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U.S. Citizenship
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Services

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FILE:

OFFICE: WASHINGTON, D.C.

DATE: AUG 07 2008

IN RE:

APPLICANT:



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

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, Chief
Administrative Appeals Office

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

The record reflects that the applicant was born on July 15, 1988, in Turkey. The applicant's mother and father were born in Turkey, and they became naturalized U.S. citizens on December 21, 2005. The record reflects that the applicant's parents married in Turkey on August 27, 1984. The applicant was admitted into the United States as a lawful permanent resident on May 3, 2000. He presently seeks a Certificate of Citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1431.

The district director found that the applicant was ineligible for a Certificate of Citizenship pursuant to section 320 of the Act because neither his mother nor his father was a U.S. citizen when he filed his Form N-600, Application for Certificate of Citizenship (N-600 Application), and when the district director issued a denial decision on October 6, 2005.

In an appeal filed on October 26, 2005, the applicant, through his father, indicates that his parents will become naturalized U.S. citizens on December 21, 2005, and that he will then qualify for a Certificate of Citizenship under section 320 of the Act.

Section 320 of the Act permits a child born outside of the U.S. to automatically become a citizen of the United States upon fulfillment of the following conditions:

- (1) **At least one parent of the child is a citizen of the United States**, whether by birth or naturalization.
- (2) The child is under the age of eighteen years.
- (3) The child is residing in the United States in the legal and physical custody of the **citizen parent** pursuant to a lawful admission for permanent residence.

(Emphasis added.) Volume 8 of the Code of Federal Regulations (8 C.F.R.) section 320.3 states, in pertinent part that:

(a) [A]n application for a certificate of citizenship under this section on behalf of a minor biological child shall be submitted on Form N-600, Application for Certificate of Citizenship, by the **U.S. citizen parent(s)**.

(b)(1) [A]n applicant must submit the following required documents unless such documents are already contained in the Service administrative file(s):

(iv) **Evidence of U.S. citizenship of parent**, (i.e., birth certificate; naturalization certificate; FS-240, Report of Birth Abroad; a valid unexpired U.S. passport; or certificate of citizenship).

(Emphasis added). In the present matter, the record reflects that the applicant's N-600, Certificate of

Citizenship application was filed in May 2005. Neither the father, nor mother was a U.S. citizen at the time the applicant's N-600 application was filed, and the record reflects that the applicant's parents did not become naturalized U.S. citizens until more than seven months later, on December 21, 2005. The applicant was therefore statutorily ineligible for automatic citizenship under section 320 of the Act. The appeal will be dismissed accordingly.¹

ORDER: The appeal is dismissed.

¹ The AAO notes that the present decision is without prejudice to the applicant's filing a new N-600 application, once all of the statutory requirements set forth in section 320 of the Act have been met, or if eligible, a Form N-400, Application for Naturalization pursuant to section 316 of the Act, 8 U.S.C. § 1427.