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

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U.S. Citizenship
and Immigration
Services

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[redacted]

MAY 2005

FILE: [redacted] Office: NEW YORK, NEW YORK Date:

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, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant seeks a certificate of citizenship under § 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. The district director denied the application, because the applicant failed to submit requested documentation, including evidence explaining the discrepancy in the applicant's mother's name between that listed on the applicant's birth certificate and in the extract of his birth record.

The applicant submitted a timely Form I-290B on which he indicates that the required evidence was already submitted. The applicant also states that copies of the evidence in question are attached to the Form I-290B. The evidence submitted, however, does not explain the different names of the applicant's mother found in the record.

On the Form N-600, the applicant indicated that his mother's present name was and that her maiden name was In the applicant's birth registration extract, the applicant's mother's name is also shown as At the time of the applicant's interview on July 8, 2002, he stated that his mother's name was " His birth certificate notes his mother's name as and this name is also indicated on the immigrant visa form the applicant submitted to the U.S. consulate in Port au Prince. Because of the discrepancy in the documentation regarding the applicant's mother's name, the interviewing officer requested that the applicant submit documentation explaining his mother's name change. The applicant did not submit any evidence reconciling the discrepancy; hence the application was denied.

On appeal, the applicant writes that the requested documents were hand delivered to the Service, formerly Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS). Nevertheless, a thorough review of the record reveals no documents explaining how, why, or when the applicant's mother's name was changed. The documents merely show that two different names exist for the applicant's mother. The AAO concurs with the district director's finding that the applicant did not submit the requested documentation. For this reason, the appeal is dismissed.

The burden of proof in this proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden.

ORDER: The appeal is dismissed.