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U.S. Citizenship
and Immigration
Services

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EL

FILE:

Office: HARLINGEN, TX

Date:

DEC 14 2006

IN RE:

PETITION: Application for Certificate of Citizenship pursuant to Section 309(c) of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1409(c)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision 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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Harlingen, Texas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed the Application for a Certificate of Citizenship (Form N-600) on June 2, 2005. The director denied the Form N-600 because the record indicates that the applicant is deceased. Counsel claiming to represent the applicant submitted a timely filed Form I-290B, Notice of Appeal to the Administrative Appeals Office, on May 19, 2006.

The instructions that accompany the Form N-600, which carry the force of regulation, state, in pertinent part:

Any person who was born a U.S. citizen outside the United States or who fulfilled the requirements for becoming a U.S. citizen prior to their 18th birthday may file this form **at any time during his or her lifetime** [emphasis added].

As the record indicates that the applicant died on May 6, 1999, the applicant was not eligible to file the Form N-600 on June 2, 2005. Accordingly, the appeal will be rejected.

Moreover, the AAO notes that the record contains three Form G-28s, Notices of Entry of Appearance as Attorney or Representative, one unsigned, the second signed by [REDACTED] and the third by an individual whose signature is illegible. There is no documentation in the record that indicates that either of the individuals who signed the Form G-28 are legal representatives of the estate of the late applicant. Therefore, the record does not establish that either the signatories of the Form G-28s or counsel is authorized to file an appeal in the instant case. 8 C.F.R. §§ 103.3(a)(1)(iii)(B) and (a)(2)(v)(A)(2). As the appeal is not properly filed, it will be rejected for this reason as well. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.