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

U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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[redacted]

FILE: [redacted] Office: EL PASO, TX Date: DEC 21 2007

IN RE: Applicant: [redacted]

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

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, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, El Paso, Texas and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant was born on February 17, 1983 in Mexico. The applicant's parents, as listed on his birth certificate, are [redacted]. The applicant's father is a native-born U.S. citizen. The applicant's mother is a citizen of Mexico. The applicant's parents were married in El Paso. Texas on February 8, 1985. The applicant seeks a certificate of citizenship claiming that he acquired U.S. citizenship at birth pursuant to section 301(a)(7) of the former Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7).

The district director concluded that the applicant had failed to establish that his father had the requisite period of physical presence in the United States to be eligible to derive citizenship under section 301(a)(7) of the former Act, 8 U.S.C. § 1401(a)(7). The application was accordingly denied.

On July 21, 2006, the applicant filed an appeal of the district director's decision. On appeal, the applicant contends that he "provided all documentary evidence and has proven physical evidence of residence." *See* Form I-290B, Notice of Appeal. According to 8 C.F.R. § 103.3(a)(2)(i), the petitioner "shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision." The regulations do not allow an applicant an open-ended or indefinite period in which to supplement an appeal once it has been filed.

Although the applicant, through counsel, requested additional time to submit a brief or evidence to the AAO, there is no indication to date that any such brief or evidence was submitted and none has been received by this office to date. On November 14, 2007, the AAO sent a notice to counsel via facsimile. The notice advised counsel that no evidence or brief had been received in this matter, and requested that counsel submit a copy of the *originally submitted* brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. The notice further advised that failure to respond within five business days may result in the summary dismissal of the appeal.

The statement by the applicant on the Form I-290B, Notice of Appeal, does not identify any erroneous conclusion of law or statement of fact in the director's decision. A review of the record reveals that the director was correct in finding that the applicant failed to establish, by a preponderance of the evidence, that his father was physically present for the required period of time. Absent any clear statement, brief and/or evidence to the contrary, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.