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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: HARLINGEN, TX

Date: **NOV 03 2008**

IN RE:

Applicant:

[Redacted]

APPLICATION: Application for Certificate of Citizenship pursuant to former Section 301(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7)

ON BEHALF OF APPLICANT:

[Redacted]

INSTRUCTIONS:

This is the decision 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, Harlingen, Texas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant filed the Application for a Certificate of Citizenship (Form N-600) on March 27, 2003. The director denied the Form N-600 because the record did not establish that the applicant's U.S. citizen father had been physically present in the United States for periods totaling ten years, at least five of which occurred after he reached 14 years of age. Section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1401(a)(7), as amended.

Counsel for the applicant submitted a timely-filed Form I-290B, Notice of Appeal, on February 28, 2006 and indicated that a brief and/or additional evidence would be submitted to the AAO within 45 days. A review of the record reveals no subsequent submission of a brief or evidence; all of the petitioner's documentation in the record predates the issuance of the notice of decision. On October 17, 2006 the AAO sent counsel a facsimile requesting a copy of the brief. Counsel responded that no brief had been filed. Accordingly, the record is considered complete.

The statement on the Form I-290B reads:

It is our position that the applicant [sic] properly filed his N-600. (Certificate [of] Citizenship).

A subsequent brief will follow, which will state the bases of our position.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

The statement on the Form I-290B is insufficient as a basis for the appeal. Counsel fails to specify how the director's decision included an erroneous conclusion of law or statement of fact when denying the petition. Counsel does not address any of the director's findings or determinations regarding the evidence submitted. As counsel does not present additional evidence or argument on appeal sufficient to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The regulation at 8 C.F.R. § 341.2(c) states that the burden of proof shall be on the applicant to establish the claimed citizenship by a preponderance of the evidence. The applicant has failed to meet his burden in this proceeding.

ORDER: The appeal is dismissed.