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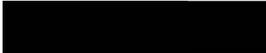
U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: SEATTLE (SPOKANE)

Date: SEP 20 2006

IN RE:

Applicant:



APPLICATION:

Application for Certificate of Citizenship under 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.

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, Spokane, Washington, 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 Mexico on July 16, 1987. The applicant's mother [REDACTED] was born in Mexico on June 27, 1957, and she became a naturalized U.S. citizen on June 5, 1998, when the applicant was thirteen years old. The record contains no information regarding the applicant's father, and the applicant has not asserted that he is a U.S. citizen. The applicant presently seeks a certificate of citizenship under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The district director concluded that the applicant was statutorily ineligible for a certificate of citizenship under section 320 of the Act because she turned eighteen years old prior to final adjudication of her application. The application was denied accordingly.

On appeal, the applicant's mother indicates that the applicant was under the age of eighteen when she filed her citizenship application, and that she is therefore entitled to citizenship. *Statement from Applicant's Mother on Form I-290B*, received March 29, 2006. The applicant's mother indicates that the applicant reached age eighteen before her application was adjudicated through no fault of her own, implying that Citizenship and Immigration Services (CIS) delay caused the applicant to age out. *Id.*

The AAO notes that the requirements for citizenship, as set forth in the Act, are statutorily mandated by Congress, and that CIS lacks authority to issue a certificate of citizenship when an applicant fails to meet the relevant statutory provisions set forth in the Act. *See generally, Iddir v. INS*, 301 F.3d 492 (7<sup>th</sup> Cir. 2002). The AAO therefore finds that the applicant's eligibility for citizenship under section 320 of the Act is not affected by CIS processing delays, and that in order to obtain a certificate of citizenship, the applicant must establish that she fully meets the requirements of section 320 of the Act.

Section 320 of the Act was amended by the Child Citizenship Act of 2000 (CCA), and took effect on February 27, 2001. The CCA benefits all persons who have not yet reached their eighteenth birthdays as of February 27, 2001. Because the applicant was thirteen years old on February 27, 2001, she meets the age requirement for benefits under the CCA.

Section 320 of the Act states in pertinent part that:

- (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
  - (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.

The applicant's Form N-600, Application for Citizenship, was adjudicated by CIS on March 1, 2006, when the applicant was age eighteen. Thus, the applicant has failed to establish that her citizenship application was approved by CIS before her eighteenth birthday, pursuant to the requirement of section 320(a)(2) of the Act. Accordingly, the applicant has not shown that she is eligible for citizenship pursuant to section 320 of the Act.

It is noted that the applicant filed her Form N-600 application on March 24, 2005, three months and 22 days prior to her eighteenth birthday. The applicant did not include any notation to alert CIS that she was at risk of aging out or that her application required immediate attention. The AAO finds no indication of unreasonable CIS delay.

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 applicant has not met her burden. The appeal will therefore be dismissed.

**ORDER:** The appeal is dismissed.