



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

November 14, 2022

U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529-2120

Re: Digital Signature Policy Recommendation

Dear Director Jaddou:

The American Immigration Lawyers Association (AILA) respectfully recommends that USCIS, as part of its on-going modernization and efficiency efforts, expand its acceptance of digital and electronic signatures that meet standard security and verification protocols to all form types, not just those that may be filed electronically.

Established in 1946, AILA is a voluntary bar association of more than 16,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. Our members' collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government.

AILA thanks USCIS for making permanent its previously interim policy of accepting documents bearing an electronically reproduced original signature, effective July 25, 2022.¹ We agree that "[t]he regulations do not require that the person signing submit an 'original' or 'wet ink' signature on a petition, application, or other request to USCIS."² As USCIS continues its transition to a more digital business model, AILA recommends that USCIS expand this initiative and accept digital and electronic signatures that meet standard security and verification protocols as we believe this policy will maintain the security of documents filed with USCIS while minimizing disruption, cost, and burden to USCIS and applicants alike.³

¹ <https://www.uscis.gov/newsroom/alerts/uscis-extends-covid-19-related-flexibilities>

² 1 USCIS-PM B.2.B.

³ There are many vendors that allow for secure digital signatures with date stamp and several U.S. government agencies currently allow for the use of digital signatures, including [EOIR](#), GSA, IRS and the SEC. See <https://www.law360.com/articles/1260735/doj-allows-digital-signatures-on-immigration-court-filings> (copy attached).

AILA National Office

1331 G Street NW, Suite 300, Washington, DC 20005
Phone: 202.507.7600 | Fax: 202.783.7853 | www.aila.org

AILA fully shares USCIS’s overarching security goals in requiring valid signatures in order “to maintain the integrity of the immigration benefit system and validate the identity of benefit requestors.”⁴ USCIS’s March 20, 2020 announcement that it would “accept all benefit forms and documents with reproduced original signatures,” including those that require original “wet” signatures⁵ has proven to be an important accommodation for businesses and applicants, extending well beyond COVID-related reasons.

In its March 20, 2020 announcement, USCIS further acknowledged that it “already accepts various petitions, applications and other documents bearing an electronically reproduced original signature.” The acceptable electronic or electronically-produced signature, however, remains limited to the few benefits requests that may be filed electronically⁶ or to documents with an original “wet” or ink signature that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions. While we appreciate the recent decision to extend this policy permanently, USCIS now has an opportunity to expand further its acceptance of digital signature technologies that provide enhanced security and efficiency for both the agency and its stakeholders.

We urge USCIS to take the interim step of accepting electronically signed applications and petitions using industry standard technologies (e.g., Adobe, DocuSign, EasySign, ReadySign, etc.). While the current interim policy of accepting copies of original “wet” signatures is a welcome accommodation, it still requires a paper document to be printed, signed, copied, scanned and physically stored. As you are aware, technological advances over the past 20 years have dramatically changed the nature of acceptable legal signatures for business and legal purposes generally. There are now several secure signature options that USCIS does not accept, but that are widely accepted in a broad range of legal, professional and business applications, such as real estate, contracts, and estates and trusts.

More significantly, Congress has clearly indicated its intent for the federal government to leverage the technology of electronic signatures. The Electronic Signatures in Global and National Commerce (ESIGN) Act of 2000 established that any law with a signature requirement can be satisfied by an electronic/digital signature. Over the last 20 years, the use and/or acceptance of electronic or digital signatures by federal agencies continues to rapidly expand, including by EOIR, GSA, IRS, EPA and SEC, all of which share USCIS’s concerns in validating the integrity of a signature. Again, we encourage USCIS to join these federal government agencies and accept digital signatures as a valid form of executing a document.

⁴ <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2#footnotelink-8>

⁵ <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency>.

⁶*Supra*, note 4.

USCIS has also clearly stated its intent to move to a paperless system of filing and processing applications and petitions. USCIS.gov currently accepts the electronic filing of a small percentage of immigration benefit applications and petitions.⁷ For those that are yet to be accepted electronically, we recommend that USCIS accept electronically or digitally signed paper-based filings. We acknowledge that USCIS intends for its electronic platform to become the vehicle for the filing of all such applications and petitions in the future. However, given that USCIS itself has not publicly announced a time frame in which this may happen, these secure business-friendly, applicant-friendly and environmentally friendly steps, which are supported by Congress and in use by other government agencies, should be implemented as soon as possible.

These electronic/digital signature options ease the burden on applicants and authorized signers for corporations and other legal entities, both domestic and international, facilitating a more efficient and cost-effective filing process. In addition, an acceptable digital signature could be securely executed through well-established technologies, minimizing the environmental impact and cost of printing documents for the sole purpose of creating an original “wet” or ink signature.

AILA looks forward to continuing this important conversation with USCIS as we jointly work together to usher in robust, safe, and user-friendly digital business models. If you have any questions, please contact Sharvari (Shev) Dalal-Dheini, Director of Government Relations at (202) 507-7621 or by email at SDalal-Dheini@aila.org.

Sincerely,

Shev Dalal-Dheini
Director of Government Relations
American Immigration Lawyers Association

CC: Felicia Escobar Carrillo, Chief of Staff
Doug Rand, Senior Advisor to the Director
Amanda Baran, Chief of Office of Policy & Strategy

⁷ *E.g.*, see 1 USCIS-PM B.2.B [chart of “Acceptable and Unacceptable Signatures,” with “Electronic signature” listed as acceptable “[f]or benefit requests filed electronically as permitted by form instructions, USCIS accepts signatures in an electronic format. Benefit requestors must follow the instructions provided to properly sign electronically, see 8 CFR 103.2(a)(2)].