwriting the signature directly on the form) as acceptable but the other

method (handwriting the signature on a piece of paper and affixing it on the form) as unacceptable would mean that a person's signature somehow loses its handwritten aspect.²⁵ If USCIS is correct in that the latter is not a valid handwritten signature, then at what point does a person's handwritten signature morph into something other than handwritten: when the petitioner saves his handwritten signature digitally or when the petitioner affixes his handwritten to the form?

Similarly, USCIS does not define what it means by a "signature *created* by a typewriter, word processor, stamp, auto-pen, or similar device." An ordinary understanding is that a signature "created" by one of these devices is a signature that *mimics* a person's handwriting: *not* a reproduction of their *actual handwriting* but is instead a *substitute* for their handwritten signature. A look at how signatures are "created" by these devices shows they are different from a person's handwritten signature.

First, a signature "created" by a typewriter has limited font options and is not based on pen-to-paper.²⁶ The resulting "signature" is neither handwritten nor intended to look anything like a person's actual handwriting.

Second, various word processor programs such as Word allow one to "draw" (create) a signature. These programs use drawing features and various fonts for a person to choose from to create a signature of their choosing.²⁷ Signatures drawn/created in Word do not, nor are they intended to, replicate a handwritten signature and do not necessarily even resemble a handwritten signature.

Third, signature stamps may be used for checks or other documents. A person can "create" a signature stamp design from a company and then use that stamping device to imprint their name on a document. For example, one company allows one to create a signature from a variety of font choices and then order a wooden stamp with that signature imprinted.²⁸ The "signature" is not a handwritten signature, but one created by a font of the person's choosing. While a person may customize a stamp, which may similar to a handwritten signature, it is normally apparent such signature is not intended to be a person's unique signature.²⁹

Fourth, an "autopen," also called a "robot pen," is a "machine that automates a person's signature with a pen or other writing instrument, versus a scanned signature, which is a digital image of a signature."³⁰ During former President George W. Bush's term in office he sought a legal opinion from the Office of Legal Counsel on whether the president may sign a bill by "directing a subordinate to affix the President's signature to it, for example by autopen."³¹ The U.S. Department of Justice determined that "a bill is legal if the president's signature is added via autopen."³² Interestingly, the opinion not only confirmed the legality of a signature by autopen but also confirmed that a president "need not personally perform the physical act of affixing his signature to a bill he approves and decides to sign in order for the bill to become law."³³ The key aspect is the decision (intent) to sign and not on the *method* by which the president signs.³⁴

Fifth, there are “similar devices” to an autopen that “duplicate signatures without human intervention.”³⁵ These signature devices are “gadgets furnished with cutting-edge technology, typically utilizing robot and computer software to mimic handwritten signatures accurately.”³⁶ In other words, they (like the autopen) use a robot feature to “mimic” handwritten signatures.³⁷

The above methods are different than a handwritten signature created by pen-to-paper and affixed to a form. Nonetheless, USCIS has viewed handwritten signatures affixed electronically to a form to be a signature created by a device.

Comparative Analysis Among Agencies

USCIS’s focus on the method of signature is different than courts and other agencies. For example, court cases in other areas of the law have upheld a variety of types of signatures, including typed signatures, electronic signatures, and signature stamps.³⁸ Courts have recognized the changing methods to sign documents as technology has advanced. In the case of *Howley v. Whipple*, dating back more than 150 years, the New Hampshire Supreme Court weighed in on a signature sent over telegram.³⁹ The court determined the method of signature makes no difference, specifically stating:

It makes no difference whether the operator writes with a steel pen an inch long attached to an ordinary penholder, or whether his pen be a copper wire a thousand miles long. Nor does it make any difference that in one case common record ink is used, while in another case a more subtle fluid, known as electricity, performs the same office.⁴⁰

The court in a 1991 international case referred to the definition of signature in *Black’s Law Dictionary* as part of its decision to determine a signature consisting of “a digital image of a handwritten signature” was valid, finding that “what matters is that a mark is used ‘with the intention to authenticate’ a writing.”⁴¹

Not only is the USCIS taking a narrower stance on signatures than what courts typically view as a valid signature, it is also inconsistent with other immigration agencies and even inconsistent with its own policy on a different type of USCIS immigration form. For example, USCIS allows employers to complete and “electronically sign” Form I-9.⁴² The electronic signature, allowed in this context, is not limited to a form filed through a USCIS website; instead, USCIS allows employers to “create [their] own electronic Form I-9,” assuming it is an exact replica of the USCIS Form I-9 and signed by whatever “electronic” signature style desired.⁴³ Form I-9 is a USCIS form that is *retained* by employers, just like other forms that are *filed* with USCIS. For

USCIS to have differing standards for signatures based on the type of *its own* forms is perplexing.

