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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals, MS 2090  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] OFFICE: NEBRASKA SERVICE CENTER DATE: **OCT 22 2010**

IN RE: [REDACTED]

APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 338  
of the Immigration and Nationality Act, 8 U.S.C. § 1149.

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native of Peru and a naturalized citizen of the United States. He seeks to have his Certificate of Naturalization corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in the date of birth from [REDACTED]

The Director reviewed the applicant's record and determined that he was not eligible for a new certificate of naturalization, and denied the application on April 20, 2009. On May 21, 2009, an individual name [REDACTED] filed a Form I-290B, Notice of Appeal or Motion, to appeal the director's adverse decision. On the Form G-28, Notice of Entry of Appearance as Attorney or Representative, which was attached to the Form I-290B, [REDACTED] indicated her capacity to represent the applicant as "paralegal ( pro bono work)."

Only the classes of persons identified at 8 C.F.R. § 292.1 may represent a petitioner before U.S. Citizenship and Immigration Services (USCIS). *See* 8 C.F.R. § 1.1(j). The regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(I) provides that an appeal filed with USCIS by a person not entitled to file it "must be rejected as improperly filed." [REDACTED] is not entitled by 8 C.F.R. § 292.1 to file the appeal or otherwise appear in a representational capacity for the applicant and, therefore, the appeal must be rejected.

**ORDER:** The appeal is rejected.