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

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[REDACTED]

FILE:

Office: CALIFORNIA SERVICE CENTER

Date: FEB 01 2008

IN RE:

Applicant: [REDACTED]

APPLICATION:

Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act, as amended, 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, 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 Pakistan on August 28, 1987. The applicant's parents, [REDACTED] and [REDACTED] also born in Pakistan, became naturalized U.S. citizens on June 30, 2006, and January 27, 2006 respectively, when the applicant was 18 years old. The applicant was admitted to the United States as a lawful permanent resident on July 31, 1999. He seeks a certificate of citizenship under section 320(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431(a).

The director concluded that, as the applicant was already 18 years of age at the time his parents became U.S. citizens, he is ineligible for benefits under section 320 of the Act. Accordingly, he denied the Form N-600, Application for Certificate of Citizenship. *Director's decision*, dated October 30, 2006.

On appeal, the applicant states that he did not receive the attachment to the director's decision that discussed the basis for the denial of the Form N-600 and that his parents have visited the local office of Citizenship and Immigration Services (CIS) but have been unable to learn the reason his application was denied. In support of his claim, he submits the original date-stamped, signed first page of the "Notice of Decision," and a copy of this same page, which is neither stamped nor signed. Although the AAO acknowledges that the applicant did not receive the second page of the decision explaining the director's reasoning in denying the present application, its review of the record finds the director's decision to rest solely on the applicant's age on the date of his parents' naturalizations, rather than any lack of evidence. Therefore, it finds no useful purpose would be served by remanding the matter to the director for the reissuing of the decision to the applicant and will consider the application on the basis of the evidence already contained in the record, including that submitted by the applicant on appeal.

Section 320 of the Act was amended by the Child Citizenship Act of 2000 (CCA), and took effect on February 27, 2001. The CCA benefits all persons who had not yet reached their eighteenth birthdays as of February 27, 2001. Because the applicant was 13 years old on February 27, 2001, he meets the age requirement for benefits under the CCA.

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 establishes that the applicant's mother became a U.S. citizen on January 27, 2006 and that his father naturalized on June 30, 2006. The applicant, however, was already 18 years of age, having celebrated his 18th birthday on August 28, 2005. Accordingly, he is not eligible for a certificate of citizenship under section 320(a) of the Act as he did not meet all of the conditions for acquiring citizenship, specifically the naturalization of at least one of his parents, prior to his 18th birthday.

On appeal, the applicant asserts that at the time he filed the Form N-600, he was under 18 years of age. The Form N-600, signed by the applicant on June 15, 2005, was received by CIS on August 18, 2005. While the applicant had not yet reached the age of 18 on the date of filing, the AAO notes that he would, nevertheless, have been ineligible on that date for a certificate of citizenship under section 320(a) of the Act as his parents had not yet acquired U.S. citizenship.

The applicant has not established that he is eligible for a certificate of citizenship based on his parents' naturalization. Accordingly, the appeal will be dismissed.

The regulation at 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 his burden in this proceeding.

ORDER: The appeal is dismissed.