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



U.S. Citizenship
and Immigration
Services

Er

Date: **NOV 02 2005**

[Redacted]

FILE:

[Redacted]

Office: BOSTON, MASSAHUSETTS (HARTFORD, CT)

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:

[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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Boston, Massachusetts. The matter is now before the Administrative Appeals Office (AAO) on appeal. The district director's decision will be withdrawn and the appeal will be sustained.

The record reflects that the applicant was born in Guyana on January 8, 1974. The applicant's mother, [REDACTED] was born in Guyana on May 3, 1949, and she became a naturalized U.S. citizen on December 13, 1991, when the applicant was seventeen years old. The applicant's father was born in Guyana and he is not a U.S. citizen. The record reflects that the applicant's parents did not marry and that the applicant was raised by his mother. The applicant was admitted into the U.S. as a lawful permanent resident on January 9, 1982, when he was eight years old. The applicant seeks a certificate of citizenship pursuant to section 321 of the former Immigration and Nationality Act (the former Act), 8 U.S.C. § 1432.

The record contains a February 16, 2005, U.S. District Court for the District of Connecticut decision that analyzes the applicant's status as a U.S. citizen pursuant to section 321 of the former Act, and finds that the applicant is a U.S. citizen. The district court decision regarding the applicant's citizenship status under section 321 of the former Act is a binding decree, and it cannot be rejected by U.S. Citizenship and Immigration Services (CIS).

8 C.F.R. 341.2(c) states that the burden of proof shall be on the claimant to establish his or her claimed citizenship by a preponderance of the evidence. The AAO finds that the applicant has met his burden. The appeal will therefore be sustained.

ORDER: The district director's decision will be withdrawn and the appeal will be sustained.