The Executive Office for Immigration Review (EOIR) allows “digital and electronic signatures on all documents filed with it, whether those documents are filed by mail, in person, or electronically.”⁴⁴ The Policy Memorandum of EOIR states that the digital or electronic signature can be a “reproduction of the signer’s handwritten signature.”⁴⁵ The U.S. Immigration and Customs Enforcement (ICE) program for international students, the Student and Exchange Visitor Program (SEVP), permits designated school officials to “electronically sign” and electronically submit Form I-20 to initial and continuing international students “using software programs or applications or by using electronically reproduced copies of a signature.”⁴⁶ Before issuing the policy of accepting electronic signatures, SEVP “coordinated with its government partners within the U.S. Department of Homeland Security, U.S. Department of State and U.S. Social Security Administration to ensure continued acceptance of electronically signed Forms I-20.”⁴⁷ The ICE policy guidance includes “electronically reproduced copies of a signature” meaning “school officials may sign all signature fields on the Form I-20 using digitally reproduced copies of a signature,” and “a digitally reproduced copy may be a scanned image of a physical signature.”⁴⁸

Other agencies have recognized that the *possibility* that a certain method of signature may be susceptible to forgery is no basis to reject such method. For example, EOIR noted, “any type of signature—wet, digital, or electronic—may be subject to a challenge” as to “its authenticity.”⁴⁹ One author noted, “throughout human history, people have embodied their trust in written signatures and other physical marks which, at the same time, have always been susceptible to forgery.”⁵⁰

The Opportunity to Correct Deficient Signatures

While the USCIS’s rigid focus on the method of signature is problematic, the inability to correct a deficient signature during the adjudication process is more problematic than USCIS’s narrow approach on the method of signature. USCIS should provide an opportunity to cure or correct a deficient signature where the only objection concerns the “method” of the signature rather than the identity or consent of the signer.

The latest version of the USCIS Policy Manual states, “USCIS does not provide an opportunity to correct (or cure) a deficient signature.”⁵¹ The Policy Manual states, “if USCIS accepts a request for adjudication and later determines that it has a deficient signature, USCIS denies the request.” The latest version of the USCIS Policy Manual announced a change in policy—without adequate public notice and comment—because USCIS has historically allowed

petitioners to cure technical issues (including but not limited to a missing or deficient signature).

In the 2016 Policy Memorandum, the USCIS recognized an opportunity to cure/correct a signature after filing, stating, “If a request has been accepted for adjudication and is determined to have a deficient signature, or USCIS has reason to question the validity of the signature . . . USCIS may ask an individual, either via a Request for Evidence or other type of notice, or at the time of interview, to sign the request and/or to verify that he or she is authorized to sign documents on behalf of an individual, corporation or other legal entity.”⁵² This long-standing practice recognized a difference between USCIS rejecting a benefit request upon filing because of a deficient signature and USCIS denying a petition during the adjudication process because of a deficient signature. When USCIS rejects a petition in the mailroom and returns it to the petitioner, USCIS typically does so within a few weeks and refunds all filing fees, providing no recourse but to refile. However, after USCIS accepts a petition, the petitioner typically has paid substantial filing fees that are non-refundable and may also lose the benefit of a filing date. With the ever-increasing processing times for certain petitions, such as I-140 Immigrant Petitions, which can take more than one year to process, and many other types of petitions, the impact of a denial can be more severe, including a loss of priority date, an aging-out child, failure to maintain status, and other consequences that refile simply cannot remedy. This is evidenced by more appeals relating to signature validity filed with, and ultimately decided by, the Administrative Appeals Office.⁵³ The number of appeals—given that most petitioners opt to refile rather than challenge denials—underscores the impact of the USCIS elevating technical deficiencies over substantive eligibility.

