U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

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U.S. Citizenship and Immigration Services

[redacted]

JUL 22 2004

FILE: [redacted] Office: VERMONT SERVICE CENTER Date:

IN RE: Applicant: [redacted]

APPLICATION: Application for Certificate of Citizenship pursuant to 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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The application was denied by the Acting Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born on June 8, 1986, in Poland. The applicant's mother was born in Poland, and she became a naturalized U.S. citizen on December 9, 2003. The applicant's father, was born in Nigeria, and he is not a U.S. citizen. The applicant was admitted into the United States on April 13, 1998, as a lawful permanent resident. She seeks a certificate of U.S. citizenship pursuant to section 320 of the Act; 8 U.S.C. § 1431.

The acting director found that the applicant was statutorily ineligible for a certificate of citizenship under section 320 of the Act because neither of her parents were U.S. citizens at the time that her N-600, Application for Certificate of Citizenship (N-600 application) was filed. The application was denied accordingly.

On appeal, the applicant, through her mother (Ms. asserts that Ms. became a naturalized U.S. citizen on December 9, 2003, and that the applicant therefore qualifies for U.S. citizenship under section 320 of the Act.

Section 320 of the Act permits a child born outside of the U.S. to automatically become a citizen of the United States upon fulfillment of the following conditions:

> (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.

8 C.F.R. § 320.3 states, in pertinent part:

> (a) [A]n application for a certificate of citizenship under this section on behalf of a minor biological child shall be submitted on Form N-600, Application for Certificate of Citizenship, by the **U.S. citizen parent(s)**.
>
> . . . .
>
> (b)(1) [A]n applicant must submit the following required documents unless such documents are already contained in the Service administrative file(s):
>
> . . .
>
> (iv) **Evidence of U.S. citizenship of parent**, (i.e., birth certificate; naturalization certificate; FS-240, Report of Birth Abroad; a valid unexpired U.S. passport; or certificate of citizenship).

(Emphasis added). In the present case, the record reflects that the applicant's N-600 application was filed on June 3, 2003. Neither the applicant's father nor mother were U.S. citizens when the applicant's N-600

application was filed, and the record reflects that the applicant's mother did not become a naturalized U.S. citizen until six months later, on December 9, 2003. The applicant is therefore statutorily ineligible for citizenship under section 320 of the Act. The appeal will be dismissed accordingly.[1]

ORDER: The appeal is dismissed.

[1] The AAO notes that the present decision is without prejudice to the applicant's filing a new N-600 application, once all of the statutory requirements set forth in section 320 of the Act have been met.