




U.S. Citizenship
and Immigration
Services

JAN 19 2010

HQSCOP 70/6-P

Memorandum

TO: Headquarters Senior Management
Field Leadership

FROM: Lauren Kielsmeier 
Acting Deputy Director

SUBJECT: Signatures on Applications and Petitions Filed with USCIS:
Amendment of *Adjudicator's Field Manual (AFM)* Chapter 10.1(a)(2)
(*AFM* Update AD 10 - 23)

1. Purpose

This memorandum clarifies U.S. Citizenship and Immigration Services (USCIS) policy concerning acceptable signatures on applications and petitions filed with USCIS. This policy clarification is reflected in the update to the Adjudicator's Field Manual (AFM), Chapter 10.1(a)(2), shown in paragraph 5 below.

2. Background

The regulation at Title Eight, Code of Federal Regulations (8 CFR), Part 103.2(a)(2) requires a person filing a petition or application for an immigration benefit to sign the petition or application. There are clear, but limited exceptions, which include: (1) if the person is mentally incompetent, a legal guardian may sign for the person, and (2) if the person is under the age of 14 years, a parent or legal guardian may sign on his or her behalf. Title 8 CFR 103.2(a)(2) does not explicitly authorize any other situations under which a person other than the actual applicant or petitioner may sign the application or petition. However, to comply with the requirements of section 504 of the Rehabilitation Act of 1973 and Public Law 106-448 of 2000, USCIS authorizes designated representatives to sign naturalization applications on behalf of applicants with developmental or physical disabilities or mental impairments.¹

Recently, USCIS has seen varied practices related to signatures on forms. These practices have included: (1) applications or petitions without the required signature of the actual applicant or petitioner, and (2) applications and petitions signed by a Form G-28, *Notice of Entry of*

¹ See Yates, William R., memorandum entitled, *Procedures for Implementing the Waiving of the Oath of Renunciation and Allegiance for the Naturalization of Aliens having Certain Disabilities*, dated June 30, 2003.

Appearance as Attorney or Representative, authorized representative or individuals claiming authority to act on behalf of an alien through a power of attorney. These varied practices, in certain instances, are attributable to practitioner reliance on agency correspondence in individual cases, rather than formal policy guidance.

3. USCIS Policy on Signatures

USCIS policy continues to be that the individual applicant or petitioner must personally sign the application or petition. The only exceptions to this rule are those stated in Part 2 above. Where the applicant or petitioner is a corporation or other legal entity, a qualified agent must sign the application or petition. The qualified agent must (1) be an officer or employee of the entity; (2) have executive or managerial authority to sign documents on behalf of the entity; and (3) have knowledge of the factual claims made in the application or petition to attest to the truth of the factual claims.

An application or petition signed by counsel (other than in-house counsel who meets the qualified agent requirements stated above) or by any other outside agent does not meet the requirements of 8 CFR 103.2(a)(2).

USCIS will reject any filing that does not contain a proper signature by the applicant (designated representative for certain naturalization applications) or petitioner or qualified agent for any applications and petitions received after the date of this Memo. USCIS is reaffirming this policy to preserve benefit integrity and to ensure that only those representatives authorized pursuant to the regulations file applications or petitions with USCIS.

4. Field Guidance

As of the date of this Memo, if USCIS identifies an application or petition without the proper signature at the time of receipt, USCIS will reject the application or petition in accordance with 8 CFR 103.2(a)(7)(i) and return the filing fee. If USCIS discovers the improper signature after receipt, USCIS may deny the application or petition pursuant to 8 CFR 103.2(b)(8)(ii) for failure to establish eligibility for the benefit sought.

5. Adjudicator's Field Manual (AFM) Update

All USCIS officers are directed to comply with the following guidance.

Chapter 10 of the AFM entitled, "An Overview of the Adjudication Process," is amended by re-designating the existing text under subchapter 10.1(a)(2) as new paragraph (A) under the title heading "General" and adding new paragraph (B) to subchapter 10.1(a)(2) to read as follows:

An Overview of the Adjudication Process.

10.1 Receipting and Acceptance Processing.

(a) Receipting of Applications and Petitions at Service Centers.

* * * * *

(2) Screen for Applications and Petitions Which Must Be Rejected.

