



U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy

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FILE:

Office: HARLINGEN, TEXAS

Date: MAY 04 2007

IN RE:

Applicant:

APPLICATION:

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

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, Harlingen, Texas, 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 Mexico on November 10, 1971. The applicant claims that her mother, [REDACTED] was born in the United States on January 17, 1934, and that she is a United States citizen. The applicant does not assert, and the record does not support, that her father, [REDACTED] is a U.S. citizen. The applicant seeks a certificate of citizenship pursuant to section 301(a)(7) of the former Immigration and Nationality Act (the former Act); 8 U.S.C. § 1401(a)(7), based on the claim that she acquired U.S. citizenship at birth through her mother.

The district director found that, based on the evidence in the record, the applicant failed to establish that her mother was born in the United States, or that she otherwise became a United States citizen. Thus, the district director found that the applicant failed to show that one of her parents was a U.S. citizen at the time of her birth, as required by section 301(a)(7) of the former Act. The application was denied accordingly.

On appeal, the applicant states that she is one of five related children, and that her four siblings have already received certificates of citizenship. *Statement from the Applicant on Form I-290B*, dated September 27, 2005. The applicant references an individual who she alleges to be her brother, and who allegedly “got his citizenship on February 15, 2000 at Harlingen, Texas.” *Id.* The applicant states that Citizenship and Immigration Services (CIS) may look in her brothers file if additional documentation is needed. *Id.* Thus, the applicant suggests that the present application should be approved.

“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*, 247 F.3d 1026, 1029 (9<sup>th</sup> Cir., 2000) (citations omitted). The applicant in this case was born in Mexico in 1971. Section 301(a)(7) of the former Act thus controls her claim to derivative citizenship.

Section 301(a)(7) of the former Act states, in pertinent part that:

The following shall be nationals and citizens of the United States at birth: . . . a person born outside the geographical limits of the United States . . . of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States . . . for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years.

Upon review, the applicant has not established that her mother is a United States citizen. As evidence of her mother’s nationality, she submitted a birth certificate for her mother that represents that her mother was born on January 17, 1934 in Texas to parents [REDACTED] and [REDACTED]. The certificate was issued on April 26, 1955 by the State of Texas, County of Cameron, approximately 21 years after the alleged date of birth. However, in an interview in connection with the present application, the applicant’s mother stated that her birth was also registered in Monterrey, Nuevo Leon, Mexico, which prompted CIS to conduct an independent investigation into the applicant’s mother’s place of birth.

CIS has discovered that two separate birth certificates were issued regarding the applicant’s mother’s birth in Mexico. Mexican birth certificate [REDACTED], filed on January 13, 1940 in Monterrey, Nuevo Leon, 2<sup>nd</sup> Civil Registry, reports that [REDACTED] was born on January 17, 1936 in Monterrey, Nuevo Leon

to parents [REDACTED] and “[REDACTED] Mexican birth certificate No. [REDACTED] filed on April 21, 1955 in Monterrey, Nuevo Leon, 1st Civil Registry, reports that [REDACTED]” was born on January 19, 1936 in Monterrey, Nuevo Leon to parents “[REDACTED]” and “[REDACTED]”

The applicant has not submitted any additional evidence to reflect the true location of her mother’s birth. In light of the inconsistent birth certificates, the applicant has not shown that her mother was born in the United States, such that she is a U.S. citizen.

The applicant references the fact that her alleged brother, [REDACTED], received U.S. citizenship, and that CIS may possess records in connection with applications he may have made that may be reviewed for the present matter. However, the applicant has not submitted evidence that [REDACTED] is her brother, or that he is a U.S. citizen. Nor has the applicant indicated how [REDACTED] obtained U.S. citizenship, such that the AAO may draw conclusions regarding the bearing [REDACTED] nationality has on the present matter.

Further, the applicant bears the burden of proof to establish the claimed citizenship by a preponderance of the evidence. 8 C.F.R. 341.2(c). The applicant must enter evidence into the current record to show that she meets the requirements for a certificate of citizenship. She may not rely on documentation in [REDACTED] immigration file, or any other file, to meet her burden of proof.

Based on the foregoing, the AAO finds that the applicant failed to establish by a preponderance of the evidence that her mother is a U.S. citizen. Accordingly, the applicant has not shown that she is eligible for citizenship under section 301(a)(7) of the former Act, and the appeal will be dismissed.

**ORDER:** The appeal is dismissed.