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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: HARLINGEN, TX

Date: OCT 21 2009

IN RE:

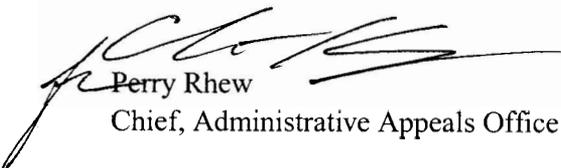
APPLICATION: Application for Certificate of Citizenship under Sections 301 and 309 of the Immigration and Nationality Act, 8 U.S.C. §§ 1401 and 1409.

ON BEHALF OF APPLICANT:

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 or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).


Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Harlingen, Texas, 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 November 28, 1977 in Mexico. Her birth certificate indicates that her parents are [REDACTED] and [REDACTED]. The applicant's parents were not married to each other. The applicant's father was born in the United States on August 27, 1935. The applicant seeks a certificate of citizenship pursuant to sections 301 and 309 of the Immigration and Naturalization Act (the Act), 8 U.S.C. §§ 1401 and 1409, claiming that she acquired U.S. citizenship at birth through her father.

The field office director found that the applicant had not been legitimated in accordance with the laws of Mexico. The application was accordingly denied.

On appeal, the applicant, through counsel, states that her citizenship application was "properly filed," and that a brief in support of the appeal will follow. *See* Statement of the Applicant on Form I-290B, Notice of Appeal to the AAO. The AAO notes that no brief has been received. The appeal is not accompanied by any additional evidence.

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 applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the field office director's decision. The AAO notes further that the record does not establish, by a preponderance of the evidence, the applicant's eligibility for a certificate of citizenship. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.