



OOD  
PM 20-11

Effective: April 3, 2020

To: All of EOIR  
From: James R. McHenry III, Director   
Date: April 3, 2020

## FILINGS AND SIGNATURES

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PURPOSE:	To update EOIR's policies regarding signatures on documents filed with EOIR.
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. §§ 1003.0(b)(1), 1003.2, 1003.3, 1003.31
CANCELLATION:	None

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This Policy Memorandum (PM) updates EOIR's policies regarding permissible signatures on documents filed with the immigration courts and the Board of Immigration Appeals. As of March 31, 2020, EOIR has begun accepting digital<sup>1</sup> and electronic<sup>2</sup> signatures on all documents filed with it,<sup>3</sup> whether those documents are filed by mail, in person, or electronically.<sup>4</sup> In addition, EOIR will accept electronically-reproduced<sup>5</sup> copies of documents containing digital, electronic, or "wet" signatures.<sup>6</sup> EOIR will also continue to accept original documents containing wet signatures.

### I. Digital and Electronic Signatures

EOIR does not require that the parties use any specific software or technology to create digital or electronic signatures. However, in all cases, the resulting digital or electronic signature must clearly display the signer's name or a reproduction of the signer's handwritten signature. The signature should also include a printed (*i.e.*, handwritten in print or typed) version of the signer's name below or adjacent to the signature if it is not provided in the digital or electronic signature

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<sup>1</sup> Digital signatures are defined as signatures performed via a recognized system that provides Personal Key Infrastructure (PKI) from the signer at the time of signing.

<sup>2</sup> Electronic signatures are defined as signatures performed using a device that does not provide PKI at the time of signing (e.g., stylus and touchpad).

<sup>3</sup> This PM does not apply to any documents filed directly with the Department of Homeland Security (DHS).

<sup>4</sup> Individuals who have opted-in to the use of the EOIR Court & Appeals System (ECAS) should use ECAS for electronic filings. Others who wish to utilize electronic filing may do so using a court-specific email address established by EOIR. Instructions for filing by email and the list of court email addresses is available at <https://www.justice.gov/eoir/filing-email>.

<sup>5</sup> An electronic reproduction includes documents that are scanned, faxed, photocopied, or similarly reproduced.

<sup>6</sup> "Wet" signatures are defined as signatures completed with an ink pen on a paper document.

itself. An official from the Department of Homeland Security (DHS) must also include a printed version of the DHS official's title (*e.g.*, Supervisory Asylum Officer).

## **II. Authentication**

Any type of signature—wet, digital, or electronic—may be subject to a challenge in immigration proceedings to its authenticity, though EOIR expects that any such challenge will be brought only in good faith. Digital signatures created through the use of a personal identity verification (PIV) card<sup>7</sup> or similar algorithm will generally be treated as authenticated absent a good-faith, specific, and articulable reason to believe otherwise. Similarly, absent a good-faith, specific, and articulable reason to believe otherwise, EOIR will generally consider electronic signatures authenticated if (1) the signature of the ECAS user appears on a document submitted through the ECAS system; (2) the signature of the representative appears on a document submitted by a representative with a valid, active EOIR ID#; (3) the document is witnessed by a federal employee; or, (4) the owner of the document maintains the original copy with an original wet signature or an original electronic signature (*e.g.* a handwritten signature created through the use of a stylus or touch pad), and has it available for inspection if warranted. Additionally, any type of signature may be authenticated, as necessary, using any means identified in Federal Rule of Evidence 901.

## **III. Method of Submission of Documents**

In general, the parties may file all documents on paper, either in person or via mail or another shipping or courier service. Immigration Court Practice Manual (ICPM), ch. 3.1(a)(v). Additionally, the parties may electronically file documents at all immigration courts. At ECAS court locations, ECAS program participants may electronically file documents through ECAS. At immigration court locations to which ECAS has not yet been deployed, EOIR has created email inboxes that allow parties to file documents electronically.<sup>8</sup> DHS officials should file documents electronically to the court's email inbox using an official ".gov" email address. Representatives should electronically file documents to the court's email inbox using the email address associated with the particular representative's eRegistry account. Unrepresented aliens may also submit filings to their assigned court's email address. Upon the successful transmission of the email, filers will receive an automatic response indicating that the email has been received. If a filing is rejected, the filer will receive notice of the rejection via email. In all cases, originals of any electronically filed documents must be retained by the filing party and made available for inspection at future hearings, if necessary. Finally, documents may be submitted by facsimile only when specifically authorized by the immigration court staff or an immigration judge. ICPM, ch. 3.1(a)(vii).

## **IV. Scope**

This PM is not intended to alter or abrogate the actual signature requirements for any individual document filed with EOIR. All filings which require a signature must be signed, either digitally, electronically, or with a wet signature. If any applicable law requires a specific type of signature

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<sup>7</sup> See generally Homeland Security Presidential Directive 12 (Aug. 27, 2004); Federal Information Processing Standards Publication 201-2, *Personal Identity Verification of Federal Employees and Contractors* (Aug. 2013).

<sup>8</sup> EOIR has also created email inboxes at courts to which ECAS has been deployed for those who do not currently participate in ECAS. Those who have already opted-in to ECAS, however, should continue to use it for filing.

on a filing, then that law controls. Similarly, if the instructions for a form or application require a specific type of signature, then the instructions for that form or application control.

Nothing in this PM is intended to alter or abrogate other filing requirements not discussed herein, and documents that are improperly filed may be rejected. Similarly, the acceptance of any document for filing does not mean that document has been admitted into evidence, and nothing in this PM limits an immigration judge's discretion to admit or exclude evidence in accordance with applicable law.

Finally, this PM applies only to the *filing* of documents with EOIR. Nothing in this PM abrogates or alters a party's obligation to serve documents filed with EOIR on the opposing party in compliance with 8 C.F.R. § 1003.32 or any other applicable law.

## **V. Conclusion**

This PM is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing herein should be construed as mandating a particular outcome in any specific case.

Please contact your supervisor if you have any questions.