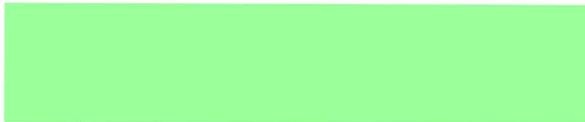




U.S. Citizenship
and Immigration
Services

(b)(6)



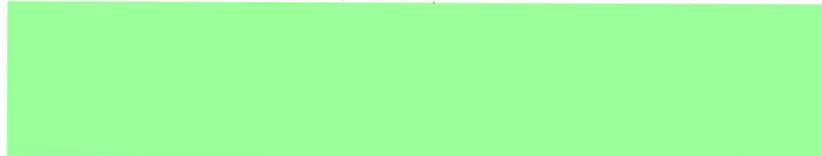
Date: **APR 08 2013** Office: SAN ANTONIO, TX

FILE:

IN RE: Applicant:

APPLICATION: Application for a Certificate of Citizenship under former Section 301(a)(7) of the Act, 8 U.S.C. § 1401(a)(7) (1959).

ON BEHALF OF APPLICANT:



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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, San Antonio, Texas (the director), and the matter came before the Administrative Appeals Office (AAO) on appeal. The appeal was summarily dismissed on April 14, 2006. The applicant filed a motion to reopen. The motion will be rejected as untimely filed.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that any motion to reopen a proceeding must be filed within 30 days of the decision that the motion seeks to reopen "except that failure to file before this period expires, may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and was beyond the control of the applicant or petitioner."

The record indicates that the AAO's dismissal of the applicant's appeal was issued on April 14, 2006. On or about November 14, 2011, the applicant, through counsel, submitted the instant motion to reopen. More than five years elapsed between the issuance of the AAO's decision and the filing of the applicant's motion. The AAO finds that the delay in filing the motion was neither reasonable nor beyond the control of the applicant. Accordingly, the motion must be rejected as untimely filed.

The AAO notes that the regulation at 8 C.F.R. § 341.5(e) provides that once a Form N-600, Application for Certificate of Citizenship, has been rejected and the time in which to appeal has expired, an applicant must be instructed to file a motion to reopen, accompanied by the rejected application and the specified fee. The applicant in this case did not file a new Form N-600, and this motion therefore does not fall within the purview of the regulation at 8 C.F.R. § 341.5(e).

As the motion was untimely filed, it must be rejected.

ORDER: The motion is rejected.