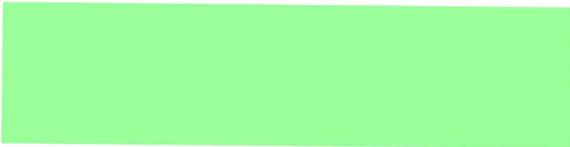


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

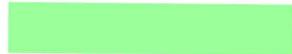


U.S. Citizenship
and Immigration
Services

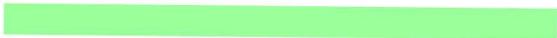
(b)(6)



Date: **MAR 19 2014** Office: NEWARK, NJ



IN RE:



APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431 (2013).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find a request for additional evidence. 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 Newark, New Jersey Field Office Director (the director) denied the Application for Certificate of Citizenship (Form N-600) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The director's decision shall be withdrawn and the matter remanded for entry of a new decision.

The minor applicant was born in wedlock to [REDACTED] on August 22, 1998 in India. The applicant's father became a naturalized U.S. citizen on January 18, 2011 when the applicant twelve years old. The applicant's mother is not a U.S. citizen. The applicant was admitted to the United States as a lawful permanent resident on August 3, 2005 at the age of six. The applicant seeks a certificate of citizenship, on the basis that she derived U.S. citizenship through her U.S. citizen father pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The director denied the applicant's Form N-600 because the applicant failed to appear at two scheduled interviews as required. The applicant, through her father, filed a timely appeal, requesting another interview.

The AAO conducts appellate review on a de novo basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The regulation at 8 C.F.R. § 320.4 requires all applicants for a certificate of citizenship to appear for an interview before an officer of U.S. Citizenship and Immigration Services (USCIS) unless such interview has been waived. Further, the regulation at 8 C.F.R. § 103.2(b)(15) states that an application denied as abandoned may not be appealed.

In her August 19, 2011 decision, the director notified the applicant that she was denying the Form N-600 for abandonment, or lack of prosecution, due to the applicant's failure to appear at two scheduled interviews. The director, however, notified the applicant that she could appeal the denial decision to the AAO, contrary to the regulation at 8 C.F.R. § 103.2(b)(15). Accordingly, the director's decision is withdrawn and the matter remanded for entry of a decision on the Form N-600.

In these proceedings, the applicant bears the burden to establish her eligibility for citizenship under section 320 of the Act, as well as the regulations at 8 C.F.R. § 320. 8 C.F.R. §§ 320.3, 341.2(c).

ORDER: The director's decision is withdrawn and the matter remanded for entry of a new decision.