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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

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FILE: [REDACTED]

Office: PROVIDENCE, RHODE ISLAND

Date: **MAY 25 2010**

IN RE: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Former Section 321 of the Immigration and Nationality Act; 8 U.S.C. § 1432 (1999).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The director of the Providence Field Office (the director) denied the application for a certificate of citizenship and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

The applicant seeks a certificate of citizenship under former section 321 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1432 (1999) and claims he derived citizenship through his father. The director determined that the applicant failed to establish that at the time of his father's naturalization, he was in his father's legal custody following the legal separation of his parents, as required under former section 321(a)(3) of the Act.

An appeal may only be filed by an affected party. 8 C.F.R. § 103.3(a)(2)(i). An affected party is a "person or entity with legal standing in a proceeding." 8 C.F.R. § 103.3(a)(1)(iii)(B). An affected party may be represented by an attorney or accredited representative. *Id.* However, an appeal filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G-28) entitling that person to file the appeal, shall be considered improperly filed and any filing fee will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(A)(2). An appeal filed by a person not entitled to do so must be rejected as improperly filed. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

In this case, the Form I-290B, Notice of Appeal, was filed and signed by [REDACTED] who identified herself as an attorney or representative, but did not submit a Form G-28. On May 18, 2010, the AAO notified [REDACTED] that if it did not receive a properly executed Form G-28 by May 20, 2010, the appeal would be rejected as improperly filed. To date, the AAO has received no response from [REDACTED]. The record contains no Form G-28 previously filed by [REDACTED] entitling her to represent the applicant.

The appeal was submitted by an individual who has not established that she is an attorney or representative entitled to represent the applicant before U.S. Citizenship and Immigration Services (USCIS) pursuant to the regulations at 8 C.F.R. §§ 103.2(a)(3) and 292.1(a). Consequently, the appeal must be rejected as improperly filed.

ORDER: The appeal is rejected.