

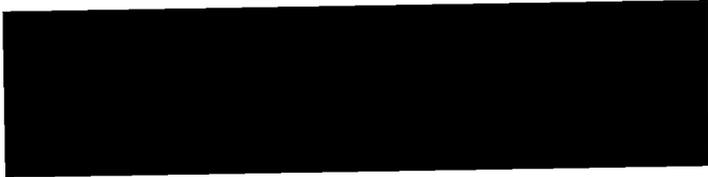
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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Services

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FILE:



Office: EL PASO

Date:

MAR 06 2010

IN RE:

Applicant:



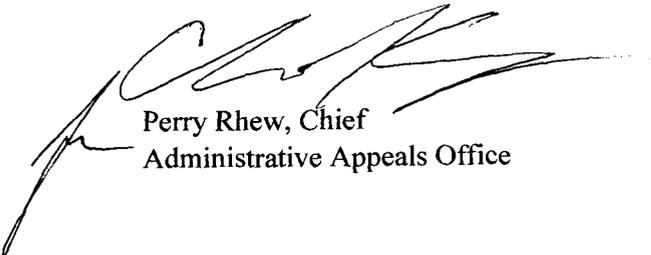
APPLICATION: Application for Certificate of Citizenship under section 301(g) of the Immigration and Nationality Act, 8 U.S.C. § 1401(g).

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.



Perry Rhew, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, El Paso, Texas. The Administrative Appeals Office (AAO) rejected the subsequent appeal as untimely filed. The applicant has submitted a motion to reconsider. The motion will be rejected.

The field office director denied the application on December 11, 2008. On January 14, 2009, applicant's counsel filed an appeal seeking review of the director's decision. The AAO rejected the appeal as untimely because it was filed more than 33 days after the issuance of the director's decision. Pursuant to the regulations, any appeal that is not filed within the time allowed must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(B)(1).

The applicant, through counsel, has now submitted a motion seeking reconsideration.

As the appeal was rejected by the AAO, there is no decision on the part of the AAO that may be reconsidered in this proceeding. According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion resides in the official who made the latest decision in the proceeding. The AAO did not enter a decision on the merits in this matter. Because the disputed decision was rendered by the director, the AAO has no jurisdiction over the applicant's motion and the motion must be rejected.

ORDER: The motion to reconsider is rejected.