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

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: SAN ANTONIO, TX Date: JUL 22 2004

IN RE: Applicant: [redacted]

APPLICATION: Application for Certificate of Citizenship under Section 309 of the Immigration and Nationality Act, 8 U.S.C. § 1409.

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

identity was deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The application was denied by the District Director, San Antonio, 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 on February 28, 1983, in Mexico. The applicant's father, was born in Mexico, and he became a naturalized U.S. citizen on April 26, 1972, prior to the applicant's birth. The applicant's mother was born in Mexico and she is not a U.S. citizen. The record reflects that the applicant's father and mother were married in Mexico on December 31, 1979. The record reflects further that the applicant's father was married to another woman at the time that he married the applicant's mother. The applicant's father obtained a divorce from his first wife on March 16, 1981. The record contains no evidence to indicate, however, that the applicant's father remarried the applicant's mother after his divorce from The marriage between the applicant's parents was therefore void, and the applicant was born out of wedlock. The applicant seeks a certificate of citizenship pursuant to section 309 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1409.

The district director concluded that although the applicant had established a blood relationship existed between the applicant and his father, he had failed to establish that his father met the financial support requirements set forth in section 309 of the Act. The district director concluded further that even if the applicant's father had satisfied the financial support requirements set forth in section 309 of the Act, the applicant had also failed to establish that his father met the U.S. physical presence requirements as set forth in section 301 of the Act, 8 U.S.C. § 1401 (requiring that that the applicant's father establish that he was physically present in the U.S. for ten years prior to the applicant's birth, at least five of which occurred after the applicant's father turned fourteen years old.) The application was denied accordingly.

On appeal, the applicant, through his father, states that he wishes to appeal the district director's decision and that he wishes to submit DNA evidence to prove the biological relationship between the applicant and his father. The applicant makes no other assertions on appeal and he fails to address the grounds for denial set forth in the district director's denial of his citizenship claim.

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

> (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 in the present matter failed to identify any erroneous conclusion of law or statement of fact on appeal. The appeal will therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.