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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

E2

Date: **APR 25 2012** Office: EL PASO, TX

File: [REDACTED]

IN RE: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under former section 301(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7)

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 the \$630 fee. 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 for Certificate of Citizenship (Form N-600) was denied by the Field Office Director, El Paso, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant seeks a certificate of citizenship claiming that he acquired U.S. citizenship at birth through his father pursuant to former section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7).

The field office director determined that the applicant failed to establish eligibility for citizenship under section 301(a)(7) of the Act because the applicant could not meet the requirements of either former or current section 309(a) of the Act in regard to children born out-of-wedlock. Specifically, the applicant's purported father testified that he never married the applicant's mother and he never legitimated the applicant or acknowledged paternity in any way prior to the applicant reaching the age of 21 years. The application was denied accordingly, and the applicant filed a timely appeal.

The immigration regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

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 the Form I-290B, Notice of Appeal, dated January 27, 2012, counsel stated that DNA results show that the applicant's purported father is his biological father and that, while there was no legitimation, the applicant believes that his father recognized paternity in writing prior to his eighteenth birthday. Counsel stated that DNA results along with a sworn statement would be provided within 30 days. On the Form I-290B counsel indicated that he would file a brief and/or additional evidence with the AAO within 30 days. To date the record does not contain the brief and/or evidence that counsel indicated would be submitted to the AAO. Counsel fails to identify either on the Form I-290B or through submission of a brief or evidence, any erroneous conclusion of law or statement of fact made by the director. The AAO, therefore, must summarily dismiss the appeal.

ORDER: The appeal is summarily dismissed.