The language—USCIS does not provide an opportunity to correct (or cure) a deficient signature—in the current Policy Manual⁵⁴ constitutes sub-regulatory guidance rather than a binding rule adopted through notice-and-comment rulemaking. Although the Policy Manual provides internal guidance for adjudicating officers, it expressly states that it “does not remove their discretion in making adjudicatory decisions.”⁵⁵ As a result, USCIS’s refusal to permit the correction of purely technical signature defects reflects an agency policy choice rather than a statutory or regulatory mandate. Where the authenticity of the signer is not in dispute, exercising adjudicatory discretion to permit a cure would better align USCIS practice with principles of administrative fairness and the broader goal of adjudicating petitions based on substantive eligibility rather than technical formalities.

Conclusion

USCIS should update 8 C.F.R. § 103.2(a)(2) of its regulations—the section on signatures that USCIS has not updated in more than 20 years—to

expand electronic signatures beyond just online filings with USCIS. This would align its policy with that of the EOIR and ICE as well as be consistent with its own signature policy for Form I-9. Otherwise, USCIS should clarify its signature policy and update the Policy Manual with clear definitions for electronic signatures and other types of signature methods. If USCIS is not going to treat digitally reproduced handwritten signatures as “handwritten,” it should clearly state so in the Policy Manual.

Until the USCIS begins allowing electronic signatures for all filings, USCIS should follow its previous, long-standing policy of allowing a requester to correct a technical issue, including a deficient signature. A denial of a benefit request can result in significant consequences, such as loss of priority date, loss of an H-1B cap opportunity, loss of protection under the Child Status Protection Act for an aging-out child, or failure to maintain status. If USCIS allows a correction for a deficient signature, it not only avoids those severe consequences to the applicant but it is also more efficient for USCIS than handling refilings or appeals.

In sum, immigration law—including the right to live and work in the United States—should not hinge on a technicality regarding the method by which a handwritten signature is applied to a form when the authenticity and intent of the signer is clear and verifiable. USCIS’s current interpretation elevates procedural formality over substantive eligibility and creates significant consequences for petitioners whose filings are otherwise compliant. Clarifying the agency’s guidance, or allowing petitioners to cure purely technical signature deficiencies, would better align USCIS practice with broader federal administrative practice while ensuring that immigration petitions are adjudicated on their merits rather than on avoidable technicalities.

Notes

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1. U.S. Citizenship & Immigr. Servs., Policy Manual, vol. 1, pt. B, ch. 2, <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2> (Signature requirements).

2. 8 C.F.R. § 103.2(a)(1).

3. Policy Manual, *supra* note 1.

4. *Signature*, BLACK’S LAW DICTIONARY (11th ed. 2019).

5. *Id.*

6. 8 C.F.R. § 103.2(a)(2).

7. *Id.*

8. *Id.*

9. *Id.*

10. Other than to reflect the change in name of the agency from “BCIS” (Bureau of Citizenship and Immigration Services) to “USCIS” (U.S. Citizenship and Immigration Services).

11. 8 C.F.R. § 103.2(a)(2).

12. The Department of Homeland Security identified Forms I-90 and I-765 as the first forms to offer for electronic filing and the plan to phase in “the remaining 10 high volume applications and petitions over the following 3 years” was substantially delayed.

13. U.S. Citizenship & Immigr. Servs. Policy Memorandum, *Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services*, PM-602-0134 (June 6, 2016). AILA Doc. No. 16060860.

14. The guidance also authorized an agent to sign pursuant to a Power of Attorney (POA), provided the POA complied with state laws. However, on February 16, 2018, USCIS reversed policy and eliminated the option of using a Power of Attorney, effective March 18, 2018. Brian D. Pedrow, Dennis K. Burke, Jessica G. Federico, Maya Salah & Anu Susan Thomas, *USCIS: Are Your Signatures Valid?*, NAT'L L. REV. (Mar. 14, 2018), <https://natlawreview.com/article/uscis-are-your-signatures-valid>.

15. In footnote 3 of the USCIS Policy Memorandum from 2016, USCIS noted that if it has reason to question the signature it may request the original document or more evidence from the requester. USCIS Policy Memorandum, *supra* note 13.

16. USCIS Headquarters Liaison Meeting (Nov. 1, 2016). AILA Doc. No. 17012768. *See also* Practice Pointer, *When Is a Photocopy of an Original Signature Acceptable?* by AILA's USCIS HQ (Benefits Policy) Liaison Committee. AILA Doc. No. 1901090. This highlighted the USCIS inconsistency in signature requirements among different petitions, with no basis in regulation. In fall 2018, an AILA Liaison Committee reviewed the form instructions of various petitions and noted that, according to the form instructions, photocopied signatures were specifically allowed for nine types of forms and original signatures were specifically required for 12 types of forms; for the remaining forms, the instructions were silent as to whether an original was required or a photocopy was acceptable.

