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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: DALLAS, TEXAS Date: APR 22 2004

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Dallas, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in San Salvador, El Salvador on December 28, 1987. The applicant's natural parents relinquished their parental rights, and on August 17, 1999, the applicant was adopted by [redacted] the District Court of Dallas County, Texas. The record reflects that the applicant's adoptive mother (mother) became a naturalized U.S. citizen on September 14, 2002. The applicant 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 establish he resided in the United States pursuant to a lawful admission for permanent residence as required by section 320 of the Act. The application was denied accordingly.

On appeal, the applicant's mother indicates that the applicant is entitled to a certificate of U.S. citizenship. The appeal does not assert or submit evidence to establish that the applicant is present in the United States. pursuant to a lawful admission for permanent residence.

Section 320(a) of the Act states 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.

In the present matter, the applicant has established that his mother became a naturalized U.S. citizen prior to his eighteenth birthday, when he was 14 years old. The record contains no evidence, however, to establish that the applicant has ever applied for or obtained lawful permanent residence status in the United States, or that he resides in the U.S. pursuant to a lawful admission for permanent residence. The applicant has therefore failed to establish that he qualifies for citizenship under section 320 of the Act, and the appeal will be dismissed.[1]

ORDER: The appeal is dismissed.

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[1] The AAO notes that the present appeal is dismissed without prejudice, and that the applicant may reapply for a certificate of citizenship under section 320 of the Act if he obtains lawful permanent residence status in the U.S. prior to his 18th birthday and resides in the physical custody of his mother.