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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: BOSTON, MA Date: NOV 05 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.

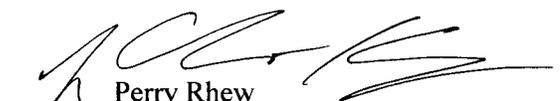
ON BEHALF OF APPLICANT:

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.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Boston, Massachusetts. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record reflects that the applicant was born on [REDACTED] 1992 in the United Kingdom. The applicant's parents are [REDACTED] and [REDACTED]. They were married in Pakistan in January 1992. The applicant's father became a U.S. citizen upon his naturalization on May 22, 2008, when the applicant was 15 years old. The applicant's mother is not a U.S. citizen. The applicant was admitted to the United States as a lawful permanent resident on August 21, 2001, when she was eight years old. 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.

The director determined that the applicant did not automatically acquire U.S. citizenship under section 320 of the Act because neither of her parents was a U.S. citizen at the time her application was filed. The application was accordingly denied.

The AAO reviews these proceedings *de novo*. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). On appeal, the applicant's father submits a copy of his U.S. passport and certificate of naturalization and requests reconsideration of the applicant's claim.

The applicable law for derivative citizenship purposes is "the law in effect at the time the critical events giving rise to eligibility occurred." See *Minasyan v. Gonzales*, 401 F.3d 1069, 1075 (9th Cir. 2005). The applicant was born in 1992. Therefore, section 320 of the Act, as amended by the Child Citizenship Act of 2000 (the CCA), Pub. L. No. 106-395, 114 Stat. 1631 (Oct. 30, 2000), is applicable to her case.

Section 320 of the Act 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.

At the time the application was filed, the applicant's father was not a U.S. citizen. On appeal, however, the applicant's father submitted a copy of his certificate of naturalization issued on May 22, 2008 and his U.S. passport issued on June 23, 2008. As noted above, the AAO reviews the record *de novo*. The record now establishes that the applicant is the child of a U.S. citizen and that

she is residing in the United States in her U.S. citizen parent's legal and physical custody pursuant to a lawful admission for permanent residence. She therefore automatically acquired U.S. citizenship pursuant to section 320 of the Act upon her father's naturalization on May 22, 2008.

The burden of proof is on the applicant to establish her claimed citizenship by a preponderance of the evidence. 8 C.F.R. §§ 320.3(b)(1) and 341.2(c). The applicant has met her burden of proof, and her appeal will be sustained. The matter will be returned to the Boston Field Office for issuance of a certificate of citizenship.

ORDER: The appeal is sustained. The matter is returned to the Boston Field Office for issuance of a certificate of citizenship.