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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]

Office: BUFFALO, NEW YORK

Date: MAY 24 2005

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under § 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.

For 
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Buffalo, New York 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 he resided in the United States prior to his eighteenth birthday in the legal and physical custody of his U.S. citizen parent pursuant to a lawful admission for permanent residence. The application was denied accordingly.

The applicant submitted a timely Form I-290B on January 4, 2005 on which he indicated that a brief and/or additional evidence was attached to the Form I-290B. No documentation was attached to the Notice of Appeal, however, and 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). On the Form I-290B, the applicant fails to specify how the district director made any erroneous conclusion of law or statement of fact in denying the application. As the applicant fails to present 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.