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



U.S. Citizenship
and Immigration
Services

DATE: **AUG 12 2013** OFFICE: LAS VEGAS, NV

IN RE:

APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act, 8 U.S.C. §1431

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg", with a large loop at the end.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Form N-600, Application for Certificate of Citizenship (Form N600) was denied by the Field Office Director, Las Vegas, Nevada (the director), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Mexico who seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431. On March 1, 2013, the director determined that the applicant had failed to establish he satisfied the requirements for acquisition of U.S. citizenship under section 320 of the Act. The Form N600 was denied accordingly.

The record reflects that attorney [REDACTED] signed the applicant's Form I-290B notice of appeal. However the appeal, filed March 11, 2013, does not contain a new and properly executed Form G-28 signed by the applicant and the attorney.

In accordance with the regulation at 8 C.F.R. § 292.4(a), as well as the instructions on the Form I-290B, a "new [Form G-28] must be filed with an appeal filed with the Administrative Appeals Office." This regulation applies to all appeals filed on or after March 4, 2010. *See* 75 Fed. Reg. 5225 (Feb. 2, 2010). The AAO sent a fax to attorney [REDACTED] on May 28, 2013, informing him that the applicant's appeal was improperly filed and allowing him 15 days to submit a new and properly executed Form G-28; however, no response was received.

The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A) states in pertinent part:

(2)(i) [I]f an appeal is 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, the appeal is considered improperly filed.

In the present matter, the applicant's appeal does not contain a new and properly executed Form G-28 signed by the applicant and the attorney. Accordingly, the appeal has not been properly filed and it must be rejected.

ORDER: The appeal is rejected.