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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
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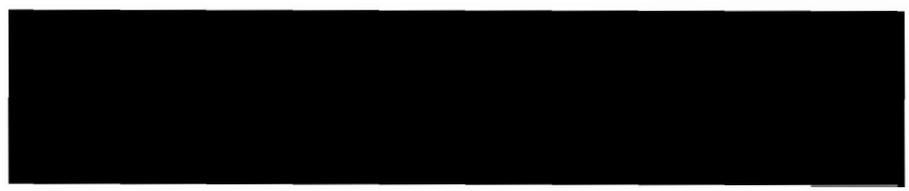


FILE: [REDACTED] OFFICE: HOUSTON, TX Date: **APR 03 2008**

IN RE: APPLICANT: [REDACTED]

APPLICATION: Application for Certificate of Citizenship pursuant to Section 301(a)(7) of the former Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7).

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Form N-600, Application for Certificate of Citizenship was denied by the District Director, Houston, Texas. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a Motion to Reconsider. The motion will be dismissed. The December 14, 2006, AAO Order dismissing the appeal will be affirmed and the application denied.

The regulation provides in pertinent part at 8 C.F.R. § 103.5(a):

- (3) Requirements for motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.
- (4) Processing motions in proceedings before the Service. A motion that does not meet applicable requirements shall be dismissed

The record reflects that the district director denied the applicant's N-600 application based on a finding that the applicant had submitted insufficient evidence to establish that, prior to his birth, his U.S. citizen mother [REDACTED] was physically present in the U.S. for periods totaling at least ten years, as required by section 301(a)(7) of the former Immigration and Nationality Act (the former Act), 8 U.S.C. § 1401(a)(7). The AAO finds on appeal that the only documentary evidence establishing [REDACTED] physical presence in the United States was a birth certificate and Social Security Administration documentation for the years 1953 and 1954. The AAO reviewed and analyzed supplemental affidavits submitted by the applicant and determined that the affidavits presented conflicting timelines as to the dates of [REDACTED]'s physical presence in the United States. The AAO concluded that the record contained insufficient evidence to establish that [REDACTED] was physically present in the United States for at least ten years prior to the applicant's birth, at least five years of which were after her fourteenth birthday, as required by section 301(a)(7) of the former Act. The appeal was dismissed accordingly.

On Motion to Reconsider the applicant asserts, through counsel, that the AAO incorrectly applied the law and Service policy to the applicant's case. Counsel asserts that she disagrees with the AAO's finding that there are material inconsistencies among affidavits, and she asserts that the information contained in the affidavits is consistent and that the AAO failed to give proper weight to the affidavits submitted to establish [REDACTED]'s physical presence in the United States.

The AAO finds counsel's assertion that the AAO incorrectly applied the law or Service policy to the applicant's case to be unpersuasive. Counsel for the applicant asserts that she disagrees with the AAO's analysis of the evidence in the applicant's case. Counsel fails however, to cite a specific law, precedent legal decision or Service policy to support her assertion, and counsel fails to identify an incorrect application of law or Service policy in the AAO's decision. Because the requirements for a motion to reconsider, as set forth in 8 C.F.R. § 103.5(a) have not been met, the motion will be dismissed.

ORDER: The motion is dismissed. The December 14, 2006 AAO decision is affirmed.