

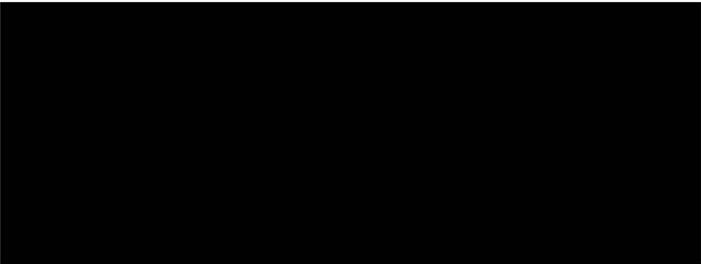


U.S. Citizenship
and Immigration
Services

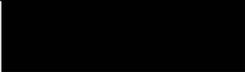
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FILE:



Office: NEW YORK, NY

Date:

MAY 07 2008

IN RE:



APPLICATION: Application for Certificate of Citizenship pursuant to Former Section 322 of the
Immigration and Nationality Act of 1952, U.S.C. § 1433

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 District Director, New York, New York denied the application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant was born on January 16, 1973 in the Dominican Republic and subsequently adopted by a U.S. citizen [REDACTED]. The applicant seeks a certificate of citizenship pursuant to former section 322 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1433.

The district director, after determining that the applicant had failed to appear for interview on May 17, 2007, denied the Form N-600, Application for Certificate of Citizenship, due to abandonment. *Decision of the District Director*, dated May 29, 2007. The district director correctly informed the applicant that he could not appeal a denial due to abandonment, but could submit a motion to reopen pursuant to the regulation at 8 C.F.R. § 103.5. *See* 8 C.F.R. § 103.2(b)(15).

On July 9, 2007, the applicant submitted the Form I-290B, Notice of Appeal or Motion, and checked the box related to the filing of an appeal under Part 2. The Form I-290B was subsequently forwarded to the AAO as an appeal. However, as just noted, a denial due to abandonment may not be appealed.¹ Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.

¹ The AAO notes that the Form I-290B filed by the applicant was not received by Citizenship and Immigration Services until July 9, 2007, 41 days after the district director issued the decision. Therefore, even if the district director's denial could be appealed, the Form I-290B would still be rejected because the applicant did not submit the Form I-290B within the 33 day period set by the regulation for the filing of appeals. *See* 8 C.F.R. § 103.3(a)(2)(i); *see also* 8 C.F.R. § 103.5a(b).