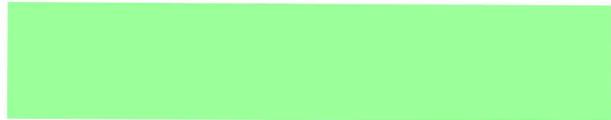


(b)(6)

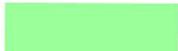


U.S. Citizenship
and Immigration
Services

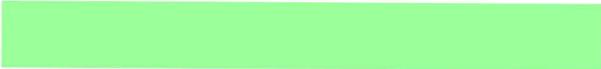


Date: **JUL 14 2014**

Office: SAN ANTONIO, TX

FILE: 

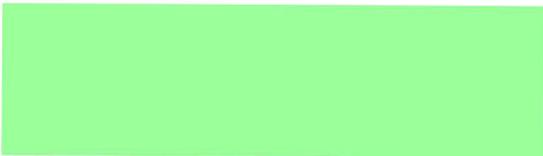
IN RE:

Applicant: 

APPLICATION:

Application for Certificate of Citizenship under Section 309(c) of the Immigration and Nationality Act; 8 U.S.C. § 1409(c).

ON BEHALF OF APPLICANT:



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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director of the San Antonio District Office (the director) denied the Application for Certificate of Citizenship (Form N-600) and the matter came before the Administrative Appeals Office (AAO) on appeal. The AAO dismissed the appeal and the applicant has filed a joint motion to reopen and reconsider the AAO's decision. The motion will be dismissed as untimely.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) provides that a motion to reopen or reconsider must be filed by the affected party within 30 days of the adverse decision. If the decision was mailed, the motion must be filed within 33 days. The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i). Neither the Act nor the pertinent regulations grant the AAO authority to extend this time limit with respect to motions to reconsider. Failure to file a timely motion to reopen "may be excused . . . where it is demonstrated that the delay was reasonable and was beyond the control of the applicant . . ." 8 C.F.R. § 103.5(a)(1)(i).

We issued our decision in this case was issued on February 11, 2009, at which time we properly gave notice to the applicant that she had 30 days to file a motion. The instant joint motion was filed on December 5, 2013, almost four years after issuance of our decision dismissing the appeal. Accordingly, the motion was untimely filed.

As noted above, we may not excuse the late filing of a motion to reconsider; however, a filing delay for a motion to reopen may be excused at our discretion if the applicant demonstrates that the delay was reasonable and beyond her control. Here, neither counsel nor the applicant explains why the motion is being filed almost four years after our last decision. Accordingly, as the joint motion to reopen and reconsider was untimely filed, we must dismiss it for failing to meet applicable requirements. 8 C.F.R. § 103.5(a)(4).

ORDER: The joint motion to reopen and reconsider is dismissed. Our prior decision dismissing the appeal, dated February 11, 2009, is affirmed. The Form N-600 remains denied.