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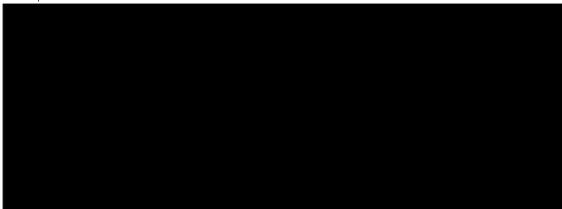
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER Date: MAY 03 2007

IN RE:

Applicant:



APPLICATION:

Application for Certificate of Citizenship under section 320 of the former 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The record reflects that the applicant was born in Canada on April 24, 1989. The applicant's mother was born in Guyana, and she became a U.S. citizen on March 10, 2005, when the applicant was fifteen years old. The applicant's father was born in England, and he is not a U.S. citizen. The applicant's parents were married on July 23, 1988, prior to the applicant's birth. They divorced on August 21, 1992, when the applicant was three years old. The record reflects that the applicant's mother obtained primary physical, and joint legal custody of the applicant when his parents divorced. The applicant presently seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The director concluded the applicant had failed to establish that he resided in the United States pursuant to a lawful admission for permanent residence, as required by section 320(a)(3) of the Act. The application was denied accordingly.

On appeal the applicant indicates, through his mother, that he is under the age of eighteen, and that he resides in the United States in the legal and physical custody of his U.S. citizen mother. The applicant makes no assertions on appeal regarding whether or not he was admitted into the U.S. as a lawful permanent resident.

Section 320 of the Act provides 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*.

(Emphasis added). In the present matter, the applicant has established that he is under the age of eighteen and that his mother became a naturalized U.S. citizen prior to his eighteenth birthday. The record additionally contains legal evidence establishing that the applicant resides in the U.S. in the legal and physical custody of his U.S. citizen mother. The evidence in the record fails, however, to establish that the applicant was at any time admitted into the United States pursuant to a lawful admission for permanent residence, as required by section 320(a)(3) of the Act. The AAO notes that prior to issuing a final decision in the present case, the director of the California Service Center sent two *Request for Evidence* letters to the applicant. Each letter requested a copy of the applicant's alien registration card, or other evidence demonstrating his U.S. lawful permanent resident status. The applicant did not provide the requested evidence. Moreover, the applicant submitted no evidence on appeal to establish that he has

been admitted into the United States pursuant to a lawful admission for permanent residence. The applicant has therefore failed to establish that he meets all of the requirements for automatic citizenship under section 320 of the Act.

The regulation provides at 8 C.F.R. § 341.2(c), that the burden of proof shall be on the claimant to establish his or her claimed citizenship by a preponderance of the evidence. The applicant has not met his burden of proof in the present matter. The appeal will therefore be dismissed and the application denied.

ORDER: The appeal is dismissed. The application is denied.