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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

E2

[Redacted]

FILE: [Redacted]

Office: PHILADELPHIA, PA

Date: **MAY 24 2005**

IN RE: Applicant: [Redacted]

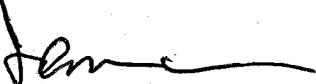
APPLICATION: Application for Certificate of Citizenship under § 320 of the Immigration and Nationality Act; 8 U.S.C. § 1431

ON BEHALF OF APPLICANT:

[Redacted]

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.

*For*   
Robert P. Wiemann, Director  
Administrative Appeals Office

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

The district director concluded that the applicant had failed to establish she resided in the U.S. pursuant to a lawful admission for permanent residence, as required by § 320 of the Act. The application was denied accordingly.

Counsel submitted a timely Form I-290B on December 20, 2004 on which counsel wrote that the applicant is a U.S. citizen, and that a request under the FOIA had been filed regarding the matter. Counsel did not indicate whether a brief and/or additional evidence would be submitted to the AAO, nor was any documentation submitted with the Form I-290B. As of this date the AAO has not received any additional evidence into the record. Therefore, the record is complete.

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. 8 C.F.R. § 103.3(a)(1)(v). Counsel's statement on the Form I-290B fails to specify how the district director made any erroneous conclusion of law or statement of fact in denying the application. As neither the applicant nor counsel presents additional evidence on appeal to overcome the decision of the district director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

**ORDER:** The appeal is dismissed.