



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

Date: FEB 11 2014 Office: NEW YORK, NY [Redacted]

IN RE: Respondent: [Redacted]

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

ON BEHALF OF RESPONDENT:

[Redacted]

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 Administrative Appeals Office (AAO) dismissed the respondent's appeal of the decision of the Acting District Director (the director), New York, New York cancelling her certificate of naturalization. The respondent has filed a motion to reopen and reconsider. The motion will be dismissed.

According to the regulation at 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be provided and be supported by documentary evidence. The regulations, at 8 C.F.R. § 103.5(a)(3), provide further that a "motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy."

The respondent's motion is accompanied by a brief, copies of the AAO's and director's decisions in her case, and copies of materials previously submitted. The respondent's motion does not meet the requirements of a motion to reopen or reconsider and will therefore be dismissed.

The respondent's brief states that reconsideration of the AAO's decision is warranted in order for U.S. Citizenship and Immigration Services (USCIS) to respond to an inquiry by the American Immigration Lawyers Association (AILA). *See* Motion Brief at 1. The respondent also seeks reconsideration asserting that she was not at fault and should not be punished for the wrongdoing of former USCIS employee [REDACTED] *Id.* at 2-3. The respondent's motion does not state new facts to be provided is not supported by documentary evidence, nor provide reasons for reconsideration supported by any pertinent precedent decisions establishing that the decision was based on an incorrect application of law or Service policy.<sup>1</sup> The respondent's motion must therefore be dismissed.

**ORDER:** The motion is dismissed.

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<sup>1</sup> As was stated in the AAO's August 15, 2013 decision, regardless of the respondent's culpability or lack thereof, the evidence of record clearly establishes that her certificate of naturalization was obtained through fraud and despite the respondent's ineligibility for naturalization. The certificate of naturalization was unlawfully procured by Mr. Schofield, and not provided to the respondent after the completion of a lawful naturalization process.