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

U.S. Citizenship and Immigration Services

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[redacted]

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FILE: [redacted] Office: NEWARK, NJ Date: JUN 09 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 The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant's Form N-600, Application for a Certificate of Citizenship (N-600) reflects that the applicant was born n Poland, and that his was born in Poland or and became a naturalized U.S. citizen on The N-600 reflects that the applicant's was born in Poland in d that he is not a U.S. citizen. The N-600 reflects further that the applicant's parents were married in Poland o and that the applicant was admitted into the United States as a lawful permanent resident he applicant seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The director/district director denied the application for lack of prosecution because the applicant had failed to provide material documentation in his case. Specifically, the director/district director stated:

> [O]n February 10, 2003, the Bureau notified you, that proof of parent naturalization certificate, applicants' birth certificate and parents' marriage certificate is needed to complete the processing of your application. You were given thirty days to comply with this request. As of this date you have failed to provide the Bureau with the required documents to complete the adjudication of your application.

See Director/District Director Decision

On appeal, the applicant, through his mother, acknowledges that he failed to provide the Bureau (Citizenship and Immigration Services, CIS) with the documents necessary to complete his N-600 application. The applicant then asserts that he is submitting the required documentation on appeal. In support of his appeal, the applicant submits a photocopy of his mother's certificate of naturalization. He also submits notarized translations of his Polish birth certificate and his parents' Polish marriage registration.[1]

The AAO finds that the director/district director's decision was proper and correct. The applicant's failure to submit evidence pursuant to the director/distric equest precluded CIS from examining or pursuing a material line of inquiry regarding the applicant's eligibility for citizenship under section 320 of the Act. *See* 8 C.F.R. § 103.2(b)(14). The AAO notes that the purpose of the director/district director's request for evidence was to elicit further information that clarified whether eligibility for the benefit sought had been established, at the time the application was filed. *See* 8 C.F.R. §§ 103.2(b)(8) and (12). The AAO notes further that where an applicant has been put on notice of a deficiency in the evidence and has been given an opportunity to respond to the deficiency, the AAO will not accept evidence offered for the first time on appeal. *See Matter of Soriano* BIA 1988); *Matter of Obaigbe* (BIA 1988). The applicant in the present matter was put on notice regarding the deficiency of evidence in his case. Accordingly, the AAO will not consider the evidence submitted on appeal by the applicant, and the appeal will be dismissed.[2]

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[1] The AAO notes that the record on appeal does not contain certified copies of the applicant's original Polish birth certificate or of his parents' original Polish marriage certificate.

[2] The AAO notes that the present decision is without prejudice, and that if he chooses, the applicant may include his

8 C.F.R. 341.2(c) states that the burden of proof shall be on the claimant to establish the claimed citizenship by a preponderance of the evidence. *See also* § 341 of the Act, 8 U.S.C. § 1452. The applicant has not met his burden, and the appeal will be dismissed.

ORDER: The appeal is dismissed.

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evidence in the event that he files a new N-600 application with CIS.