

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

U.S. Dep...
U.S. Citizenship and ...
Office of Administrative Appe...
Washington, DC 20529-2090



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

E2

[REDACTED]

FILE:

Office: H... TX

Date: **AUG 19 2010**

IN RE:

Application

APPLICATION:

Application for Certificate of Citizenship under Section 321 of the Immigration
and Nationality Act; 8 U.S.C. § 1432 (repealed).

[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the do
related to this matter have been returned to the office that originally decided your case. Please be adv
any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have
information that you wish to have considered, you may file a motion to reconsider or a motion to
specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All moti
submitted to the office that originally decided your case by filing a Form I-290B, Notice of App
with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motior
within 30 days of the decision that the motion seeks to reconsider or reopen.

[REDACTED]

Chief, Administrative Appeals Office

It is well established that the requirements for citizenship, as set forth in the Act, are statutorily mandated by Congress, and United States Citizenship and Immigration Services (USCIS) lacks statutory authority to issue a certificate of citizenship when an applicant fails to meet the relevant statutory provisions set forth in the Act. A person may only obtain citizenship in strict compliance with the statutory requirements imposed by Congress. *INS v. Pangilinan*, 486 U.S. 875, 885 (1988). Even courts may not use their equitable powers to grant citizenship, and any doubts concerning citizenship are to be resolved in favor of the United States. *Id.* at 883-84; *see also United States v. Manzi*, 276 U.S. 463, 467 (1928) (stating that "citizenship is a high privilege, and when doubts exist concerning a grant of it ... they should be resolved in favor of the United States and against the claimant"). Moreover, "it has been universally accepted that the burden is on the alien applicant to show his eligibility for citizenship in every respect." *Berenyi v. District Director, INS*, 385 U.S. 630, 637 (1967).

The burden of proof in citizenship cases is on the claimant to establish the claimed citizenship by a preponderance of the evidence. *See* Section 341 of the Act, 8 U.S.C. § 1452; 8 CFR § 341.2. The applicant has not met his burden of proof, and his appeal will be dismissed.

ORDER: The appeal is dismissed.