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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

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FILE:

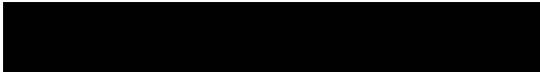


Office: BALTIMORE, MD

Date:

NOV 17 2009

IN RE:



APPLICATION:

Application for Certificate of Citizenship under former section 321 of the Immigration and Nationality Act, 8 U.S.C. § 1432

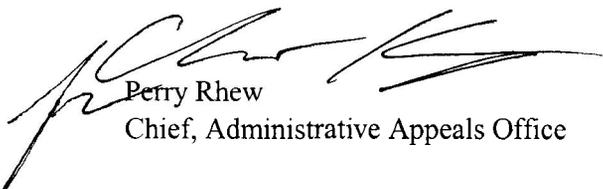
ON BEHALF OF PETITIONER:



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).


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Application for Certificate of Citizenship (Form N-600) was denied by the District Director, Baltimore, Maryland. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born in Jamaica on January 20, 1969. *See Birth Certificate*. The applicant's father was born in Jamaica, and became a naturalized U.S. citizen on April 27, 1979, when the applicant was ten years old. *See Certificate of Naturalization for [REDACTED]*. The applicant's mother, [REDACTED] is a native of Jamaica, and is not a citizen of the United States. The record reflects that the applicant's parents did not marry. *See Declaration of [REDACTED]* dated June 26, 1998. The applicant was admitted into the United States as a lawful permanent resident on June 12, 1981, when he was 12 years old. *See Immigrant Visa and Alien Registration*. The applicant seeks a certificate of citizenship under former section 321 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1432, claiming that he derived citizenship through his father.¹

The Director issued a Notice of Intent to Deny the application because the applicant failed to submit evidence that his parents were legally separated, and that his father was awarded legal custody. *See Notice of Intent to Deny*, dated March 23, 2004. The applicant did not submit any evidence in response to the Notice of Intent to Deny. The Director determined that the applicant did not qualify for citizenship under former section 321 of the Act for the reasons set forth in the Notice of Intent to Deny, and denied the application accordingly. *See Decision of the Director*, dated May 7, 2007. In a letter received on June 11, 2007, the applicant requested additional time to provide evidence establishing his eligibility for derivative citizenship. To date, over two years later, no additional evidence has been received.

¹ Former section 321(a) of the Act provided, in pertinent part:

A child born outside of the United States of alien parents . . . becomes a citizen of the United States upon fulfillment of the following conditions: . . .

(3) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents or the naturalization of the mother if the child was born out-of-wedlock and the paternity of the child has not been established by legitimation; and if

(4) Such naturalization takes place while such child is under the age of eighteen years; and

(5) Such child is residing in the United States pursuant to a lawful admission for permanent residence at the time of the naturalization of . . . the parent naturalized under clause (2) or (3) of this subsection, or thereafter begins to reside permanently in the United States while under the age of eighteen years.

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 failed to identify any erroneous conclusions of law or statements of fact in the District Director's decision, and failed to provide additional evidence. The AAO, therefore, will summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed.