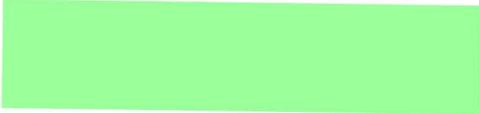
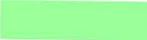


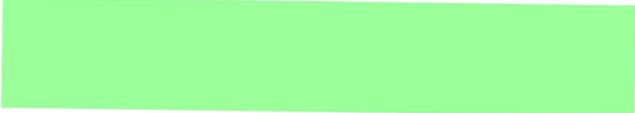


**U.S. Citizenship
and Immigration
Services**

(b)(6)



DATE: **MAY 13 2013** OFFICE: BLOOMINGTON, MN FILE: 

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. 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".

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, Bloomington, Minnesota (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 Nigeria who seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431. On December 2, 2011, the director determined the applicant had failed to establish that 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 January 10, 2012, 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 April 10, 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.

In addition, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that an affected party must file a complete appeal within 30 days after service of an unfavorable decision. If the decision is mailed, the 30-day period for submitting an appeal begins three days after it is mailed. 8 C.F.R. § 103.8(b). The date of filing is the date of actual receipt of the appeal, not the date of mailing. 8 C.F.R. §103.2(a)(7)(i).

In the present matter, the director sent the decision to the applicant at his address of record on December 2, 2011. It is noted that the director stated the applicant had 33 days to file an appeal; however, the Form I-290B appeal was not received until January 10, 2012, thirty-nine days after the decision was issued. The appeal was therefore untimely filed and must also be rejected for this reason.

ORDER: The appeal is rejected.