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U.S. Department of Homeland Security  
Office of the General Counsel, Regulatory Affairs Law Division  
245 Murray Lane SW  
Washington, DC 20528

U.S. Citizenship and Immigration Services  
Office of Policy & Strategy, Regulation Coordination Division  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

Re: **Petition for Rulemaking: Digital and Electronic Signatures**

Dear Madam or Sir:

The Center for Strategy and Applied Insights at Fragomen hereby submits the enclosed Petition for Rulemaking, asking the Department of Homeland Security and U.S. Citizenship and Immigration Services to promulgate regulations permitting digital and electronic signatures on benefit request forms. This Petition for Rulemaking is submitted in accordance with 5 U.S.C. § 553(e) and with respect to DHS, the process set forth for such petitions under 6 C.F.R. Part 3.

Respectfully,

Center for Strategy and Applied Insights at Fragomen



Leah Rogal  
Senior Director



K. Edward Raleigh  
Managing Fellow

**PETITION FOR RULEMAKING  
TO PROMULGATE REGULATIONS GOVERNING  
DIGITAL AND ELECTRONIC SIGNATURES**

**SUBMITTED TO**

**THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

**OCTOBER 31, 2025**

**CENTER FOR STRATEGY AND APPLIED INSIGHTS AT FRAGOMEN**

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## **I. INTRODUCTION**

As technology has advanced, it has opened new ways of signaling review, agreement, and responsibility that are far more secure and efficient than the traditional handwritten signature. These new digital and electronic signature formats have been widely recognized and embraced in countless serious and high-stakes contexts: by government agencies, medical institutions, financial institutions, commercial actors, and countless other kinds of enterprises. With the press of a button or the mark of a stylus, humans can bind themselves or their companies, make attestations, and authorize transactions in a way that is secure, traceable, and durable. Wet signature requirements, thought out and established before digital and electronic options became so widely adopted, do not today make full use of new technological capabilities. With the simple regulatory change proposed here, the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) could strengthen the integrity of the filings it receives and create enormous efficiencies for petitioners, applicants, and the agency itself.

## **II. STATEMENT OF PETITION**

The Center for Strategy and Applied Insights at Fragomen (Center) hereby petitions DHS and USCIS to initiate rulemaking proceedings pursuant to the Administrative Procedure Act, 5 U.S.C. §553(e), to clarify that digital and electronic signatures are permitted on USCIS forms.

Under the Homeland Security Act of 2002, Congress established DHS and transferred the functions of the former Immigration and Naturalization Service (INS) to DHS, effectively restructuring the federal immigration system. Section 451 of the Act (6 U.S.C. § 271) created USCIS and vested it with the responsibility for adjudicating immigration and naturalization benefits. Although the Secretary of Homeland Security retains overarching authority for immigration policy and enforcement, the Director of USCIS has the authority to administer and enforce the immigration laws as they pertain to the adjudication of benefits. This includes the authority to grant or deny applications and petitions, conduct interviews, and issue related guidance and regulations.

With respect to the signature requirement on USCIS forms, the regulations at 8 C.F.R. 103.2(a)(2), provide as follows:

An applicant or petitioner must sign his or her benefit request. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the benefit request, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. 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.

USCIS does not require forms to contain a “wet” signature; rather it accepts forms containing a photocopy of the original signature. As noted in the USCIS policy manual, “[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.” Forms filed online, through a myUSCIS account, are “signed” electronically through the system.

The USCIS policy manual provides, in relevant part:

A valid signature consists of any handwritten mark or sign made by a person to signify the following:

- The person knows of the content of the request and any supporting documents;
- The person has reviewed and approves of any information contained in such request and any supporting documents; and
- The person certifies under penalty of perjury that the request and any other supporting documents are true and correct.

A valid signature does not need to be legible or in English, and may be abbreviated as long as this is consistent with how the person signing normally signs his or her name. A valid signature does not have to be in cursive handwriting. A person may use an “X” or similar mark as his or her signature. A signature is valid even if the original signature on the document is photocopied, scanned, faxed, or similarly reproduced. Regardless of how it is transmitted to USCIS, the copy must be of an original document containing an original handwritten signature, unless otherwise specified. 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.

When determining whether a signature is acceptable, officers should review any applicable regulations, form instructions, and policy to ensure that the signature on a particular benefit request is proper. USCIS does not accept signatures created by a typewriter, word processor, stamp, auto-pen, or similar device.

For 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.

This petition proposes that USCIS amend its regulations to clarify that forms, whether filed on paper or online, may be signed electronically or digitally.

