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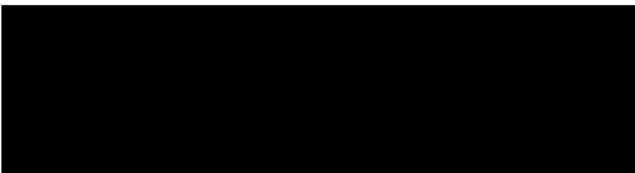


FILE: [REDACTED] Office: HARLINGEN, TX Date: OCT 17 2006

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship pursuant to former Section 301(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision 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 cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant filed the Application for a Certificate of Citizenship (Form N-600) on April 14, 2005. The director denied the Form N-600 because the record did not establish that the applicant's U.S. citizen mother had been physically present in the United States for periods totaling ten years, at least five of which occurred after she reached 14 years of age. Section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1401(a)(7), as amended. Counsel for the applicant submitted a timely filed Form I-290B, Notice of Appeal, on February 6, 2006.

The statement on the Form I-290B reads:

The Department of Homeland Security DHS failed to properly considered [sic] the affidavits that were originally enclosed. The affidavits were properly notarized and more credibility should be given to them. The examiner did not considered [sic] the preponderance of the evidence.

Although counsel indicates that he intends to submit a brief and/or evidence to the AAO within 30 days, more than seven months later, no additional materials are found in the record. 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. Counsel does not address any of the director's findings or determinations regarding the evidence submitted. As counsel does not present additional evidence or 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 burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

ORDER: The appeal is dismissed.