



U.S. Citizenship
and Immigration
Services

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FILE:

Office: LOS ANGELES, CALIFORNIA

Date:

FEB 28 2008

IN RE:

Applicant:

APPLICATION:

Application for Certificate of Citizenship under section 301 of the Immigration and Nationality Act; 8 U.S.C. § 1401

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 District Director, Los Angeles, California, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant was born in Mexico on December 6, 1967. The applicant's parents, as indicated on his birth certificate, are [REDACTED] and [REDACTED]. The applicant's father acquired U.S. citizenship at birth, in 1947. The applicant's parents were married in Mexico on January 28, 1967. The applicant's mother became a U.S. citizen upon her naturalization in 1997. The applicant seeks a certificate of citizenship under section 301 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401, based on the claim that he acquired U.S. citizenship at birth through his father.¹

The district director concluded that the applicant had failed to establish that his father had the required physical presence in the United States to transmit U.S. citizenship. The director evaluated the evidence submitted, including a social security statement indicating the applicant's father's income in 1967, undated photographs, a letter from the Bureau of the Census, school records, the applicant's father's citizenship certificate application, and the affidavit from [REDACTED]. The director found that the applicant did not establish that his father was in the United States for the required 10 years prior to the applicant's birth (in 1967), five of which while his father was over the age of 14 (in 1961).

On appeal, the applicant states that "the denial is incorrect because I have proven my eligibility [sic] for the citizenship certificate." See Applicant's Statement on Form I-290B, Notice of Appeal to the AAO (dated October 23, 2007). The applicant indicates that a brief or additional evidence will be submitted within 30 days. No such evidence has been received to date.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(v) Summary dismissal. 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.

The AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The AAO finds that the appeal does not dispute or otherwise address the deficiencies in the evidence noted in the director's decision. No additional evidence or information has been submitted to overcome the deficiencies noted by the director or to supplement the record. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ Section 301(a)(7) of the former Act states 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 and its outlying possessions 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 or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years ...