



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

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

In Re: 22654470

Date: JAN. 23, 2023

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner seeks classification as an alien of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. The Texas Service Center Director denied the Form I-140, Immigrant Petition for Alien Workers, concluding that the Petitioner did not establish that they received a major, internationally recognized award, nor did they demonstrate that they met at least three of the ten regulatory criteria. The matter is now before us on appeal. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (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 dismiss the appeal.

U.S. Citizenship and Immigration Services (USCIS) requires a valid signature on certain documents filed with the agency (request). 8 C.F.R. § 103.2(a)(2). Unless specifically authorized, a benefit requestor must personally sign his or her own request before filing it with USCIS. Here, the Petitioner's counsel signed the Form I-290B, Notice of Appeal or Motion in both the Petitioner's portion (Part 4.6.a.) as well as the preparer's portion (Part 6.8.a.). Consequently, we do not recognize this Form I-290B as being properly executed or filed, nor do we recognize the appeal to have been properly filed by an affected party with legal standing in these proceedings. 8 C.F.R. § 103.3(a)(1)(iii)(B)–(2)(i).

Based on this issue, we conclude that this signature is deficient, and we will dismiss this appeal as improperly filed. According to 8 C.F.R. § 103.2(a)(7)(ii)(A), USCIS will reject a request that does not bear a valid signature when it receives the request. Likewise, it stands that a request without a valid signature that USCIS does not discover until a later date also will not be considered as properly filed. *See generally* 1 *USCIS Policy Manual* B.2(A), <https://www.uscis.gov/policymanual>. Once USCIS initially accepts a benefit request and subsequently discovers a deficient signature, the matter is denied or dismissed rather than rejected. *See generally* 1 *USCIS Policy Manual, supra*, at B.2(A).

**ORDER:** The appeal is dismissed.