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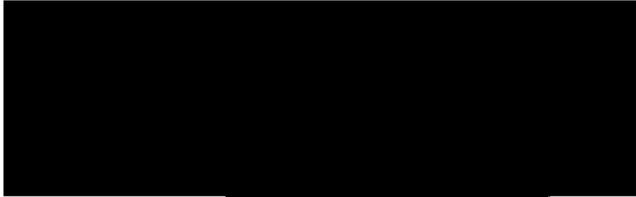
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: HARLINGEN, TX

Date:

MAY 06 2010

IN RE:



APPLICATION: Application for Certificate of Citizenship under Former Section 301(a)(7) of the
Immigration and Nationality Act; 8 U.S.C. § 1401(a)(7) (1964).

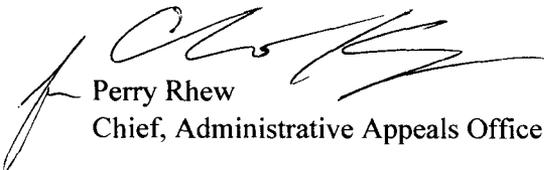
ON BEHALF OF APPLICANT:

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, 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 July 6, 1964 in Mexico. The applicant's parents, as indicated on her birth certificate, are [REDACTED] and [REDACTED]. The applicant's father was born in Texas in 1923. The applicant's parents were married in Mexico in 1945. The applicant seeks a certificate of citizenship claiming that she acquired U.S. citizenship at birth through her father.

The field office director found that the applicant had failed to establish that her father had the required ten years of physical presence in the United States prior to the applicant's birth, five of which while after attaining the age of 14.¹ The field office director therefore concluded that the applicant did not acquire U.S. citizenship under former section 301(a)(7) of the Immigration and Nationality Act (the former Act), 8 U.S.C. § 1401(a)(7) (1964).²

On appeal, the applicant submits an "affidavit to a fact" executed by a family member stating that he has known the applicant's father since 1945, that the applicant is his daughter and she was born in Nuevo Leon in 1964. The applicant does not establish that this affidavit was previously unavailable or otherwise explain why it was not submitted to the field office. The affidavit presents no new facts and does not address the applicant's father's physical presence in the United States before her birth. On the Form I-290B, Notice of Appeal, the applicant states no reason for the appeal and identifies no error of law or fact in the field office director's decision.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states:

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 appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ The AAO notes that the record contains a biographical sheet relating to the applicant's father indicating that his younger siblings and all his children were born in Mexico during the period between 1938 and 1964. The biographical sheet further indicates that the applicants' father resided in the United States from birth until 1930, a period of only seven years.

² Former section 301(a)(7) of the Act was re-designated as section 301(g) upon enactment of the Act of October 10, 1978, Pub. L. 95-432, 92 Stat. 1046. The substantive requirements of this provision remained the same until the enactment of the Act of November 14, 1986, Pub. L. 99-653, 100 Stat. 3655.