



Executive Summary

February 19, 2010

Collaboration Session - Signatures on Applications and Petitions Filed with USCIS

Background

USCIS hosted a teleconference on February 17, 2010 to discuss the recently withdrawn memorandum – Signatures on Applications and Petitions Filed with USCIS. The teleconference was attended by approximately 150 participants who represented both the private and public sectors including immigration attorneys and community based organizations. The dialogue allowed USCIS to clarify certain aspects of memo and to hear feedback on any concerns that may not have been considered in development of the guidance.

Principal Themes

- **Power of Attorney**

Numerous stakeholders expressed deep concern with the inability to use powers of attorney to sign on behalf of their clients when filing petitions. It was noted that this contradicts previous statements made to companies as well as guidance currently posted on the USCIS website. Stakeholders also questioned whether disallowing the use of a power of attorney has any effect on combating fraud and suggested that its use actually provides a more reliable product.

- **Use of Rubber Stamps**

Several stakeholders questioned whether or not USCIS would accept a “rubber stamp” signature on an application. When advised that we would not, stakeholders commented the continued use of ink pen and paper is a step backwards and does not reflect the use of current technology through the use of electronic signatures and paperless filings. Similarly, the issue was raised in respect to the use rubber stamp signatures on Form G-28s and noted that there is contradictory guidance posted on the USCIS website that does allow for the a stamped signature of an attorney or representative.

- **Improper Rejection of Forms Filed on Behalf of Minors**

Another concern brought to our attention was the rejection of petitions filed on behalf of minors - including those under the legal guardianship of the state - returned by USCIS due to improper signatures. It was suggested that the Agency, at the point of intake, is not correctly determining that the form is signed by the child’s parent or legal guardian. This causes undue delays in the adjudication of these sensitive cases. Additionally, stakeholders commented that the guidance is unclear on who may sign an application or petition for a child under the age of 14.

- **Rule-making Process**

Stakeholders expressed concern about the method USCIS is currently using to develop policy guidance, questioning if this was rulemaking without following the proper regulatory process. Stakeholders also requested that any future revisions of the guidance be prospective and provide advance notice for an implementation period.