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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**

E₂

Date: **JUN 20 2011**

Office: HOUSTON, TX

FILE: [REDACTED]

IN RE:

Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

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, Houston, 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 April 24, 1968 in Mexico. The applicant's parents, as indicated on her birth certificate, are [REDACTED]. The applicant's father was born in the United States in 1937. The applicant's parents were never married to each other. 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 fulfill the requirements of section 309 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1409, with respect to children born out of wedlock. The director further found that the applicant did not establish that her father had the required physical presence in the United States. *See* Decision of the Field Office Director.

On appeal, the applicant, through counsel, indicates that additional evidence or a brief in support of the appeal would be filed within 30 days. *See Counsel's Statement on the Form I-290B*, Notice of Appeal. To date, more than one year 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 appeal fails to identify any erroneous conclusion of law or statement of fact in the field office director's decision. The director's detailed decision reflects a careful consideration of the evidence submitted in support of the applicant's citizenship claim and the 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.