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U.S. Department of Homeland Security
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U.S. Citizenship
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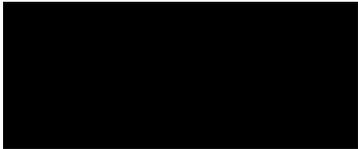


FILE: [REDACTED] Office: PHOENIX, ARIZONA Date: OCT 22 2004

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act, 8 U.S.C. § 1431.

ON BEHALF OF APPLICANT:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

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

The record reflects that the applicant was born in Mexico on March 17, 1983. The applicant's father, [REDACTED] was born in Mexico, and he became a naturalized U.S. citizen on August 24, 2000, when the applicant was seventeen years old. The applicant's mother, [REDACTED] was born in Mexico and she is not a U.S. citizen. The applicant's parents married in Arizona on June 1, 1996, when the applicant was thirteen years old. The record reflects that an application for lawful permanent resident status, filed on October 27, 2000, was denied on April 8, 2002. The record reflects further that the applicant was removed from the U.S. in 2002, after making a false claim to U.S. citizenship on August 11, 2001. The applicant seeks a certificate of citizenship under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The district director concluded that the applicant failed to establish that she was admitted into the United States pursuant to a lawful admission for permanent residence, as required by section 320 of the Act. The application was denied accordingly.

On appeal, the applicant asserts that her father became a U.S. citizen and filed an adjustment of status application on her behalf before she turned eighteen, and that she left the United States and attempted to reenter illegally prior to her eighteenth birthday. The applicant concludes that she should therefore be eligible for citizenship under section 320 of the Act.

Section 320 of the Act states, in pertinent part, that:

- (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
 - (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
 - (2) The child is under the age of eighteen years.
 - (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

In the present matter, the applicant has established that her father became a naturalized U.S. citizen prior to her eighteenth birthday. The record clearly reflects, however, that the applicant did not, at any point, reside in the U.S. pursuant to a lawful admission for permanent residence. Thus the applicant did not meet the statutory requirements for citizenship under section 320 of the Act prior to her eighteenth birthday, and the appeal will be dismissed.

ORDER: The appeal is dismissed.