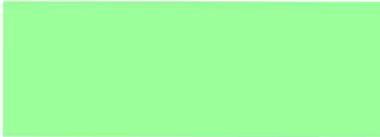




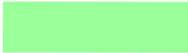
U.S. Citizenship  
and Immigration  
Services

(b)(6)

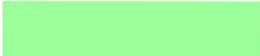


Date: NOV 18 2013

Office: NEW YORK, NY

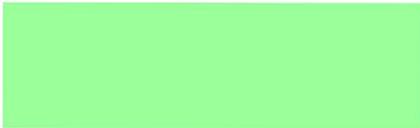
FILE: 

IN RE:

Respondent: 

APPLICATION: Cancellation of Certificate of Naturalization under Section 342 of the Immigration and Nationality Act; 8 U.S.C. § 1453.

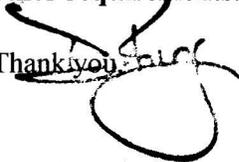
ON BEHALF OF RESPONDENT:



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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you 

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The respondent's certificate of naturalization was cancelled by the District Director (the director), New York, New York, and the director's decision came before the Administrative Appeals Office (AAO) on appeal. The appeal was dismissed. The applicant now submits a motion to reconsider. The motion will be dismissed.

On January 23, 2013, the director issued a decision cancelling the respondent's certificate of naturalization. The district director's decision was based on a finding that the respondent's naturalization was unlawfully obtained from [REDACTED] a former U.S. Citizenship and Immigration Services (USCIS) employee who was convicted of, among other crimes, unlawfully procuring naturalization by providing certificates of naturalization to individuals who were not entitled to U.S. citizenship.<sup>1</sup> On appeal, the respondent, through counsel, maintained that he naturalized "pursuant to all proper USCIS procedures." *See* Appeal Brief at 3. On August 12, 2013, the appeal was dismissed by the AAO.

The respondent seeks reconsideration of the AAO's decision claiming, in relevant part, that the AAO erroneously stated that there was no evidence that the naturalization application was adjudicated and approved. *See* Applicant's Motion at 4. The respondent's submission does not meet the requirements of a motion to reconsider. Pursuant to the regulation at 8 C.F.R. § 103.5(a)(3) a motion to reconsider must establish that the underlying decision was incorrect based on the evidence of record at the time of the initial decision.

The respondent's appeal was dismissed because the record clearly established that the naturalization certificate was issued, illegally, by Mr. [REDACTED]. The record includes a copy of the respondent's Form N-400, Application for Naturalization, but it is stamped and signed by Mr. [REDACTED]. As correctly noted in the AAO's decision, there is no evidence in the record that the respondent's naturalization application was properly adjudicated or approved, or that the respondent ever passed the naturalization tests or took the oath of allegiance. The record only indicates that the application was handled by Mr. [REDACTED] and the respondent's certificate of naturalization (number [REDACTED]) was issued by Mr. [REDACTED]. The certificate of naturalization was not provided to the respondent after the completion of a lawful naturalization process. It was illegally procured by Mr. [REDACTED] regardless of the applicant's eligibility for naturalization. The director met her burden of proof to show that the respondent's certificate was illegally obtained and properly cancelled.

The respondent has not submitted any evidence to establish that the AAO's decision was incorrect based on the record evidence. The respondent's motion for reconsideration will therefore be dismissed.

**ORDER:** The motion is dismissed.

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<sup>1</sup> *United States v. Schofield*, No. 06 CR 00427 (E.D. Va. Apr. 20, 2007).