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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:



Office: NEW YORK, NY

Date: MAY 23 2008

IN RE:

Applicant:



APPLICATION: Application for Certificate of Citizenship under Section 321 of the former Immigration and Nationality Act, 8 U.S.C. §1432.

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 black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, New York, New York. 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 on August 24, 1966 in Jamaica. The applicant's parents, [REDACTED] and [REDACTED], were married on October 2, 1974. The applicant's mother became a U.S. citizen on February 16, 1977. The applicant was admitted to the United States on October 14, 1977. The applicant's parents were divorced in 1987.

The district director denied the applicant's citizenship claim after finding that he did not meet the requirements of section 321 of the former Act, 8 U.S.C. § 1432 (repealed), and that he was ineligible for benefits under the Child Citizenship Act of 2000 (CCA) because he was over 18 years old on its effective date.

On appeal, the applicant, through counsel, states that the director's decision is erroneous because the applicant was not legitimated by either his parents' marriage or by passage of the Jamaica Status of Children Act of 1976. See Statement on Form I-290B, Notice of Appeal to the AAO. Counsel indicates that a brief and/or additional evidence will be submitted within 30 days, on or before September 15, 2007. *Id.* Specifically, counsel indicates she would submit evidence that [REDACTED] was not the applicant's biological father, and that his paternity had not been established by legitimation. No brief or evidence was received by this office. Thus, on May 8, 2008, the AAO sent a fax to counsel advising that no evidence or brief had ever been received in this matter, and requested that counsel submit a copy of the *originally submitted* brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. On the same date, the AAO received a fax from counsel stating that the applicant "was deported from the U.S. to Jamaica ... in October 2007. This matter is, therefore, closed."

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

- (v) 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's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The applicant failed to provide evidence that [REDACTED] was not his biological father, or that his paternity was not established by legitimation. The AAO notes further that counsel has indicated that the matter was closed upon the applicant's removal from the United States. The appeal is therefore summarily dismissed.

**ORDER:** The appeal is summarily dismissed.