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U.S. Citizenship  
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Services

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MAR 24 2006

FILE: [REDACTED] Office: VERMONT SERVICE CENTER

Date:

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under § 341 of the Immigration and Nationality Act, 8 U.S.C. § 1452

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.

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

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Application for a certificate of citizenship was denied by the Service Center Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was born on December 14, 1956 in Jamaica. The applicant's parents were also born in Jamaica, and they became naturalized U.S. citizens in 2000. The record reflects that the applicant was admitted to the United States as a lawful permanent resident in 1988. The applicant seeks a certificate of citizenship based on his lengthy period of residence in the United States.

The director erroneously applied the provisions of § 321 of the former Act and § 320 of the amended Act to the case at hand and found that the applicant had failed to establish eligibility for a certificate of citizenship. The AAO finds that this error is harmless, however, as the applicant is not eligible for a certificate of citizenship under any provision of law relating to derivation of citizenship at birth or later.

On appeal, the applicant writes that he incorrectly claimed citizenship through the naturalization of his parents. He writes that he should have claimed U.S. citizenship based on his lengthy residence in the United States. In other words, the applicant states that he, rather than the director, committed an error. No brief or evidence is attached to the Form I-290B. A review of the applicant's Form N-600 reveals that he did not indicate that he was claiming U.S. citizenship by virtue of any family relationship. Rather, in Part 2 on the form, he checked the box indicating "other" as his basis of eligibility. He wrote on the form that he had been in the United States since May 10, 1988.

The length of time an applicant has resided in the United States, however, is not a basis for eligibility for a certificate of citizenship under § 341 of the Act, 8 U.S.C. § 1452, which states, in pertinent part, that:

(a) A person who claims to have derived United States citizenship through the naturalization of a parent . . . . or by virtue of the provisions of . . . . of paragraph (c), (d), (e), or (g) of section 301 of this title . . . . may apply to the Attorney General for a certificate of citizenship. Upon proof to the satisfaction of the Attorney General that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, such individual shall be furnished by the Attorney General with a certificate of citizenship, but only if such individual is at the time within the United States.

As the applicant apparently did not intend to claim eligibility for a certificate of citizenship under the above provision of law, his appeal will be dismissed. The AAO notes, however, that the applicant's length of residence in the United States is a factor relevant to an application for naturalization under § 316 of the Act. This dismissal is without prejudice to the applicant's filing a Form N-400 Application for Naturalization.

**ORDER:** The appeal is dismissed.