

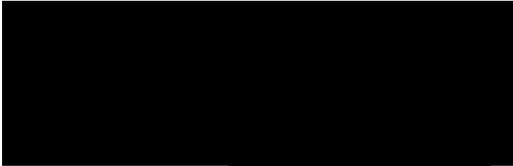
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:

Office: PHOENIX, AZ Date:

FEB 17 2010

IN RE:

Applicant:



APPLICATION: Application for Certificate of Citizenship

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.

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, Phoenix, Arizona, and the decision was certified to the Administrative Appeals Office (AAO) for review. The director's decision will be affirmed.

The record reflects that the applicant was born May 1, 1983 in American Samoa. The applicant's parents, as indicated in her birth certificate, are [REDACTED] and [REDACTED]. The applicant's parents are natives of Western Samoa and there is no indication in the record that either is a U.S. citizen. The applicant submitted a copy of her U.S. passport, issued on May 8, 2000, as well as a letter from the U.S. Department of State dated September 3, 2008 confirming that her passport had been invalidated. She presently seeks a certificate of citizenship.

The field office director found the applicant ineligible for citizenship under sections 301(e), 308, or 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(e), 1408, or 1431. Specifically, the director noted that the applicant could not derive U.S. citizenship when neither of her parents were U.S. citizens. The application was therefore denied, and the director certified his decision to the AAO for review.

Section 341(a) of the Act, 8 U.S.C. § 1452(a), provides, in relevant part, that a certificate of citizenship may be issued to individuals born abroad, or in an outlying possession, to a U.S. citizen parent. There is no provision in the statute for issuance of a certificate of citizenship to an individual born in an outlying possession, such as American Samoa, where neither parent is a U.S. citizen. Individuals, such as the applicant, are entitled to apply for naturalization (by filing a Form N-400, Application for Naturalization) under section 325 of the Act, 8 U.S.C. § 1436, and may request proof of U.S. nationality from the U.S. Department of State (*see* section 341(b) of the Act, 8 U.S.C. § 1452(b), but may not be issued a certificate of citizenship under section 341(a) of the Act.

The applicant did not submit a brief or statement on certification. The applicant does not claim that either of her parents are U.S. citizens, or that she has otherwise derived or acquired U.S. citizenship. She is therefore not eligible for a certificate of citizenship and her application was appropriately denied. The AAO, having reviewed the matter upon certification, finds that the director's decision must be affirmed.

ORDER: The October 6, 2009 decision of the Field Office Director denying the application is affirmed.