



## **Practice Alert: USCIS Wet Ink Signature RFEs & NOIDs<sup>1</sup>**

*April 24, 2025<sup>2</sup>*

Practitioners have reported receiving Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs) in T visa, T-based adjustment of status, and VAWA self-petition cases, where USCIS has requested the original, “wet ink” signature on forms submitted with a photocopied or scanned version of the original signature.<sup>3</sup> When the original signatures are not produced, USCIS has reportedly denied the application or petition.

At this time, it is unclear whether USCIS has changed its policy relating to acceptable signatures. This Practice Alert provides information on USCIS’ current policy and practitioners’ options in cases submitted with electronically reproduced signatures.

### **I. USCIS Signature Policy**

8 CFR §103.2(a)(2) requires applicants and petitioners to sign their benefit requests. This regulation also states that an “acceptable signature” on a benefit request submitted to USCIS is a handwritten signature or, for benefit requests submitted electronically, a signature in electronic format, as permitted by the form instructions.<sup>4</sup> USCIS policy expands upon what is deemed an “acceptable signature.”

#### **A. COVID-19 Signature Policy**

On March 20, 2020, USCIS announced a flexible approach to the signature requirement, due to the COVID-19 emergency.<sup>5</sup> This policy stated that USCIS would

---

<sup>1</sup> Copyright 2025, ASISTA Immigration Assistance. This resource was authored by Lia Ocasio, Staff Attorney, with helpful input from Kelly Byrne, Staff Attorney, Rebecca Eissenova, Senior Staff Attorney, and Cristina Velez, Legal and Policy Director. This resource is intended for authorized legal counsel and is not a substitute for independent legal advice provided by legal counsel familiar with a client’s case.

<sup>2</sup> Content is current as of date of writing. It is your responsibility to ensure content is up to date.

<sup>3</sup> While ASISTA has not heard of this issue arising in the U visa context, it is possible that the current policy changes and/or that this practice expands to affect U visa or U-based adjustment of status cases.

<sup>4</sup> 8 CFR §103.2(a)(2) (last amended 3/12/2025).

<sup>5</sup> USCIS Alert, *USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency*, March 20, 2020,

accept “electronically reproduced” signatures, which meant that “a document may be scanned, faxed, photocopied, or similarly reproduced, provided that the copy must be of an original document containing an original handwritten signature, unless otherwise specified.”<sup>6</sup> This policy did not permit typed signatures, signatures created by stamps, or electronically *produced* signatures (such as those created through DocuSign).<sup>7</sup>

Further, USCIS stated that, where an electronically reproduced signature was submitted, individuals must retain the original document with the wet ink signature and that USCIS, at any time, could request the original documents.<sup>8</sup> Where those original documents were not produced upon USCIS’ request, it could “negatively impact the adjudication” of the case.<sup>9</sup>

This policy was extended throughout the COVID-19 pandemic and, on July 25, 2022, USCIS announced that it became a permanent policy on that same date.<sup>10</sup>

## **B. Current Signature Policy**

The updated, permanent policy on signatures can be found in the USCIS Policy Manual at [1 USCIS-PM B.2](#). This policy defines what constitutes a valid and acceptable signature and what USCIS will do if they deem a signature deficient.<sup>11</sup>

Acceptable signatures include, but are not limited to:

- An original signature;
- “An original signature on the benefit request that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions” (i.e., an electronic reproduction of the original, wet ink signature);<sup>12</sup>
- Electronic signature, where permitted pursuant to form instructions for benefit requests filed electronically.

---

<https://www.uscis.gov/archive/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency>.

<sup>6</sup> *Id.*

<sup>7</sup> E-signatures created by “writing” the signature on the screen also do not qualify as acceptable signatures. In contrast, “electronic signatures” were and are permitted, pursuant to form instructions, for benefit requests filed electronically.

<sup>8</sup> USCIS Alert, *supra*, fn. 6.

<sup>9</sup> *Id.*

<sup>10</sup> USCIS Alert, *USCIS Extends COVID-19-related Flexibilities*, July 25, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-extends-covid-19-related-flexibilities>.

<sup>11</sup> [1 USCIS-PM B.2\(B\)](#) (April 2, 2025). The Policy Manual defines “valid” signatures as handwritten marks by a person to signify that they know the content of the request and supporting documents; that they have reviewed and approved the information that request and documents contain; and that they certify, under penalty of perjury, that the request and supporting documents are true and correct. The Policy Manual then describes “Acceptable and Unacceptable Signatures,” relating to the format of the signature itself.

<sup>12</sup> *Id.*

Where the signature is a reproduced version, the copy “must be of an original document containing an original handwritten signature, unless otherwise specified.”<sup>13</sup> Again, this policy does not permit typed signatures, signatures created by stamps, or electronically *produced* signatures. For example, a photocopy of a digital signature (e.g., DocuSign) or signature created with a stamp will not meet the requirements for an acceptable signature. The photocopy or scan must be of an original, wet ink signature.

