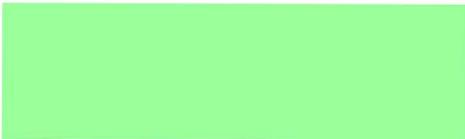


(b)(6)

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

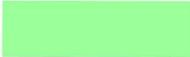


U.S. Citizenship
and Immigration
Services

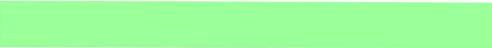


Date: **JUL 10 2013**

Office: NEWARK, NJ

FILE: 

IN RE:

Applicant: 

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

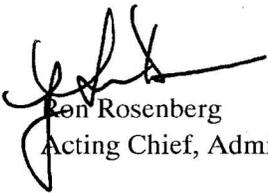
ON BEHALF OF APPLICANT:

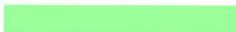
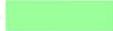
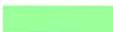
SELF-REPRESENTED¹

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) 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.

Thank you,


Ron Rosenberg
Acting Chief, Administrative Appeals Office

¹ The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, executed by . A search of the attorney index in New Jersey revealed that attorney  is not eligible to practice law in the State of New Jersey, and the Form G-28 does not indicate in what additional jurisdiction attorney  may be eligible to practice law. Accordingly, the AAO considers the applicant self-represented in these proceedings.

DISCUSSION: The Application for Certificate of Citizenship (Form N-600) was denied by the Field Office Director, Newark, New Jersey. The applicant submitted a second Form N-600, which was rejected by the National Benefits Center. The matter is now before the Administrative Appeals Office (AAO). The matter will be remanded to the field office director for action consistent with this decision.

The applicant was born out of wedlock on October 19, 1984 in the Dominican Republic. His father, [REDACTED] became a U.S. citizen upon his naturalization on November 9, 1991. The applicant was admitted to the United States as a lawful permanent resident on August 16, 1992. The applicant seeks a certificate of citizenship claiming that he acquired U.S. citizenship through his U.S. citizen father pursuant to section 320(a)(3) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431(a)(3), as amended by the Child Citizenship Act of 2000 (the CCA), Pub. L. No. 106-395, 114 Stat. 1631 (Oct. 30, 2000).

The record indicates that the field office director issued her decision on February 11, 2009. It is noted that the director properly gave notice to the applicant that he had 33 days to file the appeal. The applicant did not file any timely appeal of the field office director's decision. Instead, the applicant filed a new Form N-600 on September 14, 2012. On November 7, 2012, the applicant's new Form N-600 was rejected by the National Benefits Center pursuant to the regulation at 8 C.F.R. § 341.6, which requires that a subsequent Form N-600 be rejected and the applicant instructed to file a motion to reopen. The instant Form I-290B, Notice of Appeal or Motion, was received on December 11, 2012. The applicant indicates in the Form I-290B that he is seeking to appeal the November 7, 2012 rejection of his application.

There is no appeal of a rejection notice under either the Act or the regulations. The Form I-290B can nevertheless be deemed to be a request for reopening and/or reconsideration of the field office director's February 11, 2009 decision, pursuant to 8 C.F.R. §341.6. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the Field Office Director, Newark, New Jersey. *See* 8 C.F.R. § 103.5(a)(1)(ii). The matter will therefore be returned to the field office director to determine whether reopening is warranted. If the field office director determines that the applicant's submission meets the requirements of a motion, the motion shall be granted and a new decision issued.

ORDER: The matter is remanded to the field office director for action consistent with this decision.