



U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [REDACTED] Office: New York

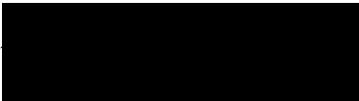
Date:

MAR - 7 2001

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under § 341(a) of the
Immigration and Nationality Act, 8 U.S.C. 1452(a)

IN BEHALF OF APPLICANT:



PUBLIC COPY

INSTRUCTIONS:

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

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Acting Director
Administrative Appeals Office

Identification data deleted to
prevent clearly unwarranted
disclosure of personal privacy

DISCUSSION: The application was denied by the District Director, New York, New York, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The record reflects that the applicant seeks a certificate of citizenship claiming eligibility under § 301 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1401. She was requested to submit additional documentation by June 20, 1998. Failing to receive the requested document by the stipulated time, the district director considered the application to be abandoned and denied it for lack of prosecution.

On appeal, counsel states that his client did not abandon her application. Due to the difficulty in obtaining the requested documentation, the applicant needed additional time. Counsel states that the documentation was submitted to the Service on May 18, 1999 and the application should not have been denied due to lack of prosecution.

8 C.F.R. 103.2(b)(13) states that if all requested initial evidence and all requested additional evidence is not submitted by the required date, the application shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. 103.5. Since there is no appeal regarding the district director's decision to deny your application, the appeal must be rejected.

ORDER: The appeal is rejected.