17. *USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency*, U.S. CITIZENSHIP & IMMIGR. SERVS. (Mar. 20, 2020), <https://www.uscis.gov/archive/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency>. The alert advised to “retain copies of the original documents containing the ‘wet’ signature” as USCIS may, at any time, request the original documents, which if not produced, could negatively impact the adjudication of the immigration benefit.”

18. *USCIS Extends COVID-19-Related Flexibility*, U.S. CITIZENSHIP & IMMIGR. SERVS. (July 25, 2022), <https://www.uscis.gov/newsroom/alerts/uscis-extends-covid-19-related-flexibilities>.

19. U.S. Citizenship & Immigration Servs., Policy Manual, vol. 1, pt. B, ch. 2(A) SCIS-PM B.2(A), <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2>. The USCIS Policy Manual replaced the USCIS Adjudicators Manual in 2020.

20. *See Practice Alert: USCIS Rejections, RFEs, and Potential Denials for Valid Signature*, AILA Doc. No. 25052040.

21. USCIS began un-informally accepting scanned copies of forms with signatures as part of the COVID-19 flexibility. As part of that flexibility USCIS required the originally signed form to be retained. However, when USCIS made the flexibility permanent and updated the USCIS Policy Manual, it did not explicitly carry over the COVID-19-era policy to maintain the original “wet ink” signature. Thus, USCIS is unjustified in requiring, at present, that a requester produce an “original” wet-ink signature form through a Request for Evidence or Notice of Intent to Deny.

22. With the proliferation of remote work, petitioners often work at home and do not have access to a printer and scanner when their normal work is not paper based, as some employers do not provide a printer and scanner. Thus, a petitioner may have to go to the office (if the corporate office is in the same city) or go to a library or FedEx/UPS office to print a document to sign and then scan. Alternatively, the petitioner must mail the document. Thus, some petitioners who work remotely have chosen to handwrite their signature, save it, and then affix it to the forms after reviewing the petition. Then the petitioner emails it to the attorney for filing.

23. Policy Manual, *supra* note 1.

24. While it may be clear that online filings with USCIS can be signed electronically within the USCIS website and that paper filings cannot be signed by electronic signature formats such as DocuSign, it is not clear how a person affixing their handwritten signature to a form is deemed an electronic signature. In some contexts, such a signature is called a “digital” signature or a “digitally reproduced handwritten signature” but not a traditional “electronic signature.”

25. With the proliferation of remote work, traveling and the advancing digital world, clients do not always have access to a printer, which impedes their ability to print a form, sign it, scan it, and then email it to the attorney. In fact, some clients’ employers do not provide printers for their remote work because printing is not customary for their role. Thus, some clients have saved their handwritten signature to apply it to forms electronically after reviewing the form and consenting to the content.

26. *What Are the Typewriter Fonts & Typefaces?* MR. & MRS. VINTAGE TYPEWRITERS BLOG, <https://mrmrsvintagetyperwriters.com/en-us/blogs/news/typewriter-fonts?srsId=AfmBOoqB1pweKQVtUSwYQPzryODEomz46YJblgPw8iZ0VP9zyZbjOfy>.

27. *Draw Signature in Word*, USESIGNHOUSE BLOG (Apr. 29, 2024), <https://usesignhouse.com/blog/draw-signature-in-word/>.

28. Custom Stamp Maker, <https://www.thestampmaker.com/rubber-stamps/custom-stamp-maker.aspx>.

29. Interestingly, signature stamps—despite not being a person’s actual/handwritten signature or a copy thereof—are permissible in some contexts, not the least of which is in the banking industry. “In the USA, it’s legal and common to sign a bank check using a signature stamp . . . The Uniform Commercial Code (UCC) . . . permits the signing of checks by hand or by device.” UCC §3-401. The National Association of Federally Insured Credit Unions notes, “[a]ccording to § 1-201(37) and 3-401(b), a signature may be made manually or by means of a device or machine (including a stamp or electronic signature) and by the use of any name, word, mark or symbol executed with the intent to authenticate the item. In fact, the back of checks instructs to not “write/sign/stamp” below the endorsement section, with writing, signing, stamping each representing methods of signature.

