

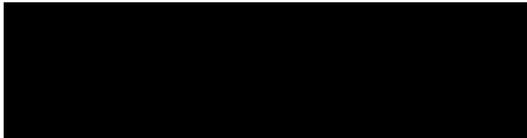


U.S. Citizenship
and Immigration
Services

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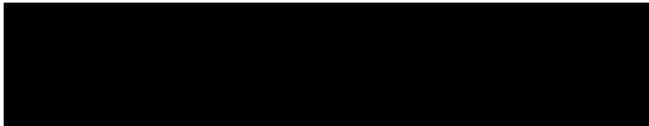
Office: CALIFORNIA SERVICE CENTER

Date: JUN 06 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 PETITIONER:



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 waiver 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 record reflects that the applicant was born in Haiti on June 16, 1985. The applicant does not assert, and the record does not support, that his father is a U.S. citizen. The applicant's mother, [REDACTED] was born in Haiti on July 24, 1962, and she became a naturalized U.S. citizen on August 15, 2000, when the applicant was fifteen years old. The applicant's parents were not married at the time of the applicant's birth. He 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 failed to submit sufficient evidence to show that he derived U.S. citizenship from his mother pursuant to section 320 of the Act. The application was denied accordingly.

On appeal, counsel for the applicant stated on Form I-290B that "The applicant will submit the evidence that was previously requested. He was having a difficult time obtaining the evidence. The evidence will be submitted under separate cover within 30 days of this I-290B." *Statement from counsel on Form I-290B*, dated October 31, 2006. Counsel or the applicant did not identify specifically an erroneous conclusion of law or a statement of fact in this proceeding. The appeal was filed on November 1, 2006. However, as of April 24, 2007, the AAO had received no further documentation or correspondence from the applicant or counsel. On April 24, 2007, the AAO sent a facsimile to counsel with notice that a brief or additional evidence had not been received, and affording five days in which to provide a copy of any missing filing. As of the date of this decision, the AAO has not received a response to the facsimile, and the record is deemed complete.

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 twelve years old on February 27, 2001, he 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 AAO concurs with the district director's decision and affirms the denial of the application.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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 failed to meet his burden. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed.