



U.S. Citizenship
and Immigration
Services

(b)(6)

[REDACTED]

Date: FEB 11 2014

Office: OAKLAND PARK, FL [REDACTED]

IN RE:

Applicant: [REDACTED]

APPLICATION:

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

ON BEHALF OF APPLICANT:

[REDACTED]

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision.

Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Application for Certificate of Citizenship (Form N-600) was denied by the Field Office Director, Oakland Park, Florida (the director), and the matter came before the Administrative Appeals Office (AAO) on appeal. The appeal was dismissed. The applicant filed a motion to reconsider the AAO's decision. The motion will be dismissed.

The applicant seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431, based on the claim that he derived U.S. citizenship through his father. The director denied the Form N-600 because the applicant failed to establish that the applicant was residing in the United States in the legal and physical custody of his father, and the AAO affirmed the director's determinations.

The applicant, through counsel, seeks reconsideration of the AAO's decision stating that the AAO "did not consider any of the evidence included in the N-600 as evidence of [her] father's physical custody" and erroneously denied the case finding that "no Court order was available at the time of the interview." *See* Statement of the Applicant on Form I-290B, Notice of Appeal or Motion. The applicant further states that section 320 of the Act "does not limit as the only available evidence of custody a Court order." *Id.*

The regulation at 8 C.F.R. § 103.5(a)(3) provides that a "motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy." Here, the motion is not accompanied by any brief or argument establishing that the AAO's decision "was based on an incorrect application of law or Service policy." Counsel's statements on the Form I-290B do not constitute a motion to reconsider and the motion must, therefore, be dismissed for failing to meet applicable requirements. 8 C.F.R. § 103.5(a)(4) ("A motion that does not meet applicable requirements shall be dismissed. . . .")

ORDER: The motion is dismissed.