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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

**U.S. Citizenship  
and Immigration  
Services**

E,

Date: JAN 03 2012

Office: OAKLAND PARK, FL

File: [REDACTED]

IN RE: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under former section 321 of the Immigration and Nationality Act, 8 U.S.C. § 1432

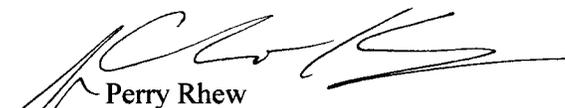
ON BEHALF OF APPLICANT: Self-represented

**INSTRUCTIONS:**

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Field Office Director, Oakland Park, Florida denied the Application for Certificate of Citizenship (Form N-600) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant seeks a certificate of citizenship pursuant to former section 321 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1432, based on the claim that he derived U.S. citizenship through his mother.

The Field Office Director found that the applicant had failed to establish that he met the requirements in former section 321 of the Act because the applicant failed to demonstrate that his mother had legal custody after a legal separation of his parents. The application was denied accordingly. *See Field Office Director's Decision*, dated January 28, 2011. On February 28, 2011, [REDACTED] submitted a Form I-290B to appeal the field office director's adverse decision. [REDACTED] failed to submit a Form G-28, Notice of Entry of Appearance as Attorney or Representative (Form G-28), with the Form I-290B. In addition, the Form I-290B is signed by an unknown individual named [REDACTED]

On December 1, 2011, the AAO sent a facsimile to [REDACTED] requesting that he submit a properly executed Form G-28 for the appeal within seven days, including providing information about the state in which he is licensed. [REDACTED] failed to respond to the AAO's request.

The regulation at 8 C.F.R. § 292.4(a) states, in pertinent part:

*Authority to appear and act.* An appearance must be filed on the appropriate form as prescribed by DHS by the attorney or accredited representative appearing in each case. The form must be properly completed and signed by the petitioner, applicant, or respondent to authorize representation in order for the appearance to be recognized by DHS. The appearance will be recognized by the specific immigration component of DHS in which it was filed until the conclusion of the matter for which it was entered. *This does not change the requirement that a new form must be filed with an appeal filed with the Administrative Appeals Office of USCIS.* (Emphasis added)

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(i) states that, if an appeal is submitted by an attorney or representative without a properly executed Form G-28 entitling that person to file the appeal, the appeal is considered improperly filed.<sup>1</sup> [REDACTED] did not provide a properly executed Form G-28 authorizing him to represent the applicant on appeal and the Form I-290B is signed by an unknown individual without standing in this proceeding. Accordingly, as the appeal was improperly filed, it must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The AAO also notes the regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2)(iii), which provides that an appeal may be considered properly filed as of its original filing date only if the attorney or representative submits a properly executed Form G-28 entitling that person to file the appeal.