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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: DENVER, CO

Date: JUL 22 2010

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act; 8 U.S.C. § 1431.

ON BEHALF OF APPLICANT:

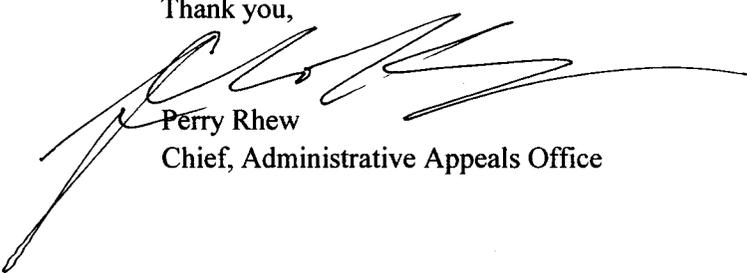
SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that 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 additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office



DISCUSSION: The application was denied by the Field Office Director, Denver, Colorado. 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 on April 4, 1995 in Mexico. The applicant's parents are [REDACTED] and [REDACTED]. The applicant's mother became a U.S. citizen upon her naturalization on August 12, 2009, when the applicant was 14 years old. The applicant's father passed away in 2007. The applicant was admitted to the United States as a nonimmigrant visitor in 2004 and has since been residing with his mother in the United States. The applicant presently seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.¹

The field office director determined that the applicant did not automatically acquire U.S. citizenship because he was not admitted to the United States as a lawful permanent resident. The director noted that his Form I-485, Application to Adjust Status, was denied on August 2, 2006. The Form N-600 application was accordingly denied.

On appeal, the applicant's mother submits a copy of the applicant's father's death certificate. She indicates on the Form I-290B, Notice of Appeal to the AAO, that a brief or additional evidence would be submitted within 30 days. To date, over five months later, no brief or additional evidence has been received by this office.

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 citizenship claim was denied for failure to establish that he was admitted to the United States as a lawful permanent resident. His appeal fails to identify any erroneous conclusion

¹ Section 320 of the Act, as amended, states in pertinent part that:

- (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
- (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
 - (2) The child is under the age of eighteen years.
 - (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.



of law or statement of fact in the field office director's decision. The applicant's father's death certificate does not provide any support to the applicant's claim.

The applicant bears the burden of proof in these proceedings to establish his claimed citizenship. Section 341 of the Act, 8 U.S.C. § 1452; 8 C.F.R. § 320.2(a). Here, the applicant has not met his burden and has failed to specifically identify any error of law or fact for the appeal. The appeal is therefore summarily dismissed.

ORDER: The appeal is dismissed.

