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U.S. Department of Justice

Immigration and Naturalization Service

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



FILE: [Redacted] Office: Phoenix

Date:

MAY 14 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: Self-represented

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
invasion of personal privacy.

DISCUSSION: The application was denied by the District Director, Phoenix, Arizona, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant was born on January 9, 1973, in Mexico. The applicant's father, [REDACTED], was born in Mexico in 1949 and never became a United States citizen. The father's application for certificate of citizenship was denied in February 1971 on the grounds that the father's mother (the applicant's grandmother) failed to satisfy the residence requirements of the Nationality Act of 1940 (NA 1940) at the time of the father's birth in 1949.

The applicant's mother, [REDACTED] was born in November 1950 in Mexico and became a naturalized United States citizen in May 1974. The applicant's parents married each other in December 1970. The applicant was lawfully admitted for permanent residence on March 17, 1975.

The district director thoroughly reviewed the application and determined that the applicant had failed to meet the burden of proof to establish that he is eligible for a certificate of citizenship.

The application failed under former § 321 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1432, which was repealed on February 27, 2000, because only one parent naturalized prior to his 18th birthday, and there was no evidence of a legal separation of his parents.

The application failed under § 301(g) of the Act, 8 U.S.C. 1401(g), because neither parent was a U.S. citizen at the time of his birth. The applicant's father failed to establish that his mother (the applicant's grandmother) had satisfied the residence requirement in order for the father to derive U.S. citizenship at birth, and the applicant's mother failed to establish that she derived U.S. citizenship at birth from either of her parents instead of having to naturalize.

On appeal, the applicant states, "I believe I am a United States citizen," and indicates that a written brief will follow in 30 days.

More than 30 days have elapsed since the applicant filed the appeal on December 13, 1999, and no additional documentation has been entered into the record.

8 C.F.R. 103.3(a)(1)(v) provides that an officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.



The applicant has failed to satisfy the requirements of 8 C.F.R. 103.3(a)(1)(v); therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.