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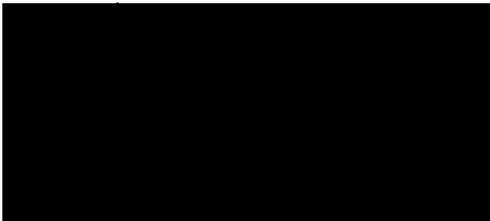
U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: PITTSBURGH, PA

Date: APR 19 2004

IN RE: Applicant [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Section 321 of the former  
Immigration and Nationality Act, 8 U.S.C. § 1432.

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Pittsburgh, Pennsylvania, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was born on March 10, 1965, in the Bahamas. The record reflects that the applicant was adopted in January 1974, by his natural father and his father's wife. The applicant's natural father, [REDACTED] became a naturalized U.S. citizen on October 5<sup>th</sup> 1972, when the applicant was 7 years old. The record contains no information regarding the immigration or citizenship status of the applicant's adoptive mother, [REDACTED]. The applicant seeks a certificate of citizenship pursuant to section 321 of the former Act, 8 U.S.C. § 1432.

The district director found the applicant had failed to establish that he had resided in the United States pursuant to a lawful admission for permanent residence. The district director concluded that the applicant was therefore statutorily ineligible for citizenship pursuant to section 321 of the former Act, and denied the application accordingly.

On appeal, the applicant asserts that around 1969, he was admitted into the United States as a lawful resident based on his father's lawful permanent resident status in the United States. The applicant asserts that his school records establish his legal resident status in the U.S. because U.S. schools would not have allowed him to register unless he had proven that he was a lawful resident of the United States.

Section 321 of the former Act states in pertinent part that:

- (a) A child born outside of the United States of alien parents . . . becomes a citizen of the United States upon fulfillment of the following conditions:
  - (1) The naturalization of both parents; or
  - (2) The naturalization of the surviving parent if one of the parents is deceased; or
  - (3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out of wedlock and the paternity of the child has not been established by legitimation; and if
  - (4) Such naturalization takes place while such child is under the age of eighteen years; and
  - (5) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization of the parent last naturalized under clause (1) of this subsection, or the parent naturalized under clause (2) or (3) of

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<sup>1</sup> The AAO notes that the N-600, Application for Certificate of Citizenship information provided by the applicant relates to his natural mother, Sylvina Almonor, who became a naturalized U.S. citizen on May 13, 1996, when the applicant was 31 years old.

this subsection, or thereafter begins to reside permanently in the United States while under the age of eighteen years.

The AAO finds that the applicant has provided no proof that he at any time obtained lawful permanent residence status in the United States. The AAO finds that the applicant's school attendance in the U.S. does not in any way establish that the applicant was accorded lawful permanent resident status at that time. The AAO finds further that the applicant's claim that he was admitted into the United States as a lawful permanent resident around 1969, is unsubstantiated by any evidence contained in Citizenship and Immigration Service centralized computer databases or by any evidence contained in the record. Accordingly, the AAO finds that the applicant has failed to demonstrate he meets the requirements set forth in section 321(a)(5) of the former Act.

The AAO finds further that the evidence in the record fails to establish that the applicant's legal mother, [REDACTED] was a U.S. citizen. The applicant therefore also failed to demonstrate that he meets the requirements set forth in section 321(a)(1) of the former Act, pertaining to the naturalization of both parents prior to his 18<sup>th</sup> birthday.

8 C.F.R. 341.2(c) states that the burden of proof shall be on the claimant to establish his claimed citizenship by a preponderance of the evidence. *See also* § 341 of the Immigration and Nationality Act, 8 U.S.C. § 1452. Because the applicant has failed to establish that he meets the requirements for citizenship as set forth in section 321 of the former Act, his appeal will be dismissed.

**ORDER:** The appeal is dismissed.