



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



FL
FEB 09 2007
FEB 09 2007

FILE: [Redacted] Office: BUFFALO, NY

IN RE: Applicant: [Redacted]

APPLICATION: Application for Certificate of Citizenship pursuant to Section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Buffalo, New York and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant filed the Form N-600, Application for Citizenship on February 17, 2006. On April 4, 2006, he was notified that he was scheduled for an interview on April 19, 2006. The applicant requested an interview date after May 31, 2006. On May 15, 2006, the district director advised the applicant that his interview was rescheduled for July 12, 2006. The applicant did not appear. Accordingly, on September 5, 2006, the district director, having received no response from the applicant, denied the Form N-600 based on the applicant's abandonment of the application.

Although the AAO notes that the district director indicated that the applicant could appeal the denial of the Form N-600, the denial of an application or petition due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, the appeal will be dismissed.

An applicant whose application has been denied due to abandonment may, however, file a motion to reopen the proceeding under 8 C.F.R. § 103.5. 8 C.F.R. § 103.2(b)(15). The official having jurisdiction over a motion is the official who made the last decision in the proceeding. 8 C.F.R. § 103.5(a)(1)(ii).

An applicant may also file a new Form N-600. Denial due to abandonment does not preclude the filing of a new application or petition with a new fee, although the priority or processing date of an abandoned application or petition may not be applied to a later application or petition. 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. 8 C.F.R. § 103.2(b)(15).

ORDER: The appeal is dismissed.