### **III. INTEREST OF PETITIONER**

Drawing on lessons learned from the Fragomen firm's long experience as an immigration advisor to employers in the United States and around the world, the Center seeks to identify and analyze issues and trends key in immigration systems in the United States and around the world, and to offer insight-based suggestions to help those systems function fairly, transparently, and efficiently. As electronic and digital signatures have become standard practice, including in transactions with U.S. government agencies, the Center urges USCIS to explicitly confirm that such signatures are accepted on its forms. Doing so would reduce administrative burdens for the agency, improve accessibility and efficiency for benefit requestors, and strengthen the integrity and security of submitted documents.

### **IV. EXPLANATION OF NEED FOR THE PROPOSED RULE**

Digital and electronic signatures are widely used in secure communications, electronic contracts, and government filings, and are legally recognized in the United States pursuant to the Electronic Signatures in Global and National Commerce Act (ESIGN Act), Pub. L. No. 106-229, 114 Stat. 464 (2000) (codified at 15 U.S.C. §§ 7001–7031).

Digital and electronic signatures offer enhanced security compared to wet signatures. Wet signatures can be forged, scanned, copied, intercepted in email, or tampered with during physical transit, and they provide no inherent proof of who actually signed it. By contrast, digital or electronic signatures can create an auditable record of who signed, when, and through which verified identity, while maintaining encrypted document integrity throughout the process.

They are also far more efficient. Applications and petitions can be immediately signed electronically or digitally, facilitating their timely filing. This is particularly important for U.S. enterprises such as, for example, a hospital that needs to immediately hire a medical specialist during a health care crisis, or a small tech startup needing a key engineer with specialized knowledge who is essential to a federal infrastructure contract. The hospital or company employee who is authorized to sign would under current rules receive a draft in hard copy, containing sensitive personal and proprietary information, sign it in ink, and return it by overnight courier, exposing the signature and the contents of the petition. By contrast, a digital or electronic signature would allow for the petition to be signed immediately and securely.

Over the past few decades, the use of electronic and digital signatures has expanded at the speed of technology, becoming commonplace in a wide range of transactions, including multi-million dollar contracts, court filings, and banking documents. Many federal agencies, such as

the Executive Office for Immigration Review, the Securities and Exchange Commission, and the Internal Revenue Service, routinely accept digital or electronic signatures. USCIS itself currently permits electronic signatures for forms submitted through its online filing system. Authorizing the use of digital and electronic signatures for all forms, whether filed electronically or on paper, would enhance USCIS's operational efficiency, reduce administrative burdens, and support the agency's ongoing transition to a fully digital environment while also strengthening the integrity and security of submitted documentation.

## **V. EXPLANATION OF PROPOSED RULE**

USCIS should adopt a regulation clarifying that digital and electronic signatures are acceptable, consistent with the instructions on specific forms. Such a rule would authorize, but not require, USCIS to accept digital and electronic digital signatures. The rule would thus preserve the agency's discretion to determine when and how signatures may be accepted, and allow the agency to adapt to any future technological advances. USCIS would issue form-specific guidance to identify where digital and electronic signatures would be most appropriate. For example, electronic and digital signatures should be accepted in the case of employment-based immigrant and non-immigrant petitions, which are signed by business executives and human resources personnel who routinely use these technologies in their professional transactions. Additionally, digital or electronic signatures should be accepted where the applicant will be interviewed in person, such as adjustment of status, naturalization, or visa applications, where signatures can be validated during the interview process.

## **VI. PROPOSED REGULATORY TEXT**

### TITLE 8 – ALIENS AND NATIONALITY

#### CHAPTER I – Department of Homeland Security

#### Subchapter B – Immigration Regulations

#### PART 103 – Submission and Adjudication of benefit requests.

Revise § 103.2 to read as follows:

§103.2 Signature. An applicant or petitioner must sign his or her benefit request. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the benefit request, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. 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~~ **may be handwritten, or in digital**

or electronic format, ~~or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format.~~

## **VII. CONCLUSION**

In light of the growing reliance on secure technological tools across both the public and private sectors, USCIS should update its regulations to clarify that digital and electronic signatures may be accepted. Such a rule would provide the agency with the flexibility to permit these signatures, where appropriate. This approach would not only enhance efficiency and accessibility for applicants and petitioners, but also reduce administrative burdens and strengthen the integrity and security of the forms submitted to USCIS. We respectfully urge USCIS to adopt this commonsense reform to align its practices with broader government and industry standards.