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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: SAN FRANCISCO (SAN JOSE)

Date: **AUG 28 2006**

IN RE:

Applicant:

[REDACTED]

APPLICATION: Application for Certificate of Citizenship pursuant to Section 322 of the Immigration and Nationality Act, 8 U.S.C. § 1433.

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.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, San Jose, 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 Birzeit, Palestine on May 3, 1948. The applicant's father was born in Birzeit, Palestine on March 6, 1900. The applicant did not provide information regarding the nationality of his mother, thus the record does not reflect that she was a United States citizen. The applicant's father became a naturalized U.S. citizen on August 29, 1933. However, the record reflects that the applicant's father's naturalization was revoked on April 4, 1944, prior to the applicant's birth. The applicant filed the present Form N-600, Application for Citizenship, based on his father's naturalization.

The district director found that the applicant is not eligible for a certificate of citizenship based on his father's naturalization, as his father's naturalization was revoked. *Decision of the District Director*, dated August 11, 2005.

On appeal, counsel for the applicant asserts that the applicant's father's naturalization was wrongfully revoked, and thus it should serve as a basis for the applicant's eligibility for a naturalization certificate. *Brief in Support of Appeal*, dated October 7, 2005.

"The applicable law for transmitting citizenship to a child born abroad when one parent is a U.S. citizen is the statute that was in effect at the time of the child's birth." *Chau v. Immigration and Naturalization Service*, 247 F.3d 1026,1029 (9<sup>th</sup> Cir. 2000) (citations omitted). The applicant was born on May 3, 1948. Section 201(g) of the Nationality is therefore applicable to his derivative citizenship claim.

Section 201(g) of the Nationality Act states in pertinent part that:

A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien.

Upon review, the applicant has not shown that he is eligible for a citizenship certificate based on his father's nationality, as his father was not a U.S. citizen at the time of the applicant's birth or any time thereafter. The applicant's father's naturalization was in fact revoked prior to the applicant's birth, on April 4, 1944. Counsel contends that the applicant's father's naturalization was erroneously revoked, yet the AAO lacks sufficient evidence or information to draw such a conclusion. Other than counsel's brief, the applicant has provided no documentation to support that the revocation of his father's citizenship was in error. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998)(citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). Without documentary evidence to support the claim, the assertions of counsel will not satisfy the applicant's burden of proof. The assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter Of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). As the applicant has not shown that one of his parents was a U.S. citizen, he has not established that he is eligible for a certificate of naturalization. Section 201(g) of the Act.

The regulation at 8 C.F.R. 341.2(c) states that the burden of proof shall be on the claimant to establish the claimed citizenship by a preponderance of the evidence. The record does not support that the applicant is eligible for a certificate of citizenship pursuant to the present Form N-600 application. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.