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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

E<sub>2</sub>

[Redacted]

FILE: [Redacted] Office: [Redacted] Date: **AUG 24 2010**

IN RE: Applicant: [Redacted]

APPLICATION: Application for Certificate of Citizenship under Sections 320 and 322 of the former Immigration and Nationality Act; 8 U.S.C. §§ 1431 and 1433 (1970).

ON BEHALF OF APPLICANT:

[Redacted]

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 \$585. 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.

[Redacted Signature]

Chief, Administrative Appeals Office

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**DISCUSSION:** The application was denied by the Field Office Director, Miami, Florida, and came before the Administrative Appeals Office (AAO) on appeal. The appeal was dismissed. The applicant has filed a motion to reopen the AAO's decision.<sup>1</sup> The motion will be dismissed as untimely filed.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) requires that a motion be filed within 30 days of the decision that the motion seeks to reconsider or reopen. The AAO's decision in this case was issued on January 15, 2010. The applicant's motion was filed on February 22, 2010, 38 days after the AAO's decision was issued. The applicant's motion is therefore untimely and will be dismissed pursuant to 8 C.F.R. § 103.5(a)(4) for failure to meet applicable requirements.

**ORDER:** The motion is dismissed. The previous decision of the AAO, dated January 15, 2010, is affirmed.

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<sup>1</sup> The applicant maintains that he was admitted to the United States as a lawful permanent resident in 1977, and submits a copy of his passport in support of his motion. The AAO notes that whether he was admitted in 1977 or 1987, as indicated in the AAO's decision, section 320(b) of the former Act, 8 U.S.C. § 1431(b), provided for acquisition of U.S. citizenship from an adoptive parent "only if the child is residing in the United States at the time of naturalization of such adoptive parent, in the custody of his adoptive parents, pursuant to a lawful admission for permanent residence." The applicant's father naturalized in 1970. The applicant was not residing in his adoptive father's custody at the time of his naturalization (in 1970).

