



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: BOSTON, MASSACHUSETTS

Date: MAR 12 2007

IN RE:

Applicant:

[REDACTED]

APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 338  
of the Immigration and Nationality Act, 8 U.S.C. § 1149.

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, Boston, Massachusetts. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On August 12, 2003, the applicant filed the Form N-565, Application for Replacement Naturalization/Citizenship Document.

On November 9, 2004, the District Director, noting that no response had been received by the September 16, 2004 deadline or thereafter, denied the application for abandonment. The District Director informed the applicant that the denial could be appealed to the AAO.

Although the AAO notes that the District Director indicated that the applicant could appeal the denial of the instant application, the denial of an application or petition due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, the Form I-290B 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-565. 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.