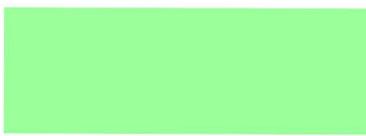




U.S. Citizenship  
and Immigration  
Services

(b)(6)



Date: WASHINGTON, DC

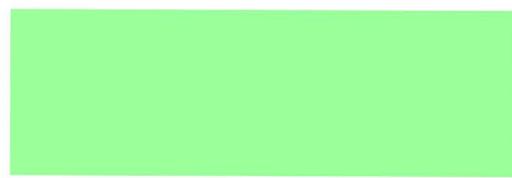
MAR 06 2014

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:

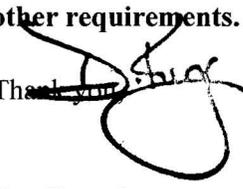


INSTRUCTIONS:

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), Washington, D.C., 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 May 22, 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 Robert Schofield, 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, in relevant part, that he did not procure his certificate of naturalization through fraud or illegality. *See* Appeal Brief. On November 25, 2013, the appeal was dismissed by the AAO.

The respondent seeks reconsideration of the AAO's decision. According to the respondent, USCIS did not meet its burden of proof to establish that the naturalization certificate was illegally procured because there was no finding of illegality on the part of the respondent. *See* Brief in Support of Motion to Reconsider. The respondent also states that he was not one of the individuals identified in Mr. Schofield's plea, that his naturalization application was not administratively closed, and that the cancellation process violated his procedural due process rights. *Id.* The respondent's submission raises the same issues raised in his appeal and 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 his naturalization certificate was issued, illegally, by Mr. Schofield. There is no evidence in the respondent's immigration record that a naturalization application was adjudicated or approved, or that he took the Oath of Allegiance and became a U.S. citizen. The certificate issued to the respondent, number 22293618, does not correspond to any alien registration number, including the respondent's. Thus, regardless of the respondent's culpability or lack thereof, the record establishes that his certificate of naturalization was not provided after the completion of a lawful naturalization process. It was illegally procured by Mr. Schofield, without regard to the applicant's eligibility for naturalization. The director therefore 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).