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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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[Redacted]

FILE: [Redacted] Office: CHICAGO, IL Date:

SEP 08 2010

IN RE: Applicant: [Redacted]

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for Certificate of Citizenship under Section 321(a) of the Immigration and Nationality Act; 8 U.S.C. § 1432(a) (repealed)

ON BEHALF OF APPLICANT:

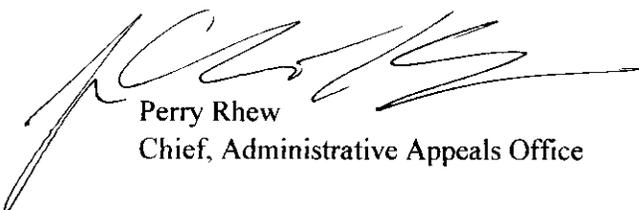
[Redacted]

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, Chicago, Illinois, 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 February 8, 1974 in Palestine. The applicant's parents, [REDACTED] and [REDACTED] were married on January 1, 1957. The applicant's father became a U.S. citizen upon his naturalization on April 21, 1981. The applicant's eighteenth birthday was on February 8, 1992. The applicant seeks a certificate of citizenship claiming that he acquired U.S. citizenship at birth through his father.

The field office director found that the applicant had failed to submit credible evidence to explain the discrepancy between the divorce contract dated July 19, 1989 he submitted in 2009 and the listing of his parents as married in his father's June 21, 1989 petition for alien relative and in his mother's Acknowledgement Certificate dated September 13, 2005. The field office director found that there was no legal separation of the applicant's parents such that he could derive U.S. citizenship under former section 321(a)(3) of the Act, 8 U.S.C. § 1432 (repealed) (providing for derivation of U.S. citizenship upon naturalization of the parent having legal custody of the child where there has been a legal separation). The application was accordingly denied.

On appeal, the applicant, through counsel, states that he "satisfied section 321(a)(3)[,] i.e.; 'there has been a legal separation of the parents ...'" See *Counsel's Statement on the Form I-290B*, Notice of Appeal. Counsel indicated that additional evidence and/or a brief would be submitted within 30 days. To date, almost nine 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.

On appeal, counsel cites no specific error of fact or law in the filed office director's decision and he submits no additional evidence. Moreover, the record contains contradictory evidence regarding the applicant's parents' marital status. The applicant has not provided any explanation why his parents would continue to be listed as married, even after the date he claims they were divorced. The applicant's claim was properly rejected. See *Matter of Tijerina-Villarreal*, 13 I&N Dec. 327, 331 (BIA 1969) (holding that "when good reasons appear for rejecting [] a claim such as the interest of witnesses and important discrepancies, then the special inquiry officer need not accept the evidence proffered by the claimant") (citations omitted.) The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.