

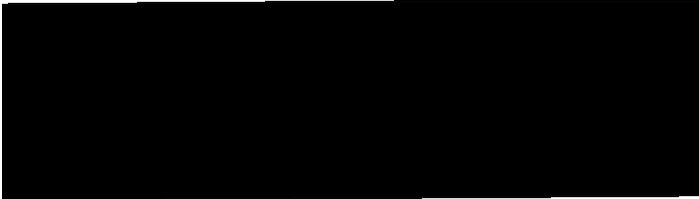


U.S. Citizenship
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Services

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FILE: [REDACTED] OFFICE: ATLANTA, GA (CHARLOTTE, NC) DATE: MAY 12 2006
IN RE: APPLICANT: [REDACTED]
APPLICATION: Application for Certificate of Citizenship.

ON BEHALF OF APPLICANT:
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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The district director concluded the applicant had failed to provide his address, and failed comply with requests to appear for an interview regarding his Application for Certificate of Citizenship. The application was therefore considered abandoned, and was denied.

On appeal the applicant asserts, through his father, that he provided his change of address in a timely manner, and he requests that his application be reopened and reconsidered.

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. Except as provided in § 335.6 of this chapter, if an individual requested to appear for fingerprinting or for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the fingerprinting appointment or interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied.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).

In the present matter, the district director determined that the applicant's Form N-600, Application for Certificate of Citizenship was abandoned. Accordingly, the application was denied pursuant to 8 C.F.R. § 103.2(b)(13). Because a denial due to abandonment cannot be appealed to the AAO, the present appeal must be rejected.¹

ORDER: The appeal is rejected.

¹ It is noted that the present decision does not preclude the applicant from filing a new N-600 Application, or a Motion to Reopen at the CIS, Atlanta district office, as set forth in 8 C.F.R. § 103.2(b)(15).