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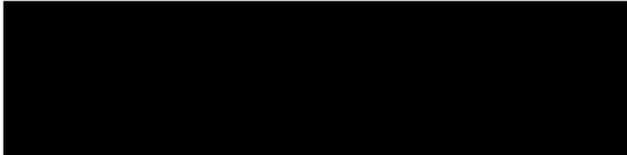
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: FEB 01 2008

IN RE:

Applicant:



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

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision 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 Director, California Service Center and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed the Form N-600, Application for Citizenship, on September 14, 2005. The director denied the Form N-600 because the record did not establish that the applicant's U.S. citizen father had been physically present in the United States for periods totaling ten years, at least five of which occurred after he reached 14 years of age. See section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1401(a)(7), as amended.

The AAO notes that an unfavorable decision in an immigration proceeding may be appealed to the AAO only by an affected party in that proceeding, i.e., the person or entity with legal standing. An affected party may be represented by an attorney or representative. See 8 C.F.R §§ 103.3(a)(1)(B) and (2)(i). In the present case, the affected parties are the applicant and his counsel, who has submitted a Form G-28, Notice of Entry as Attorney or Representative, signed by the applicant.

The AAO finds the Form I-290B, Notice of Appeal to the Administrative Appeals Office, in the record to have been submitted by a [REDACTED] [REDACTED] is not the applicant and the record does not demonstrate that she is the applicant's spouse, as the Form N-600 indicates that the applicant is divorced. Neither is she the applicant's authorized representative. Accordingly, [REDACTED] has no legal standing before Citizenship and Immigration Services (CIS) and may not file an appeal on the applicant's behalf.

As the Form I-290B has been filed by an individual who is not an affected party in this proceeding, the AAO will reject the appeal. An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. See 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.