



Ann Lee

Partner
303.295.8025
Denver
ahlee@hollandhart.com

New USCIS Signature Rule Could Put Immigration Filings at Risk

Insight — May 14, 2026

The Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) have issued a new Interim Final Rule (IFR) Signatures on Immigration Benefit Requests that significantly increases the consequences of submitting immigration filings with invalid signatures. The rule, published in the Federal Register on May 11, 2026, formally authorizes USCIS to reject or deny immigration benefit requests if the agency later determines that the filing lacked a valid signature, even after the case has already been accepted for processing. The rule becomes effective on July 10, 2026, and comments may be submitted through that same date. According to DHS, the purpose of the rule is to strengthen enforcement of signature requirements and standardize USCIS adjudication practices involving questionable or invalid signatures.

Key Takeaways

- **Sign it right or risk losing your case.** USCIS can now reject or deny filings with invalid signatures, even after accepting your application and fees.
- **Digital shortcuts may no longer cut it.** Copy-pasted, stamped, and software-generated signatures (think DocuSign) may be considered invalid under the new rule.
- **Audit your signature practices now.** The rule takes effect July 10, 2026. Employers and HR teams should review internal processes before then.

1. What Changes Under the New Rule?

Historically, USCIS has required petitions, applications, and other immigration benefit requests to contain a valid signature. During the COVID-19 pandemic, USCIS temporarily adopted more flexible signature policies and accepted electronically reproduced original signatures on many filings to accommodate remote work and logistical disruptions. By mid-2025, practitioners began reporting an increase in USCIS Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs) demanding original wet-ink signatures in certain cases submitted with electronically reproduced signatures, signaling a shift toward heightened scrutiny even before the new Interim Final Rule was issued.

The new IFR codifies the continued tightening of signature compliance standards and reflects DHS's concern about increasing instances of allegedly fraudulent or deficient signatures in immigration filings. USCIS reported that denials based on signature deficiencies increased substantially in recent years, prompting the agency to codify its authority in

regulation rather than relying solely on policy guidance. However, in many cases, filings with signature issues were rejected at intake or applicants were later given an opportunity to correct deficiencies through RFEs, NOIDs, or other follow-up notices.

Under the new IFR, USCIS officers now have explicit regulatory authority to either:

- Reject a filing for an invalid signature; or
- Deny the filing after acceptance (including retaining the filing fees), if the signature deficiency is discovered later in the adjudication process.

This distinction is critical. A rejection generally results in the filing being returned without a filing date and may include a refund of filing fees. A denial, by contrast, treats the case as fully adjudicated, allows USCIS to retain filing fees, and may create negative immigration consequences depending on the benefit sought.

2. What USCIS Considers a “Valid Signature”

The IFR states that signatures on DHS forms must generally be “*either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format,*” reinforcing USCIS’s position that only specifically authorized electronic filing methods will satisfy the agency’s signature requirements. The IFR rule does provide some flexibility and efficiency, by including, “USCIS does not generally require submission of the “original” document with a wet-ink signature. A scanned, copied, or faxed version of the originally signed benefit request, with the wet-ink signature on it, suffices (the regulatory text states “handwritten”¹).”

However, the IFR specifically identifies several types of signatures that may be considered invalid, including:

- Copy-and-pasted signatures placed onto multiple forms;
- Signatures generated through signature software programs;
- Stamped signatures; and
- Signatures executed by unauthorized individuals.

Importantly, USCIS emphasized that simply inserting an image of a signature onto a form may not satisfy the requirement unless it is a true copy of an originally signed document.

3. Practical Implications for Employers and Applicants

This rule has important implications for employers, foreign nationals, attorneys, and HR professionals handling immigration matters. Signature compliance is no longer merely a technical intake issue; it is now expressly tied to the substantive adjudication of the filing itself.

Employers filing high-volume employment-based petitions, including H-1B, L-1, and immigrant visa petitions, should review internal document collection procedures carefully and ensure that all required signatures are

properly executed and retained.

While the IFR refers to DHS forms and preparation in accordance with form instructions, it does not explicitly address other forms that may be included in DHS filings, such as the Labor Condition Application (LCA) in H-1B filings or ETA 9089 PERM applications in I-140 filings issued by the Department of Labor (DOL). In light of USCIS's expanded authority to deny filings based on signature deficiencies, applicants and employers may wish to avoid the potential risk and adopt a practice of wet signatures unless there is an express exception.

USCIS now has explicit authority to deny immigration filings after acceptance if signature defects are discovered later in the process, potentially resulting in lost filing fees, delays, missed deadlines, maintenance of status issues, and adverse immigration consequences. Applicants and petitioners should also be cautious about using electronic signature platforms, such as DocuSign, unless the specific USCIS process expressly authorizes electronic signatures. Given the heightened scrutiny, employers and applicants should carefully audit signature practices now and ensure that all USCIS filings contain properly executed handwritten signatures or otherwise comply with the agency's limited electronic signature rules before submission.

¹⁸ CFR 103.2(a)(2) stating "Unless otherwise specified in this chapter, an acceptable signature on a benefit request that is being filed with the USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format."

Subscribe to get our Insights delivered to your inbox.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.