The Policy Manual does not otherwise define what makes a signature acceptable or deficient.<sup>14</sup> It also does not carry over the COVID-19-era policy’s requirement to maintain the original, wet ink signature, in case USCIS requests the original documents, or that failure to do so could negatively impact the adjudication of the case.

The Policy Manual does state, however, that USCIS will reject any benefit request with an improper signature and that USCIS “does not provide an opportunity to correct (or cure) a deficient signature.”<sup>15</sup> Where USCIS rejects a benefit request for a deficient signature, the applicant or petitioner must resubmit it with a valid signature. Further, where USCIS accepts an application or petition for adjudication and later determines the signature is deficient, USCIS will deny the request.<sup>16</sup> Per the Policy Manual, USCIS *may* issue an RFE or NOID, but only mentions this in cases where USCIS needs to confirm that a person was authorized to sign on behalf of another person at the time the benefit request was submitted.<sup>17</sup>

Therefore, as the current policy is written, it is unclear under what basis USCIS is finding valid, electronically reproduced signatures to be deficient, issuing RFEs and NOIDs for the original, wet ink signatures, and denying cases where the original signatures cannot be produced.

## **II. What Practitioners Should Do**

Given the lack of clarity as to whether USCIS has changed its policy (and done so without notice) about accepting electronically reproduced signatures, with or without the original, wet ink signature still being available, practitioners should take steps now to prepare to respond to a possible RFE or NOID in a pending case submitted with electronically reproduced signatures.

---

<sup>13</sup> *Id.*

<sup>14</sup> The Policy Manual reiterates that the “regulations do not require that the person signing submit an ‘original’ or ‘wet ink’ signature on a petition, application, or other request to USCIS.” *Id.*

<sup>15</sup> [1 USCIS-PM B.2\(A\)](#) (April 2, 2025).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

## A. Pending Cases – No RFE or NOID Issued (Yet)

If you have filed cases with electronically reproduced signatures, audit your cases and see whether you have the original, wet ink signatures on file. If the client sent you their reproduced signature(s) and you do not have the documents with their original signature(s), communicate with them to see whether they still have the original paperwork and can provide it to you in case of an RFE or NOID on the issue. Alternatively, if your office has routinely used reproduced signatures, a mass communication for all clients to preserve and, ideally, send you their original signatures may also be advisable.

It is currently unclear how pervasive this issue is or whether USCIS will update the Policy Manual to confirm that its new, formal signature policy requires original, wet ink signatures for paper filings. As it appears currently, there is the possibility that USCIS could deny a case submitted with a valid, electronically reproduced signature for failure to provide the original, wet ink signature upon request.

If you do not have the original, wet ink signature, consider whether refiling the benefit request is possible. Keep in mind issues with refiling, such as age-out concerns for the petitioner and/or any derivatives, any issues with obtaining new certifications, or filing deadlines for VAWA self-petitioners after divorce.<sup>18</sup> If it is possible to submit a new application or petition, discuss with your client whether to do so. USCIS might not issue an RFE or NOID for an original signature in the already-filed case, making refiling the application or petition an unnecessary step. Still, refiling may be a precautionary measure, if USCIS ultimately denies the already-filed case for this issue.

If, however, you filed a case with an unacceptable signature – for example, a DocuSign signature or a stamp – it is necessary to refile the application with an original, wet ink signature because, as stated earlier, USCIS does not allow applicants to “cure” a deficient signature.<sup>19</sup>

---

<sup>18</sup> USCIS has updated many form editions recently. If you are refiling a benefit request, it must be submitted on the current, accepted form edition(s). For U visas, the law enforcement certification must be on the correct version of the I-918B (and signed within six months of the date it is filed with USCIS). If it is an adjustment of status case, remember, too, that USCIS now requires the medical exam to be submitted with the I-485. See USCIS Alert, *USCIS Now Requires Report of Immigration Medical Examination and Vaccination Record to be Submitted with Form I-485 for Certain Applicants*, December 2, 2024, <https://www.uscis.gov/newsroom/alerts/uscis-now-requires-report-of-immigration-medical-examination-and-vaccination-record-to-be-submitted>.

<sup>19</sup> Withdrawing the application with the deficient signature will most likely trigger a Notice to Appear (NTA) if the client is unlawfully present and has a criminal history or if there is “substantiated fraud or material misrepresentation.” See USCIS Policy Memorandum, PM-602-0187, *Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens*, February 28, 2025, [https://www.uscis.gov/sites/default/files/document/policy-alerts/NTA\\_Policy\\_FINAL\\_2.28.25\\_FINAL.pdf](https://www.uscis.gov/sites/default/files/document/policy-alerts/NTA_Policy_FINAL_2.28.25_FINAL.pdf).

