U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: LOS ANGELES, CALIFORNIA Date: APR 21 2005

IN RE: Applicant: [redacted]

APPLICATION: Application for Certificate of Citizenship pursuant to § 201(g) of the Nationality Act of 1940; 8 U.S.C. § 601(g).

ON BEHALF OF APPLICANT:

[redacted]

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, Los Angeles, California and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in the Philippines on September 10, 1949. The applicant's father was born in the Philippines on March 16, 1916, and the applicant claims that his father derived U.S. citizenship from the applicant's grandfather. The applicant's mother was not a U.S. citizen, although she later became a lawful permanent resident (LPR). The applicant claims that his paternal grandfather was born in the United States in 1867 and was a U.S. citizen. The applicant's parents married on May 2, 1935 in the Philippines. It is not know whether the applicant's grandfather was married.

On October 14, 1980, the applicant applied to register his U.S. citizenship at the U.S. consulate in Manila. In a letter dated May 18, 1982, a consular official informed the applicant that he had acquired U.S. citizenship at birth pursuant to § 201(g) of the Nationality Act of 1940 (Nationality Act); 8 U.S.C. § 601(g), but that he had lost his citizenship for failure to comply with citizenship retention requirements, as set forth in § 301(b) of the Immigration and Nationality Act of 1952 (1952 Act). On appeal, counsel points out that § 324(d)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1435(d)(1) remedied the applicant's citizenship retention problem by allowing the applicant to regain his U.S. citizenship by taking the oath of allegiance. Amendments made to the Act in 1978 and Title I of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA) allow, with limited exceptions, for oath of allegiance restoration of U.S. citizenship to former citizens who lost their nationality by failing to comply with retention requirements set forth in the 1952 Act and the Nationality Act. The AAO finds, nevertheless, that the applicant's claim to citizenship fails for other reasons discussed in the district director's decision.

The district director determined that the documentation on the record contained unexplained inconsistencies and lacked sufficient evidence to establish the applicant's eligibility for a certificate of citizenship. The district director noted that the record contained different versions of an extract of a birth record for the applicant, one of which listed his father as Filipino, and the other showing that his father was American. The district director therefore denied the application. The AAO notes that, although the district director mentioned the applicant's failure to reveal that he was married and had four children when he was admitted to the United States in 1986 as the unmarried son of an LPR, the denial of the certificate of citizenship was not based on this fact.

On appeal, counsel asserts that only such documents as the applicant chooses to proffer for the purposes of his N-600 application should be considered, and that any documents on the record the applicant chooses to disregard should be ignored. Counsel points out that there is no "good moral character" element in the application for a certificate of citizenship, referring to counsel's allegation that Citizenship and Immigration Services (CIS) denied this application based on a finding that he had procured a benefit through misrepresentation. As noted, however, the denial was not premised on the applicant's procurement of an immigrant visa through misrepresentation. Counsel also contends that the U.S. government previously determined that the applicant was a U.S. citizen who lost his citizenship, referring to the consular official's letter of 1982. It is not clear what evidence the State Department considered in making that determination, however, and, given the evidence currently on the record, CIS cannot conclude that the applicant has established eligibility for a certificate of citizenship.

"The applicable law for transmitting citizenship to a child born abroad when one parent is a U.S. citizen is the statute that was in effect at the time of the child's birth." *Chau v. Immigration and Naturalization Service,*