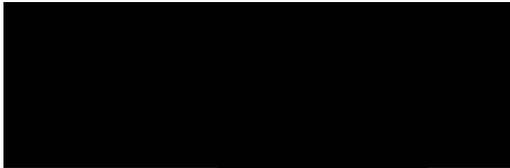




U.S. Citizenship
and Immigration
Services

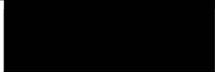
identifying information deleted to
prevent clearly unwarranted
invasion of personal privacy

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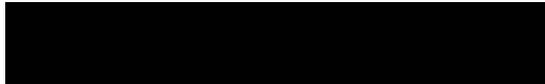
FILE:



Office: BLOOMINGTON, MN

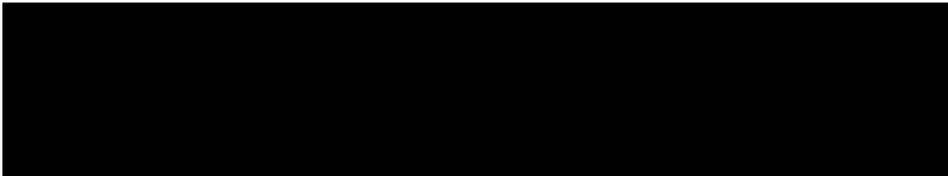
Date: SEP 14 2006

IN RE:



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:



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 black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

On March 12, 2003, the applicant filed an Application for a Certificate of Citizenship (Form N-600). The Citizenship and Immigration Services (CIS) district director issued a Request for Evidence (RFE) dated September 7, 2004 and subsequently resent this same RFE to the applicant on November 16, 2004, based on her change of address. Pursuant to 8 C.F.R. § 103.2(b)(8), the RFE informed the applicant that she had 12 weeks to respond and that additional time could not be granted. The RFE also indicated that the applicant's failure to respond would result in denial for lack of prosecution.

On March 28, 2005, the district director, noting that more than 12 weeks had passed since the issuance of the RFE without any response from the applicant, denied the application. Failure to respond to an RFE will be considered abandonment of an application or petition and result in denial. 8 C.F.R. § 103.2(b)(13).

Although the director indicated that the applicant could appeal the denial of her application to the Administrative Appeals Office (AAO), a denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, the applicant's 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.