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

(b)(6)

U.S. Citizenship and Immigration Services

[redacted]

Date: AUG 15 2013 Office: EL PASO, TX FILE: [redacted]

IN RE: Applicant: [redacted]

APPLICATION: Application for Certificate of Citizenship under Section 201(g) of the Nationality Act of 1940; 8 U.S.C. § 601(g) (1951).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, El Paso, Texas, and the matter came before the Administrative Appeals Office (AAO) on appeal. The appeal was dismissed. The applicant has filed a motion to reopen and reconsider. The motion will be dismissed.

According to the regulation at 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be provided and be supported by documentary evidence. The regulations, at 8 C.F.R. § 103.5(a)(3), provide further that a "motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy."

The AAO dismissed the applicant's appeal upon finding that he had failed to establish that his father resided in the United States for the statutorily required period of time such that he could acquire U.S. citizenship pursuant to section 201(g) of the Nationality Act of 1940 (the Nationality Act), 8 U.S.C. § 601(g).[1]

The AAO noted that the applicant had submitted the following evidence in support of his claim: a copy of the applicant's father's delayed birth certificate and baptismal certificate, documents relating to the applicant's brother's citizenship claim, a statement from the applicant's uncle indicating that the applicant's father moved to Mexico when he was 20 years old, a statement from the applicant's mother indicating that she married the applicant's father in 1948 and that he lived in the United States all his life, a social security earnings statement indicating the applicant's father's employment income in 1951-1955, a statement from Mrs. [redacted] stating that the applicant's father lived with her in El Paso from 1947 until 1955, and a 1953 W-2 Withholding Statement.

The AAO found, however, that the evidence in the record failed to establish that the applicant's father resided in the United States for 10 years prior to 1951 (the applicant's date of birth), five of which were after 1935 (the applicant's father's 14th birthday). In so doing, the AAO noted several discrepancies in the evidence submitted by the applicant.

The applicant states in his motion that he disagrees with the AAO's decision. *See* Statement of the Applicant on Form I-290B, Notice of Appeal or Motion. The applicant maintains that the evidence previously submitted is sufficient to establish his father's residence in the United States. *Id.* The applicant's motion does not state new facts nor it is accompanied by new evidence to warrant reopening under 8 C.F.R. § 103.5(a)(2). The applicant's motion also does

---

[1] Section 201(g) of the Nationality Act states in pertinent part that:

> A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien.

not raise any new argument, nor is it supported by pertinent precedent decisions to establish that the AAO's decision was based on an incorrect application of law or Service policy such that reconsideration would be warranted under 8 C.F.R. § 103.5(a)(3). Thus, the applicant's motion will be dismissed.

ORDER: The motion is dismissed.