

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy  
**PUBLIC COPY**



U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



E<sub>2</sub>

Date: **JUN 18 2012**

Office: WASHINGTON, DC

FILE: 

IN RE:           APPLICANT: 

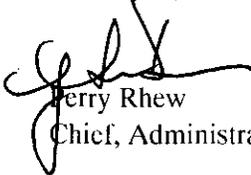
APPLICATION:       Application for Certificate of Citizenship under Former Section 301(a)(7) of the  
Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7) (1957)

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.

Thank you,

  
Jerry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Application for Certificate of Citizenship (Form N-600) was denied by the Field Office Director, Washington, D.C., and the Administrative Appeals Office (AAO) dismissed the appeal. The AAO subsequently granted a motion to reopen or reconsider and affirmed its decision to deny the application. The matter is now before the AAO on a second motion to reconsider. The motion will be dismissed as improperly filed.

The applicant seeks a certificate of citizenship claiming that she acquired U.S. citizenship through her father pursuant to former section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7) (1957).

The field office director determined that the applicant was ineligible for a certificate of citizenship because the applicant failed to establish that her father met the physical presence requirements under former section 301(a)(7) of the Act. *See Decision of the Field Office Director*, dated March 11, 2009. On appeal, counsel contended that the applicant had established her father's physical presence in the United States for the required period of time. The AAO dismissed the applicant's appeal upon finding that the applicant had failed to establish her father's physical presence in the United States. *See AAO's Decision*, dated April 2, 2010. On motion to reopen or reconsider, the applicant submitted additional evidence to establish her father's physical presence in the United States. The AAO granted the applicant's motion and affirmed the prior decision upon finding that the applicant had failed to establish her father's physical presence in the United States. *See AAO's Decision*, dated September 15, 2011.

On October 18, 2011, Nancy Jane Shestack signed the Notice of Appeal or Motion (Form I-290B) as the applicant's attorney. The record, however, does not contain a **new** and properly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by Ms. Shestack and the applicant.

In accordance with the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 292.4(a) as well as the instructions to the Form I-290B, a "new [Form G-28] must be filed . . . with the Administrative Appeals Office." This regulation applies to all appeals and motions filed on or after March 4, 2010. *See 75 Fed. Reg. 5225 (Feb. 2, 2010).*

The AAO left messages with Ms. Shestack in order to obtain a properly executed Form G-28; however, no response was ever received. Without a **new**, fully executed Form G-28 authorizing Ms. Shestack to represent the applicant, the AAO cannot consider the motion to have been properly filed and it must be dismissed. 8 C.F.R. § 103.5(a)(4).

**ORDER:** The motion is dismissed.