(A) General. No application form may be accepted * * *

Although the instructions for each type * * *

(B) Valid Signature. The applicant or petitioner must personally sign an application or petition. To personally sign a document means any writing or mark used with the intention of authenticating a document. There are two specific exceptions to the requirement that the applicant or petitioner must personally sign the application or petition cited in 8 CFR 103.2(a)(2): 1) a legal guardian may sign for a mentally incompetent person, and 2) a parent or legal guardian may sign for a person under the age of 14. However, to comply with the requirements of section 504 of the Rehabilitation Act of 1973 and Public Law 106-448 of 2000, USCIS authorizes designated representatives to sign naturalization applications on behalf of applicants with developmental or physical disabilities or mental impairments. *See* Yates, William R., memorandum entitled, *Procedures for Implementing the Waiving of the Oath of Renunciation and Allegiance for the Naturalization of Aliens having Certain Disabilities*, dated June 30, 2003. (Note: In the case where an applicant or petitioner is unable to write in any language, he or she may sign his or her name with an "X.")

If the applicant or petitioner is an individual, that individual must personally sign the application or petition. If the applicant or petitioner is a corporation or other legal entity, a qualified agent must personally sign the application or petition. An agent qualified to sign an application or petition must (1) be an officer or employee of the entity, (2) have executive or managerial authority to sign documents on behalf of the entity, and (3) have knowledge of the factual claims made in the application or petition. In-house counsel, as an officer or employee, may also sign for an entity if (1) the in-house counsel has knowledge of the facts alleged in the application or petition, and (2) he or she has executive or managerial authority to sign documents on behalf of the entity.

Certain designated representatives for naturalization applicants who have developmental or physical disabilities or mental impairments also are permitted to sign and file the application on behalf of naturalization applicants. Such designated representatives may be either: (1) legal guardians or surrogates appointed by recognized courts with jurisdiction over matters of guardianship or surrogacy, (2) legal guardians or surrogates appointed by appropriate state agencies with authority to make such appointments in the jurisdiction of the applicant's place of residence in the United States, or (3) in the absence of a legal guardian or surrogate, a U.S. citizen spouse, parent, adult son or daughter, or adult brother or sister. In most instances, designated representatives will sign and file the application on behalf of the applicant. In addition, if the designated representative

prepares the application, USCIS requires that the designated representative sign the application in the Preparer's box of section 11 and, in cases where the applicant is physically unable to sign, in the signature box, attesting under penalty of perjury that the information being provided is true and correct.

A signature by an outside attorney or accredited representative or by any other individual based on a power-of-attorney or other authorization is not acceptable. An application or petition that is signed by anyone other than the applicant or petitioner (or an authorized individual based on the exceptions stated above) is not properly signed for purposes of 8 CFR 103.2(a)(2). If the failure to properly sign the application or petition is identified at receipting, USCIS will reject it in accordance with 8 CFR 103.2(a)(7)(i) and shall return the application or petition and filing fee to the applicant or petitioner. For example, if John Smith's Form I-130, *Petition for Alien Relative*, is signed by Mary Jones, the Form I-130 should be rejected. Similarly, an application or petition signed for a firm by outside counsel or some other person who is not an officer or employee of the firm should be rejected. Every effort should be made to identify obvious signature defects, such as the failure to include any signature, at receipting to avoid the applicant's or petitioner's forfeiting of the fee.

USCIS may deny the application or petition pursuant to 8 CFR 103.2(b)(8)(ii) for failing to establish eligibility for the benefit sought if the petition or application was signed, but it is determined later that the person who signed it lacked authority to do so. For example, if Mary Jones signed John Smith's Form I-130, claiming to be his guardian, the Form I-130 can be denied if USCIS later determines that she is not his guardian. Similarly, if USCIS determines that the person who signed a petition or application on behalf of a firm was not actually an officer or employee who was authorized to do so, the application or petition may be denied, rather than rejected.

AD 10-23 [Enter Date]	Chapter 10.1(a)(2)	This memorandum revises AFM 10.1(a)(2) to provide guidance for valid signatures on applications and petitions.
--------------------------	---------------------------	--

7. Contact Information

Questions regarding the general guidance contained in this memorandum should be directed to the Service Center Operations Directorate through appropriate supervisory channels.