

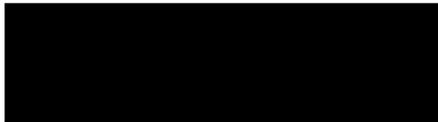
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



E2

Date: **APR 03 2012**

Office: LOS ANGELES, CA

FILE:

IN RE: Applicant:

APPLICATION: Application for Certificate of Citizenship under Section 201 of the Nationality Act of 1940; 8 U.S.C. § 601.

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.

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, Los Angeles, California, 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 [REDACTED] 1949 in Mexico. The applicant maintains that her mother was a U.S. citizen and seeks a certificate of citizenship claiming that she acquired U.S. citizenship through her mother.

The field office director found that U.S. Citizenship and Immigration Services (USCIS) was without jurisdiction to adjudicate the applicant's Form N-600, Application for Certificate of Citizenship, because the applicant resides in Mexico. On appeal, the applicant maintains that she derived U.S. citizenship through her mother. The appeal is accompanied by evidence relating to the applicant's mother and a copy of the applicant's border crossing card.

Section 341 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1452, provides, in relevant part,

(a) Application to [the Secretary of Homeland Security] for certificate of citizenship; proof; oath of allegiance

A person who . . . is a citizen of the United States by virtue of the provisions of subsection (c), (d), (e), (g), or (i) of section 201 of the Nationality Act of 1940, as amended (54 Stat. 1138), or of the Act of May 7, 1934 (48 Stat. 667), or of paragraph (c), (d), (e), or (g) of section 1401 of this title . . . may apply to the [Secretary of Homeland Security] for a certificate of citizenship.

Section 104 of the Act, 8 U.S.C. §1104 provides, in relevant part,

The Secretary of State shall be charged with the administration and the enforcement of the provisions of this chapter and all other immigration and nationality laws relating to . . . the determination of nationality of a person not in the United States.

It is the Secretary of State and not the Secretary of Homeland Security, or her delegate USCIS, that can determine the nationality of a person, like the applicant, who resides outside the United States.

The application was denied by the director for lack of jurisdiction. The applicant did not submit any evidence on appeal to indicate that she resides in the United States, nor does the record contain such evidence. The applicant bears the burden to establish eligibility for a certificate of citizenship in every respect. *See* Section 341 of the Act. The applicant has failed to meet this burden. Her application will therefore remain denied and the appeal will be dismissed.

ORDER: The appeal is dismissed.