## B. Pending Cases – RFE or NOID Issued

Given the language in the current signature policy, it is unclear under what basis USCIS is issuing an RFE or NOID relating to valid, electronically reproduced signatures. In these RFEs and NOIDs, it appears USCIS has requested the original, wet ink signatures. Therefore, if you have the paperwork with the original signature(s), submit that with your RFE or NOID response.

If you do not have the original signature and neither does your client, help your client prepare a statement, attesting that the signature submitted is their own, was applied knowingly, willfully, and in full understanding of the contents of the document signed, and was properly reproduced, per USCIS policy (i.e., it was a photocopy, scan, fax, or similar reproduction of their original, wet ink signature). Getting this statement notarized or using the attestation at 28 USC §1746 may be best practice. At this time, ASISTA has not received reports of the success or failure of using this approach.

You may consider also providing *newly* signed forms with original, wet ink signatures. However, practitioners have reported that the RFE or NOID notices have explicitly stated that USCIS would not accept newly signed forms and it does not appear that providing these new signatures have been sufficient to prevent a case denial.<sup>20</sup>

Prepare your client for a possible case denial on this issue. At least one practitioner has reported that USCIS denied their client's case, even though they submitted the original, wet ink signatures. If USCIS denies the case for a wet ink signature issue, consider filing a timely I-290B.<sup>21</sup> Practitioners can argue that the current signature policy does not support requiring the original, wet ink signature.<sup>22</sup> Practitioners can also argue that the "any credible evidence" (ACE) standard should require USCIS to accept the affidavit from the client that they were, in fact, the person who signed the forms in question.<sup>23</sup>

Again, you may also want to evaluate whether refiling the case is possible and advisable.<sup>24</sup>

---

<sup>20</sup> It appears that USCIS has stated that new signatures do not prove that the submitted signatures were acceptable.

<sup>21</sup> A timely filing of an I-290B might prevent the issuance of an NTA. Note, however, that USCIS' current NTA policy does not explicitly state that USCIS will wait for a final denial or for an appeal/motion period to run before issuing an NTA. See USCIS NTA Policy, *supra*, fn. 18. Also note that only an appeal would prevent the case from being treated as a final denial, whereas a Motion to Reopen or Reconsider would not.

<sup>22</sup> If the case was submitted while the COVID policy was controlling, however, this argument may be weaker. See *supra*, [I.A. COVID-19 Signature Policy](#). Also note that the current policy states that the regulations do not require an original, wet ink signature. See *supra*, fn 14.

<sup>23</sup> As of the date of this advisory, ASISTA is unaware of any decisions by the AAO on this issue since the 2022 update to the signature policy.

<sup>24</sup> See *supra*, [III.A. Filed Cases – No RFE Issued \(Yet\)](#).

### C. Going Forward

Unless or until USCIS changes its policy, USCIS *should* accept a valid, electronically reproduced signature. If you submit a case with electronically reproduced signatures, be sure to retain the original signed document(s) in the client's file, in case USCIS later issues an RFE or NOID requesting it. In other words, if clients send you the scanned, photocopied, or faxed version of their original, wet ink signature, they should also bring or mail you the original document.<sup>25</sup>

As a preventative measure, where possible, submit original, wet ink signatures with the initial filing to USCIS. To make it clearer that the signature is the original, wet ink signature, some practitioners provide signatures in blue ink and/or with a ballpoint pen that will leave an indent on the page.<sup>26</sup> Do not use DocuSign or other applications to electronically sign documents, unless specifically permitted by the form instructions for a benefit request submitted online.

Practitioners should also check the USCIS Policy Manual prior to submitting electronically reproduced signatures. Keep an eye out for any changes relating to how USCIS defines acceptable signatures, how officers will determine a signature to be deficient, and what they will do in those instances.

### III. Conclusion

Share your experiences with ASISTA! Please email Kelly Byrne ([kelly@asistahelp.org](mailto:kelly@asistahelp.org)) to share: (1) where you have overcome an RFE or NOID for the original, wet ink signature by providing a declaration from the signatory, attesting that the electronically reproduced signature is their own and was properly reproduced; or (2) if you received a case denial for using valid, electronically reproduced signatures, regardless of whether you were able to provide the original, wet ink signatures.

ASISTA will be monitoring this issue and whether USCIS issues any formal changes to their policy on acceptable signatures. We will update the field with any information we learn.

---

<sup>25</sup> Certifiers should do the same, if they are providing you an electronically reproduced signature. Consider providing self-addressed, stamped envelopes for clients and/or certifiers to mail you the documents with their original, wet ink signature, even if they have already provided you with their electronically reproduced signature.

<sup>26</sup> To create a signature that indents the page heavily, place the page on top of a semi-soft surface, like a stack of other papers. While submitting a signature in blue ink may not raise any issues with the adjudication of the form, consider that some form instructions specify to "Type or print legibly in black ink," while other forms indicate to use "black or blue ink." While this may not include the signature, the form instructions do not specifically exempt the signature block.