



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 29567676

Date: JAN. 22, 2024

Appeal of Nebraska Service Center Decision

Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal

The Applicant seeks permission to reapply for admission to the United States under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(iii), because he is inadmissible for having been previously ordered removed. Permission to reapply for admission to the United States is an exception to this inadmissibility, which U.S. Citizenship and Immigration Services (USCIS) may grant in the exercise of discretion.

The Acting Director of the Nebraska Service Center denied the Applicant's Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, concluding that the record did not establish that the Applicant signed the application as is required pursuant to 8 C.F.R. §103.2(a)(2). The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

USCIS requires a valid signature on applications, petitions, requests, and certain other documents filed with USCIS. See generally 1 USCIS Policy Manual B.2(A), <https://www.uscis.gov/policymanual> (describing in general the signature requirements for documents filed with USCIS). USCIS policy explains that a valid signature is "any handwritten mark or sign made by a person" to signify that "[t]he person knows of the content of the request and any supporting documents; [t]he person has reviewed and approves of any information contained in such request and any supporting documents; and [t]he person certifies under penalty of perjury that the request and any other supporting documents are true and correct." *Id.* at B.2(B). A valid signature does not need to be legible or in English and may be abbreviated as long as the signature is consistent with how the person signing normally signs his or her name. *Id.*

As noted above, the Applicant submitted a Form I-212 seeking permission to reapply for admission. The Director notified the Applicant through issuance of a notice of intent to deny (NOID) that the

signature did not match his signature on other documents in the record, including signatures from the Applicant's Colombian passport, Form I-601 and Form I-212 filed in 2012, and Form 205, and thus it did not appear that the Form I-212 was signed by him or someone authorized to sign on his behalf. In response, the Applicant provided copies of documents referred to in the NOID as well as an affidavit that bore his signature. In his affidavit, the Applicant explained that his signature varied depending on whether the signature was printed or signed and that for the waiver application he "believed [he] had to write down [his] name instead of sign it." He also asked that the Director continue processing his case. The signature on the affidavit was notarized and certified as his signature.

The Director denied the application after determining that the signature provided in the Applicant's affidavit did not match the signature on his passport and previously filed Form I-601 and Form I-212, and that "[m]erely stating that you printed your name, without evidence that verifies the signature is yours, is insufficient."

On appeal, the Applicant claims the Director's denial was erroneous, as it was based on impermissible speculation, it lacked a basis on objective material evidence, and it did not comport with 8 C.F.R. section 103.2(a)(2), which governs signature requirements.

On appeal, the Applicant submits a new affidavit to verify that the signature on the most recently filed Form I-212 was his signature. The new affidavit is similar to the affidavit submitted in response to the NOID.

After review of the record, including in particular the Applicant's response to the NOID, the record does not support the Director's decision. We note that while the signature on the Form I-212 may appear inconsistent with other signatures used by the Applicant, consistent with the requirements for a valid signature, the Applicant provided an explanation for any inconsistencies and affirmed that he signed the Form I-212. Accordingly, he signified that he knew the contents of his application and supporting documents; reviewed and approved the information contained in his application and supporting documents; and that the request and other supporting documents were true and correct. See generally 1 USCIS Policy Manual B.2(A). We therefore withdraw the Director's determination that the Form I-212 lacks a valid signature by the Applicant.¹

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis, which, if adverse, shall be certified to us for review.

¹ In a separate decision, we remanded the Applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility, for the Director, which had also been denied based on a deficient signature.