

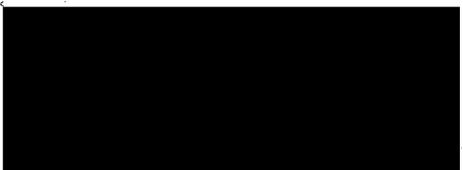
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U.S. Citizenship
and Immigration
Services

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EC



FILE: [REDACTED] Office: NEW YORK, NY Date: FEB 02 2007

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship pursuant to Section 322 of the Immigration and Nationality Act, 8 U.S.C. § 1433

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, New York, New York and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On January 3, 2005, the applicant filed an Application for Citizenship and Issuance of Certificate Under Section 322 (Form N-600K) on behalf of her daughter, [REDACTED]. The Citizenship and Immigration Services (CIS) district director notified the applicant on February 4, 2005 that further documentation of the U.S. residence of [REDACTED] grandmother was required and must be submitted prior to April 6, 2005. The director's notice informed the applicant that failure to respond would result in the denial of the Form N-600K.

On April 19, 2005, the district director, noting that no response had been received by the April 6, 2005 deadline or thereafter, denied the application for abandonment. The district director informed the applicant that the denial could be appealed to the AAO.

Although the AAO notes that the district director indicated that the applicant could appeal the denial of the instant application, the denial of an application or petition due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). Accordingly, the appeal will be dismissed.

The applicant 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. 8 C.F.R. § 103.5(a)(1)(ii).

The applicant may also file a new Form N-600K. 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.