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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

[redacted]

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Date: JUN 03 2011 Office: CHICAGO, IL File: [redacted]

IN RE: Applicant: [redacted]

APPLICATION: Application for Certificate of Citizenship under Section 309(c) of the Immigration and Nationality Act; 8 U.S.C. § 1409(c).

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 $630. 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 April 1, 1998 in Mexico. The applicant's biological parents, were married in 1999. The applicant's biological mother, a native-born U.S. citizen, passed away in March 2008. The applicant was adopted by her paternal aunt, in May 2009. The applicant's adoptive mother became a U.S. citizen upon her naturalization in 1994. The applicant seeks a certificate of citizenship claiming that she acquired U.S. citizenship at birth through her biological mother.

The field office director found that the applicant did not acquire U.S. citizenship at birth under section 309(c) of the Act, 8 U.S.C. § 1409(c), because she could not establish that her mother was physically present in the United States for a continuous period of one year prior to the applicant's birth. *See Director's Decision*, dated Nov. 8, 2010.

The applicant, through counsel, indicates in the Form I-290B, Notice of Appeal, that a brief or additional evidence would be subsequently submitted to the AAO. The applicant, in a letter attached to the appeal, requests 60 days to submit additional evidence of her late mother's U.S. physical presence. *See Letter from Counsel*, dated Dec. 3, 2010. To date, no additional evidence or appeal brief 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 appeal does not identify any legal or factual errors in the director's decision or otherwise overcome any of the deficiencies noted therein. The appeal is therefore summarily dismissed.

ORDER: The appeal is dismissed.