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

PUBLICATION



E2

FILE:



Office: BUFFALO, NY

Date: NOV 15 2005

IN RE:

Applicant:



APPLICATION: Application for Certificate of Citizenship under Section 303 of the Immigration and Nationality Act; 8 U.S.C. § 1403.

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, Buffalo, New York, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in Panama City, Panama on March 5, 1954. The applicant claims that his father, [REDACTED] was a U.S. citizen and he presently seeks a certificate of citizenship pursuant to section 303 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1403, based on the claim that he derived U.S. citizenship at birth through his father.

The district director concluded that the applicant had failed to establish he was born in the Panama Canal Zone, or that his father was a U.S. citizen, or had been employed in Panama by the U.S. Government or the [REDACTED] or its successor in title. The application was denied accordingly.

The applicant asserts on appeal that he was born in a hospital located on U.S. soil in Panama. The applicant asserts further that his father was a U.S. citizen employee of the [REDACTED] from 1947 to 1972, and he requests an additional 60 days to obtain proof of his father's citizenship and employment status. The AAO notes that more than 60 days have passed since the applicant filed his appeal and that no further evidence was received by the AAO.

Section 303 of the Act provides that:

- (a) Any person born in the [REDACTED] or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.
- (b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the [REDACTED], or its successor in title, is declared to be a citizen of the United States.

The birth certificate contained in the record reflects that the applicant was born in Panama City, which the AAO notes is in the [REDACTED]. The applicant presented no evidence to establish that he was born in the Canal Zone. The AAO notes further that the record contains no evidence to establish that the applicant's father was a U.S. citizen at the time of the applicant's birth, or that his father was at any time employed by the U.S. Government or by the [REDACTED] or its successor in title. Accordingly, the AAO finds that the applicant fails to meet the requirements for citizenship as set forth in section 303 of the Act.

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 applicant has failed to meet his burden in the present matter. The appeal will therefore be dismissed.

ORDER: The appeal is dismissed.