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U.S. Citizenship  
and Immigration  
Services

*EZ*

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[REDACTED]

FILE: [REDACTED] Office: HOUSTON, TX

Date: DEC 01 2006

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Sections 309(a) and 301(g) of the Immigration and Nationality Act; as amended, U.S.C. §§ 1409(a) and 1401(g)

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record indicates that the applicant was born on July 7, 1971 in Mexico. The applicant's natural father, [REDACTED] was born on January 11, 1948 in Weslaco, Texas. The applicant's mother, [REDACTED] is, based on the applicant's birth certificate, a citizen of Mexico. The record does not indicate that the applicant's parents ever married. The applicant seeks a certificate of citizenship pursuant to sections 309(a) and 301(g) of the Immigration and Nationality Act (the Act), as amended, 8 U.S.C. §§ 1409(a) and 1401(g), based on the claim that she acquired U.S. citizenship at birth through her natural father.

Based on the evidence of record, the district director determined that the applicant had failed to submit sufficient evidence to satisfy the requirements of either section 309(a) or section 301(g) of the Act. Accordingly, she denied the application.

Counsel for the applicant submits a timely-filed Form I-290B, Notice of Appeal, on September 21, 2006. The statement on the Form I-290B reads:

[The applicant] is a U.S. citizen by operation of law under INA § 301(g). The Service's decision denying [the applicant's] M-600 application was issued in error. [The petitioner] proved that she is a U.S. citizen at birth by providing documentation that shows that her father . . . was physically present in the U.S. for the requisite period of time prior to [the petitioner's] birth.

[The petitioner] will submit an appeal brief with further explanation of the reasons for appeal. Also enclosed is a copy of the Service's decision dated August 21, 2006.

Counsel indicated that he intended to submit a brief and/or evidence to the AAO within 30 days. However, more than two months later, no additional materials are found in the record. On November 3, 2006 the AAO send a facsimile to counsel requesting copies of any additional materials submitted and providing 5 days to submit the copies. To date, no response has been received. Accordingly, 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).

The statement on the Form I-290B is insufficient as a basis for the appeal. Counsel fails to specify how the director's decision included an erroneous conclusion of law or statement of fact when denying the petition and does not rebut the director's findings regarding the evidence submitted. Instead, counsel states only that the denial of the Form N-600 was in error and that the documentation submitted by the applicant establishes her father's presence in the United States for the requisite amount of time prior to her birth. As counsel has failed to submit the additional information or to offer argument on appeal sufficient to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).



The regulation at 8 C.F.R. § 341.2(c) states that the burden of proof shall be on the applicant to establish the claimed citizenship by a preponderance of the evidence. The applicant has failed to meet her burden in this proceeding.

**ORDER:** The appeal is dismissed.