

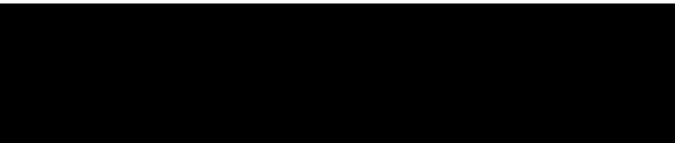
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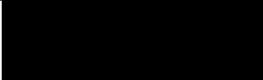
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: **FEB 14 2008**

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:



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 summarily dismissed and the application will be denied.

The applicant was found to be ineligible for U.S. citizenship under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431, because he was over the age of eighteen when he became a lawful permanent resident.¹ The applicant's Form N-600, Application for Certificate of Citizenship (N-600 application) was denied accordingly.

On appeal the applicant asserts, through counsel, that, "the decision to deny the applicant's application for certificate of citizenship is incorrect as a matter of law and as a matter of fact." Counsel asserts further that a separate brief is being submitted with the applicant's appeal. Counsel additionally indicates that a brief and/or evidence will be sent to the AAO within thirty days. No other assertions are made on appeal, and the record does not contain the brief and/or evidence referred to by counsel.

On November 20, 2007, the AAO notified counsel, via fax, that no brief or evidence had been received. Counsel was given five business days to provide the AAO with a copy of the brief and/or evidence referred to on appeal. Counsel was advised that failure to respond to the AAO's notice could result in the summary dismissal of the applicant's appeal. Counsel did not respond to the AAO's faxed notification.

8 C.F.R. § 103.3(a)(v) states in pertinent part:

Summary dismissal. 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.

The AAO finds that the applicant has failed to identify specifically any erroneous conclusion of law or statement of fact in his appeal. The appeal will therefore be summarily dismissed, and the application will be denied.

ORDER: The appeal is summarily dismissed. The application is denied.

¹ Section 320 of the Act provides in pertinent part that:

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.