



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF J-R-B-G-

DATE: DEC. 11, 2015

APPEAL OF NATIONAL BENEFITS CENTER DECISION

APPLICATION: FORM N-600, APPLICATION FOR CERTIFICATE OF CITIZENSHIP

The Applicant, a native of the Dominican Republic, seeks a Certificate of Citizenship. *See* Immigration and Nationality Act (the Act) § 321, 8 U.S.C. § 1432 (Repealed by Sec. 103(a), title I, Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (2000)). The Director, National Benefits Center, denied the application, and further dismissed a motion to reopen and reconsider. The matter is now before us on appeal. The appeal will be dismissed.

The record reflects that the Applicant was born in the Dominican Republic on [REDACTED] to unmarried, non-U.S. citizen parents. The Applicant's mother died on [REDACTED]. The Applicant was admitted to the United States as a lawful permanent resident on February 15, 1978, at the age of [REDACTED]. The Applicant's father became a naturalized U.S. citizen on November 5, 1980, when the Applicant was [REDACTED] years of age. The Applicant claims that he derived U.S. citizenship from his father pursuant to former section 321 of the Act.

The record indicates that the Applicant initially filed a Form N-600, Application for Certificate of Citizenship, on November 26, 2004. The application was approved and the Applicant's Certificate of Citizenship was issued on September 7, 2006. On May 27, 2010, the District Director, [REDACTED] New York, issued a notice of intent to cancel the Applicant's Certificate of Citizenship pursuant to section 342 of the Act, 8 U.S.C. § 1453. Following a response by the Applicant dated July 26, 2010, the Director cancelled the Applicant's Certificate of Citizenship on September 30, 2010.

The Applicant filed an appeal of the District Director's decision, which we dismissed. The Applicant subsequently filed three motions to reopen and reconsider our decision to dismiss the appeal, the most recent on August 2, 2013, which we received on January 22, 2015.

On December 2, 2013, after the Applicant filed the third motion to reopen with this office, the Applicant filed a second Form N-600. After the Director dismissed a motion, this second Form N-600 is before us now on appeal.

The regulation at 8 C.F.R. § 341.5 provides, in pertinent part:

(d) Denial. If USCIS denies the application, the applicant will be furnished the reasons for denial and advised of the right to appeal in accordance with 8 CFR 103.3.

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(e) Subsequent application. After an application for a certificate of citizenship has been denied and the time for appeal has expired, USCIS will reject a subsequent application submitted by the same individual and the applicant will be instructed to submit a motion to reopen or reconsider in accordance with 8 CFR 103.5. The motion must be accompanied by the rejected application and the fee specified in 8 CFR 103.7.

On December 22, 2014, the National Benefits Center Director issued a notice of rejection, finding that the Applicant's previous Form N-600 was denied on September 30, 2010, and that the application did not meet the requirements of a motion. The Applicant submitted a motion to reopen and reconsider on January 27, 2015, which the Director dismissed on March 9, 2015. The Applicant appealed the dismissal on April 3, 2015.

As noted above, on August 2, 2013, the Applicant filed a motion to reopen and reconsider the decision of the District Director, ██████████ New York, to cancel the Applicant's Certificate of Citizenship. We received this motion on January 22, 2015. In a separate decision, we are denying that motion and affirming the Director's decision cancelling the certificate of citizenship.

In our decision affirming the cancellation of the Applicant's certificate of citizenship, we find that the record still does not show the Applicant meets the requirements for derivation of U.S. citizenship. Therefore, the present appeal of the denial of the Applicant's second Form N-600 will be dismissed on the same basis.

ORDER: The appeal is dismissed.

Cite as *Matter of J-R-B-G-*, ID# 14668 (AAO Dec. 11, 2015)