30. Aimee Picchi, *What Is an Auto-Pen? Here’s What to Know About the Devices Used by Presidents, Writers, and More*, CBS NEWS (June 5, 2025), <https://www.cbsnews.com/news/what-is-an-autopen-president-biden-trump-signature/>.

31. *The Robot Pen*, SHAPELL MANUSCRIPT FOUND. BLOG (Apr. 12, 2023), <https://www.shapell.org/behind-the-scenes/the-robot-pen/>. Thomas Jefferson was reportedly “the first president to use the autopen extensively” after the technology was “patented in 1803” and an author of a book about John F. Kennedy claimed that John F. Kennedy’s “reliance on the autopen rendered his authentic signature the rarest of all presidential autographs.”

32. U.S. Dep't of Justice, Office of Legal Counsel, *Whether the President May Sign a Bill by Directing That His Signature Be Affixed to It*, 29 Op.O.L.C. (July 7, 2005), <https://www.justice.gov/file/494411/dl?inline>.

33. *Id.*

34. It is often not the *validity* of a signature by autopen that is at issue, but the *appropriateness* of a signature by autopen. For example, when Secretary of Defense Donald Rumsfeld “signed via autopen more than 1,000 condolence letters for families with a loved one killed in the Iraq War,” many were outraged at the insensitivity of the defense secretary to not take the “effort needed to sign each letter” personally as that is “precisely what gives them [the condolence letters] significance.” See Linda B. Glaser, *Autopen Shows Perils of Automation in Communications*, CORNELL CHRONICLE (Feb. 2024), <https://news.cornell.edu/storeis/2024/02/autopen-shows-perils-automation-communications>. Even President Trump’s claim that former President Biden’s pardons should be void is not a claim against the use of an autopen per se, but “more importantly” about whether Biden knew his signature was used. See *Trump Tries to Void Biden’s Pardons, Blaming Autopen, Many Presidents Have Used It*, NPR (Mar. 17, 2025), <https://www.npr.org/2025/03/17/nx-s1-5330709/autopen-biden-pardon-void>.

35. *Top 5 Automatic Signature Machines in 2024*, UUNATEK BLOG, <https://uunatek.com/blogs/tips-and-tricks/top-5-automatic-signature-machines-in-2024>. The top five automatic signatures include iAuto, Signature Machine, GhostWriter, Stylowriter 2025, and Autopen Model 80.

36. *Id.*

37. These “robot-like” machines for signature can have far-reaching use. One such device—the LongPen™—combines signature capability with videoconferencing. It was “conceived by Canadian author Margaret Atwood in 2004 and initially intended to bring ‘live’ author signings to far away locations. The author evaluated this device by having a virtual book-signing: people appeared at a book signing in New York while author Atwood was in London. The LongPen™ allowed the “author to see the reader” she was signing for and the reader to see the author by videoconferencing while she wrote “an inscription on a touch-sensitive screen” which sent “a signal to the remote bookstore, where the robot arm, clutching an ordinary ballpoint pen” copied out the message on to the book. See *LongPen*, WIKIPEDIA, en.wikipedia.org/wiki/LongPen. See also *Sample, Author Margaret Atwood Unveils Remote Signing Device*, THE GUARDIAN (Mar. 6, 2006), <https://www.theguardian.com/world/2006/mar/06/topstories3.books>.

38. See *United States v. Bilyeu*, 202 F.3d 564 (5th Cir. 2000) (recognizing handwritten signature as valid); *J.B.B. Investment Partners, Ltd. v. Fair*, 232 Cal. App. 4th 974 (2014) (upholding the validity of electronic signatures in contractual agreements); *State of Vermont v. Goss*, 2017 VT 63 (recognizing digital signatures as valid for legal documents); *In re Estate of Reed*, 672 N.E.2d 28 (Ill. App. Ct. 1996) (recognizing signature stamps as valid signature in legal documents).

39. George Miller, *Are Contract eSignatures Legal? Will eSignatures Hold Up in Court?*, COBBLESTONE (Mar. 11, 2016), <https://www.cobblestonesoftware.com/blog/contract-esignatures-legal-will-esignatures-hold-court>.

