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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

Office: LOS ANGELES, CA

Date:

JUL 20 2009

IN RE:

APPLICATION:

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

ON BEHALF OF PETITIONER:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Los Angeles, 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 in the Philippines on May 31, 1981. *See Birth Certificate for [REDACTED]* The applicant's parents are [REDACTED] and [REDACTED]. *Id.* The applicant's parents were married in the Philippines on January 8, 1972. *See Marriage Contract.* 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 she acquired U.S. citizenship at birth through her father.¹

The Field Office Director denied the application for lack of jurisdiction because the applicant did not reside in the United States on January 16, 2008, when she filed her Application for Certificate of Citizenship (Form N-600). *See Decision of the Field Office Director*, dated July 3, 2008; *see also* section 341(a) of the Act, 8 U.S.C. § 1452(a); 8 C.F.R. § 301.1(a).

On appeal, the applicant, through counsel, states that she "is a child of a U.S. citizen parent, who has met the conditions for automatic derivative citizenship." *See Form I-290B, Notice of Appeal*, dated July 28, 2008. The applicant further indicated under Part 3 of the Notice to Appeal that a "brief [would] follow." *Id.* However, no brief or additional evidence has been received to date, and the appeal does not dispute or otherwise address the grounds upon which the application was denied.

The immigration regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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 applicant's appeal fails to identify any erroneous conclusions of law or statements of fact in the Field Office Director's decision. The AAO, therefore, will summarily dismiss the appeal.

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 ...