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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

EL

[REDACTED]

FILE:

Office: NEW YORK, NY

Date:

MAY 12 2008

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Replacement Naturalization/Citizenship Document under Section 338
of the Immigration and Nationality Act, 8 U.S.C. § 1449.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director Services, New York, New York. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of India and a citizen of the United States. He seeks to have his Certificate of Citizenship replaced.

The District Director Services reviewed the applicant's record and determined that the applicant had failed to comply with a request for evidence dated April 28, 2006 in the form of two photographs and a notarized statement indicating whether the applicant had renounced or lost his status as a U.S. citizen in any matter. *Decision of the District Director Services*, dated June 16, 2006; *Request for evidence*, dated April 28, 2006. The application was denied for lack of prosecution.

On appeal, the applicant asserts that he sent two photographs to Officer Kingsley as directed and he has not renounced or lost his status as a U.S. citizen in any manner. *Form I-290B*.

Although the District Director's denial indicated that the decision could be appealed to the AAO, a denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, the applicant's appeal will be dismissed.

An applicant whose application has been denied due to abandonment may, however, file a motion to reopen the proceeding under 8 C.F.R. § 103.5. 8 C.F.R. § 103.2(b)(15). The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the District Director. 8 C.F.R. § 103.5(a)(1)(ii).

An applicant may also file a new Form N-600. Denial due to abandonment does not preclude the filing of a new application or petition with a new fee, although the priority or processing date of an abandoned application or petition may not be applied to a later application or petition. Denial due to abandonment shall not itself affect the new proceeding; but the facts and circumstances surrounding the prior application or petition shall otherwise be material to the new application or petition. 8 C.F.R. § 103.2(b)(15).

ORDER: The appeal is dismissed.