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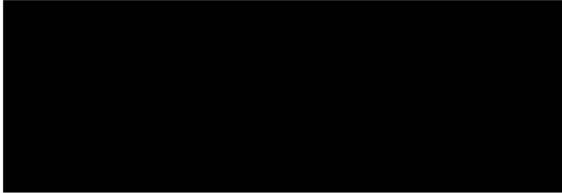
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: ANCHORAGE Date:

JAN 04 2007

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:



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, Anchorage, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was born in the Republic of the Marshall Islands (Marshall Islands) on March 22, 2002. The record does not reflect, and the applicant does not assert, that either of her natural parents were U.S. citizens. She was adopted on May 30, 2002 when she was 69 days old by [REDACTED] and [REDACTED] both of whom are U.S. citizens by birth. The records shows that the applicant has resided in the Marshall Islands since her birth. She 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 failed to establish that she is residing in the United States pursuant to admission for permanent residence, as required by section 320 of the Act. The application was denied accordingly.

On appeal, counsel for the applicant contends that the applicant does in fact reside in the United States, as she lives with her adoptive parents on a U.S. military installation which constitutes U.S. soil. *Brief from Counsel*, dated June 21, 2006. Counsel provides that the applicant's parents are working on the [REDACTED] [REDACTED] as civilian employees under government contracts, and they are governed by U.S. Army regulations and the laws of Hawaii and the United States. *Id.* at 1-2. Counsel notes that the applicant's parents have adopted two other children under the same circumstances, and each of those children were granted certificates of citizenship. *Id.* at 2.

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 born after 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.

Upon review, the record reflects that the applicant resides in the Marshall Islands with her parents. However, residing in the Marshall Islands, including the RTA, does not constitute "residing in the United States" as contemplated by section 320 of the Act. The Marshall Islands attained independence from the United States in 1986 under a Compact of Free Association. *U.S. Central Intelligence Agency World Factbook; Marshall Islands* <<https://cia.gov/cia/publications/factbook/geos/rm.html>>. The government of the Marshall Islands hosts the RTA pursuant to a lease. *Ronald Reagan Ballistic Missile Defense Test Site*

<http://www.smdc.army.mil/kwaj/baseops.html>>. As the United States does not own the land on which it operates the RTA, the RTA cannot be deemed U.S. soil. The fact that the applicant's parents' employment and activities are governed by U.S. law does not serve as conclusive evidence that they reside on U.S. soil. It is assumed that the applicant and her parents are also subject to the laws of the Marshall Islands, and the applicant has not shown otherwise. Based on the foregoing, the applicant has not shown that she in fact is residing in the United States.

It is further noted that, pursuant to section 320(a)(3) of the Act, the applicant must be residing in the United States pursuant to a lawful admission for permanent residence. The applicant has not shown that she has been admitted to the United States as a permanent resident at any time.

Counsel asserts that the applicant's parents have adopted two other children under the same circumstances, and each of those children were granted certificates of citizenship. However, the applicant has presented no evidence to show the circumstances under which her siblings were afforded certificates of citizenship. Further, the present application is a separate proceeding from those of the applicant's siblings. She bears the burden of entering evidence into the current record to establish that she is eligible for the benefit sought. *See* 8 C.F.R. 341.2(c).

Accordingly, the applicant has not shown that she is eligible for a certificate of citizenship pursuant to section 320 of the Act.

The AAO notes that section 322 of the Act affords an avenue for a child to obtain a certificate of citizenship when she resides outside the United States. However, in order to be properly considered under section 322 of the Act, an applicant must file Form N-600K, Application for Citizenship and Issuance of Certificate under Section 322. In the present proceeding, the applicant filed Form N-600, Application for Certificate of Citizenship, not Form N-600K. Thus, the AAO will not fully assess whether the applicant has established eligibility under section 322 of the Act. Yet, the record suggests that the applicant is not presently eligible for a certificate of citizenship under section 322 of the Act, as she is not "temporarily present in the United States pursuant to a lawful admission" as required by section 322(a)(5) of the Act.

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.