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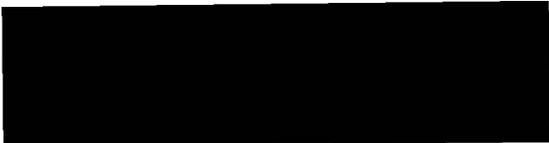
U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE

Office: SACRAMENTO, CA

Date:

**OCT 28 2008**

IN RE:

Applicant:



APPLICATION:

Application for Certificate of Citizenship under Section 320 of the  
Immigration and Nationality Act; 8 U.S.C. § 1430.

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 Field Operations Director, Sacramento, California., and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born on January 29, 1986 in the Philippines. The applicant was admitted to the United States as a lawful permanent resident on December 15, 2004. The applicant's mother derived U.S. citizenship from her father. The applicant presently seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The field office director denied the applicant's citizenship claim upon finding that he was admitted as a lawful permanent resident after his 18<sup>th</sup> birthday. The application was denied accordingly. On appeal, the applicant requests reconsideration of the denial of his citizenship claim.

Section 320 and 322 of the Act were amended, and section 321 was repealed, by the Child Citizenship Act of 2000 (CCA). The CCA took effect on February 27, 2001, and benefits all persons who had not yet reached their 18th birthday as of February 27, 2001. Because the applicant was under 18 years of age on February 27, 2001, he meets the age requirement for benefits under the CCA.

Section 320 of the Act, 8 U.S.C. § 1431, 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.
- (b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 1101(b)(1) of this title.

The record in this case reflects that the applicant became a lawful permanent resident of the United States on December 15, 2004, when the applicant was over 18 years old. The applicant therefore did not automatically acquire U.S. citizenship under the CCA, or any other provision of law.<sup>1</sup>

The requirements for citizenship, as set forth in the Act, are statutorily mandated by Congress, and CIS lacks statutory authority to issue a Certificate of Citizenship when an applicant fails to meet the relevant statutory

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<sup>1</sup> The record indicates that the applicant's mother lost her U.S. citizenship in 1977, and regained it in 1999. She was not a U.S. citizen at the time of the applicant's birth, nor is there any indication in the record that she had the physical presence in the United States required by section 301 of the Act, 8 U.S.C. 1401. The AAO also notes that the applicant is ineligible for citizenship under former section 321 of the Act, 8 U.S.C. § 1432 (repealed), because *inter alia* he was admitted to lawful permanent residency after his 18<sup>th</sup> birthday.

provisions set forth in the Act. A person may only obtain citizenship in strict compliance with the statutory requirements imposed by Congress. *INS v. Pangilinan*, 486 U.S. 875, 885 (1988). 8 C.F.R. § 341.2(c) provides that the burden of proof shall be on the claimant to establish the claimed citizenship by a preponderance of the evidence. In order to meet this burden, the applicant must submit relevant, probative and credible evidence to establish that the claim is “probably true” or “more likely than not.” *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). The applicant failed to meet his burden of proof and did not acquire citizenship under section 320 of the Act, 8 U.S.C. § 1431, or any other provision of the Act. The appeal will therefore be dismissed.

**ORDER:** The appeal is dismissed.