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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



**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: BUFFALO

Date: **JUN 23 2009**

IN RE:



APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act; 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Buffalo, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record reflects that the applicant was born on September 17, 1996 in Pakistan. The applicant's parents are [REDACTED] and [REDACTED]. The applicant's parents have been married since April 11, 1986. The applicant was admitted to the United States as a lawful permanent resident on July 9, 2000, when she was three years old. The applicant's father became a U.S. citizen upon his naturalization on April 7, 2006, when the applicant was nine years old. The applicant seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431, based on the claim that she acquired U.S. citizenship through her father.

The district director denied the applicant's citizenship claim finding that she had failed to establish that [REDACTED] was her mother, and therefore could not demonstrate that she was the legitimate child of her U.S. citizen father.

On appeal, the applicant's father resubmits his marriage certificate, the applicant's birth certificate (explaining that the alteration in the English translations were the result of a typographical error), a copy of the applicant's permanent resident card, the applicant's social security card, and the applicant's school report card, as well as a copy of the applicant's Pakistani and U.S. passports and her U.S. visa. The applicant's father maintains that [REDACTED] is the applicant's mother.

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 18th birthdays as of February 27, 2001. Because the applicant was under 18 years old on February 27, 2001, she 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.

The record reflects that the applicant was admitted to the United States as a lawful permanent resident in 2000, and that her father is a U.S. citizen. The record further reflects that the applicant was born in wedlock to [REDACTED] and [REDACTED]. In this regard, the AAO notes that the record contains an unaltered English translation of the applicant's family registration issued in 2000 noting [REDACTED] and [REDACTED] as head of family and wife, and the applicant as their daughter, [REDACTED] and [REDACTED] marriage certificate, the applicant's immigrant visa record noting [REDACTED] and [REDACTED] as her parents, and copies of the applicant's birth certificate, unaltered, in her native language noting [REDACTED]

as her father. The AAO therefore concludes that the applicant is the legitimate daughter of [REDACTED], a U.S. citizen. The AAO further finds that the applicant was residing in her father's physical and legal custody, pursuant to a lawful admission for permanent residency. Thus, the applicant acquired U.S. citizenship automatically upon her father's naturalization in 2006 pursuant to section 320 of the Act, 8 U.S.C. § 1431.¹

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. The applicant in the present case has met her burden and the appeal will be sustained.

ORDER: The appeal is sustained.

¹ The AAO notes that the record contains a copy of the applicant's U.S. passport. In accordance with *Matter of Villanueva*, 19 I&N Dec. 101 (BIA 1984), a valid U.S. passport constitutes conclusive proof of a person's U.S. citizenship and may not be collaterally attacked.