



U.S. Citizenship  
and Immigration  
Services

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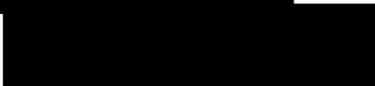
FILE:



Office: MIAMI, FLORIDA

Date: AUG 08 2006

IN RE:



PETITION: Application for Certificate of Citizenship under § 301(g) of the Immigration and Nationality Act, 8 U.S.C. § 1401(g).

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

*AUG 08 2006 - 01 E 2301*

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**DISCUSSION:** The application was denied by the District Director, Miami, Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The AAO does not have jurisdiction over this matter; hence, the appeal will be rejected.

The applicant submitted a Form N-600 Application for Citizenship on June 14, 2002. On February 27, 2006, the district director denied the application as abandoned, pursuant to 8 CFR § 103.2(b)(13), because the applicant had failed to submit evidence of her father's physical presence in the United States prior to her birth, as required by § 301(g) of the Act. On March 8, 2006, the applicant submitted a Form I-290B Notice of Appeal accompanied by the proper fee to the district director. The district director forwarded the appeal to the AAO; however, the AAO lacks jurisdiction over this matter.

Volume 8 of the Code of Federal Regulations (8 C.F.R.) § 103.2(b)(13) states in pertinent part:

*Effect of failure to respond to a request for evidence or appearance.* If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied.

8 C.F.R. § 103.2(b)(15) states:

*Effect of withdrawal or denial due to abandonment.* **[A] denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under Sec. 103.5. Withdrawal or denial due to abandonment does not preclude the filing of a new application or petition with a new fee.** However, the priority or processing date of a withdrawn or abandoned application or petition may not be applied to a later application or petition. Withdrawal or denial due to abandonment shall not itself affect the new proceeding; but the facts and circumstances surrounding the prior application or petition shall otherwise be material to the new application or petition. (Emphasis added).

The district director determined that the applicant's Form N-600 Application for Certificate of Citizenship was abandoned. The application was therefore denied, pursuant to 8 C.F.R. § 103.2(b)(13). Denials due to abandonment may be challenged in a motion to reopen before the office that rendered the decision, in this case, the district director, pursuant to 8 C.F.R. § 103.5(a)(2). Because a denial due to abandonment cannot be appealed to the AAO, the present appeal must be rejected.<sup>1</sup>

**ORDER:** The appeal is rejected.

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<sup>1</sup> The rejection of this appeal does not preclude the applicant from filing a new N-600 Application or a Motion to Reopen, as set forth in 8 C.F.R. § 103.2(b)(15), at the Miami district office of Citizenship and Immigration Services.