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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: [REDACTED]

Office: DALLAS, TEXAS

Date: SEP 25 2009

IN RE: [REDACTED]

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, Dallas, 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 in Mexico on February 1, 1956. *See Birth Certificate for [REDACTED]* The applicant's parents, [REDACTED] and [REDACTED] were married at the time of the applicant's birth. *See Marriage Certificate*, indicating marriage on Aug. 10, 1948, in Mexico. 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 finding that the applicant failed to submit evidence showing that her father was physically present in the United States for five years after his 14th birthday in 1935, and before the applicant's birth in 1956. *See Decision of the Field Office Director*, dated May 5, 2008.

On appeal, the applicant states through counsel:

The Service erred by not giving sufficient weight of [sic] the evidence that was submitted as part of the application. The Applicant submitted several pieces of evidence which, when taken as a whole, lead to the conclusion that the applicant meets the requirements of approval of his [sic] N-600. Moreover, the evidence does show that it is more likely than not that the applicant's father was in the U.S. during the applicable time periods.

Form I-290B, Notice of Appeal. Counsel further indicated that a brief or additional evidence would be submitted to the AAO within 30 days. *Id.* However, no brief or additional evidence has been received to date. Further, the Notice of Appeal does not dispute or otherwise address the specific grounds upon which the application was denied.

¹ Former section 301(a)(7) of the Act stated 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 ...

8 U.S.C. § 1401(a)(7) (re-designated). Former section 301(a)(7) of the Act was re-designated as section 301(g) by the Act of October 10, 1978, Pub. L. No. 95-432, 92 Stat. 1046 (1978). The requirements of section 301(a)(7) remained the same after the re-designation and until 1986.

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.