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

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FILE: [REDACTED] Office: DENVER, COLORADO Date: **JUN 28 2006**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under § 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.

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 District Director, Denver, Colorado, 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 Germany on July 16, 1987. The applicant's mother is not a U.S. citizen. The applicant's father was born in Trinidad, but he became a naturalized U.S. citizen in 1990, when the applicant was two years old. The record reflects that the applicant's parents were married at the time the applicant was born, but they subsequently divorced. The applicant, who is the beneficiary of a petition for alien relative approved in 1989, was parolled into the United States on a humanitarian basis on or about January 14, 1992; however, she never adjusted her status to that of lawful permanent resident (LPR). She presently seeks a certificate of citizenship under § 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The district director found no evidence that the applicant ever became an LPR, as required by § 320 of the Act. The application was denied accordingly. The district director also noted that the applicant turned eighteen years old on July 16, 2005; hence she was no longer eligible for a certificate of citizenship based on her father's naturalization.

On appeal, the applicant states that her father was not informed that the applicant needed to be an LPR prior to applying for her citizenship. She asserts that her application should be approved, because her father submitted the Form N-600 application for a certificate of citizenship prior to her eighteenth birthday.

Section 320 of the Act states in pertinent part 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.

The record reflects that the applicant's father became a naturalized U.S. citizen in 1990, when the applicant was two years old. She therefore meets the requirement set forth in subsection (a)(1) above. The applicant will be nineteen on July 16, 2006, and there is no evidence that she was admitted as an LPR; hence, she does not meet the requirements at subsections (a)(2) and (a)(3) of § 320 of the Act.

The AAO notes that although the applicant is ineligible for a certificate of citizenship pursuant to § 320 of the Act, she may be eligible to adjust her status to that of LPR by virtue of the approved petition for alien relative that her father filed for her.

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. The applicant has not met her burden. The appeal will therefore be dismissed.

ORDER: The appeal is dismissed