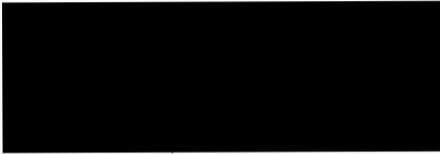


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U.S. Citizenship
and Immigration
Services

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FILE: Office: SEATTLE (YAKIMA), WA Date: JAN 04 2008

IN RE: Applicant: [Redacted]

APPLICATION: Application for Certificate of Citizenship under section 201(g) of the
Nationality Act of 1940; 8 U.S.C. § 601(g)

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Seattle (Yakima), Washington, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in Canada on April 26, 1943. The applicant's parents, as indicated on her birth certificate, were [REDACTED]. The applicant's father was a native-born U.S. citizen, born in Minnesota on October 7, 1914. The applicant's parents were married in Canada on August 19, 1939. The applicant seeks a certificate of citizenship under section 201(g) of the Nationality Act, 8 U.S.C. § 601(g), based on the claim that she acquired U.S. citizenship at birth through her father.

The field office director denied the application finding that the applicant had not established that her father had the required residence in the United States.

On appeal, the applicant claims that her application should be granted because her siblings' applications were approved. See Statement by the Applicant on Form I-290B, Notice of Appeal. She claims she has resided in the United States for 50 years, and never returned to Canada. *Id.* The applicant does not submit any additional documentary evidence.

"The applicable law for transmitting citizenship to a child born abroad when one parent is a U.S. citizen is the statute that was in effect at the time of the child's birth." *Chau v. Immigration and Naturalization Service*, 247 F.3d 1026, 1029 (9th Cir. 2000) (citations omitted). The applicant in the present matter was born in 1943. Section 201(g) of the Nationality Act, 8 U.S.C. § 601(g), is therefore applicable to her citizenship claim.

Section 201(g) of the Nationality Act states in pertinent part that:

A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien.

In the present matter, the applicant must establish that her father resided in the U.S. for ten years between October 7, 1914 (his date of birth) and April 26, 1943 (the applicant's date of birth), and that five of those years occurred after October 7, 1930, when the applicant's father turned sixteen.

The applicant states in her Form N-600, Application for Certificate of Citizenship, that her father resided in the United States from birth until 1939. The record contains a copy of the applicant's father's birth certificate. The record also contains a copy of his social security earnings statement indicating that he earned \$3000 during the years 1937-1950. There is no other evidence suggesting that the applicant's father resided in the United States for the required period prior to the applicant's birth. The applicant's parents' marriage certificate, dated 1939, suggests that he departed the United States and was residing in Canada at the time. The AAO finds the record insufficient to establish that the applicant's father resided in the United States as claimed.

The AAO notes “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v United States*, 449 U.S. 490, 506 (1981). The U.S. Supreme Court has further stated “it has been universally accepted that the burden is on the alien applicant to show his eligibility for citizenship in every respect. This Court has often stated that doubts ‘should be resolved in favor of the United States and against the claimant.’” *Berenyi v. District Director*, 385 U.S. 630, 671 (1967) (citation omitted). Pursuant to 8 C.F.R. § 341.2(c), the applicant must establish the claimed citizenship by a preponderance of the evidence. In order to meet this burden, the applicant must submit relevant, probative and credible evidence to establish that the claim is “probably true” or “more likely than not.” *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). The applicant has failed to meet her burden to establish, by a preponderance of the evidence, that her father resided in the United States for the required 10 years prior to 1943, five of which while over the age of 14 (after 1930). The appeal will be dismissed.

ORDER: The appeal is dismissed.