40. *Id.*

41. See Lothar Determann, *Electronic Form Over Substance: eSignature Laws Need Upgrades*, 72 HASTINGS L.J. 1385, 1444 (2021) (explaining a case from Nigeria, *Tsalibawa v. Habiba*, 2 NWLR 461 (Nigeria)).

42. U.S. Citizenship & Immigr. Servs., Handbook for Employers M274: Guidance for Completing Form I-9, § 10.1 *Form I-9 and Storage Systems* (July 2023), <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/100-retaining-form-i-9/101-form-i-9-and-storage-systems>.

43. U.S. Citizenship & Immigr. Servs., Handbook for Employers M274: Guidance for Completing Form I-9, § 10.1 *Form I-9 and Storage Systems* (July 2023) (stating the following requirements when creating an electronic Form I-9: provide employees instructions for completing the form; Create a legible form; do not make changes to the name, content, or sequence of the data elements and instructions we provide on our website; do not insert additional data elements or language; and Retain generated forms according to the standards specified in 8 CFR 274a.2(e), (f), (g), (h), and (i), as applicable).

44. See Memorandum from James R. McHenry, III, Director, to Exec. Office for Immigr. Rev. (Apr. 3, 2020), <https://www.justice.gov/eoir/page/file/1266411/dl?inline=>.

45. See *id.*

46. See Broadcast Message: SEVP Policy Guidance—Use of Electronic Signatures and Transmission for the Form I-20 (Nov. 1, 2021), <https://www.ice.gov/doclib/sevis/pdf/bcm2111-02.pdf>.

47. See *id.*

48. See *SEVP Policy Guidance: Use of Electronic Signatures and Transmission for the Form I-20*, U.S. IMMIGR. & CUSTOMS ENF'T (Oct. 12, 2021), <https://www.ice.gov/doclib/sevis/pdf/I20-guidance.pdf>.

49. *EOIR Begins Accepting Digital and Electronic Document Signatures*, IMMIGR. POLICY TRACKING (Apr. 3, 2020), <https://immipolicytracking.org/policies/eoir-begins-accepting-digital-and-electronic-document-signatures>.

50. Determann, *supra* note 42, at 1423.

51. U.S. Citizenship & Immigr. Servs., Policy Manual, vol. 1, pt. B, ch. 2(A) SCIS-PM B.2(A), <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2>. Note that the language is different pertaining to a rejection upon filing and a denial after receipt. Where the Policy Manual states USCIS does not allow an opportunity to cure a deficient signature, that statement is in the paragraph that addresses USCIS rejecting a petition *upon filing* for a deficient signature. The following paragraph addresses when USCIS accepts a petition and *later determines* that a signature is deficient. While the latter paragraph mentions that USCIS may deny the request, it does not explicitly say there is no opportunity to cure. Thus, it is feasible for USCIS to universally allow an opportunity to cure a deficient signature post-filing even without change to the policy manual; moreover, USCIS can universally allow an opportunity to cure on the basis that the Policy Manual is not binding.

52. *Policy Memorandum: Signatures on Paper Applications, Petitions, Requests, and Other Documents Filed with U.S. Citizenship and Immigration Services*, PM-602-0134 (June 6, 2016). AILA Doc. No. 16060860 (emphasis added).

53. There are at least 12 decisions by the Administrative Appeals Office on the signature issue since 2023. Unfortunately, the Administrative Appeals Office has sided with USCIS in appeals on the signature issue during the past two years, but those cases did not consider that the USCIS policy of not allowing an opportunity to cure a deficient signature was a change in policy.

54. Policy Manual, *supra* note 1. Note that the language is different pertaining to a rejection upon filing and a denial after receipt. Where the Policy Manual states USCIS

does not allow an opportunity to cure a deficient signature, that statement is in the paragraph that addresses USCIS rejecting a petition *upon filing* for a deficient signature. The following paragraph addresses when USCIS accepts a petition and *later determines* that a signature is deficient. While the latter paragraph mentions that USCIS may deny the request, it does not explicitly say there is no opportunity to cure. Thus, it is feasible for USCIS to universally allow an opportunity to cure a deficient signature post-filing even without change to the Policy Manual; moreover, USCIS can universally allow an opportunity to cure on the basis that the Policy Manual is not binding.

55. U.S. Citizenship & Immigr. Servs., Policy Manual, About the Policy Manual, <https://www.uscis.gov/policy-manual>.