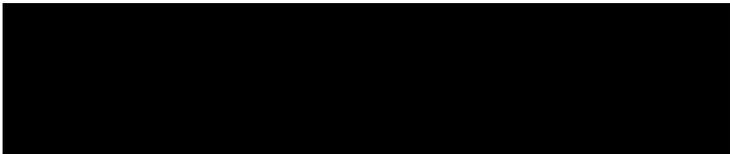


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U.S. Citizenship
and Immigration
Services

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EL

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: **FEB 12 2008**
(related: WAC 07 055 50016)

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:

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 cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the application will be approved.

The applicant was born in El Salvador on June 20, 1988. The applicant's mother and father were born in El Salvador, and they became naturalized U.S. citizens on February 28, 2006, when the applicant was seventeen years old. The applicant became a U.S. lawful permanent resident on December 17, 1997, when he was nine years old.

The record reflects that the applicant attempted to file a Form N-600, Application for Certificate of Citizenship (N-600 application) on May 8, 2006. The application was improperly filed, in that it lacked a signature. On July 27, 2006, the California Service Center sent the applicant a letter requesting that he submit a properly signed N-600 application within 12 weeks. The applicant subsequently sent a signed N-600 application signature page to the California Service Center. The signature page did not contain an alien file number or other identifying information, and the California Service Center notified the applicant on August 18, 2006, that it was unable to forward the information to the applicant's file absent identifying information. On September 14, 2006, the applicant sent a complete and signed copy of his N-600 application, with alien file number, to the California Service Center. The applicant's N-600 application was denied by the California Service Center on November 20, 2006, based on the applicant's failure to properly file his N-600 application and his inability to establish eligibility for the benefit sought.

On appeal, the applicant states that he previously sent a signed copy of his N-600 application signature page to U.S. Citizenship and Immigration Services (CIS), and he resubmits a new copy of his signed N-600 application signature page.

The regulation at 8 C.F.R. §103.2(a)(2) provides that:

An applicant or petitioner must sign his or her application or petition. However, a parent or legal guardian may sign for a person who is less than 14 years old. . . . By signing the application or petition, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the application or petition, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. Unless otherwise specified in this chapter, an acceptable signature on an application or petition that is being filed with the BCIS is one that is either handwritten or, for applications or petitions filed electronically as permitted by the instructions to the form, in electronic format.

The regulation at 8 C.F.R. § 103.2(a)(7) provides in pertinent part that:

[A]n application or petition received in a USCIS office shall be stamped to show the time and date of actual receipt and . . . shall be regarded as properly filed when so stamped, if it is signed and executed and the required filing fee is attached or a waiver of the filing fee is granted. An application or petition which is not properly signed . . . shall be rejected as improperly filed. Rejected applications and petitions . . . will not retain a filing date. . . .

The record reflects that on two occasions the applicant attempted to submit a signed N-600 application signature page, upon CIS request. The California Service Center was unable to forward the applicant's first (August 2006) submission because the applicant failed to provide a complete application, a file number or

other identifying information with his N-600 application signature page. However, the record contains evidence of the applicant's second submission of a signed N-600 application on September 14, 2006. It is noted that the director did not reject the applicant's initial N-600 application as improperly filed under 8 C.F.R. § 103.2(a)(7). It is further noted that the September 2006, submission of the applicant's complete N-600 application occurred within twelve weeks of California Service Center's request for the evidence. Accordingly, the AAO finds that the N-600 application was properly filed.

The applicant presently seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. §1431.

Section 320 of the Act allows a child born outside of the United States to *automatically* become a citizen of the United States upon fulfillment of the following conditions:

- (a)(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 regulation provides at 8 C.F.R. § 341.2(c) that the burden of proof shall be on the claimant to establish his or her claimed citizenship by a preponderance of the evidence.

The AAO finds that the applicant has established by a preponderance of the evidence that, prior to his eighteenth birthday, he satisfied all of the section 320 of the Act requirements for automatic vesting of his U.S. citizenship. The evidence in the record reflects that the applicant was born in El Salvador on June 20, 1988, to [REDACTED] (father) and [REDACTED] (mother). The record reflects that the applicant's parents married on July 7, 1980, and that they remain married. The record reflects further that the applicant's mother and father became naturalized U.S. citizens on February 28, 2006, when the applicant was 17 years old. Additionally, the record reflects that the applicant was admitted into the United States as a U.S. lawful permanent resident on December 17, 1997, when he was 9 years old, and the evidence indicates that the applicant subsequently resided in the United States in the legal and physical custody of his mother and father. The applicant has thus met his burden of proof in the present matter. The appeal will therefore be sustained, and the application approved.

ORDER: The appeal is sustained. The application is approved.