



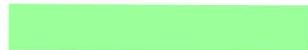
**U.S. Citizenship
and Immigration
Services**

(b)(6)



DATE: APR 10 2014

OFFICE: HARLINGEN, TX

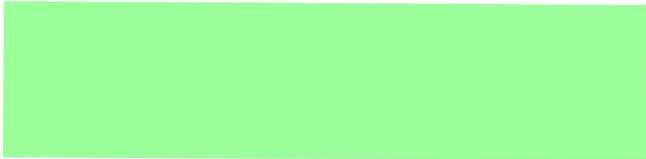


IN RE:



APPLICATION: Application for Certificate of Citizenship under former Sections 301 and 309 of the Immigration and Nationality Act; 8 U.S.C. §§ 1401 and 1409

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office 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.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The District Director of the Harlingen, Texas Field Office (the director) denied the Application for Certificate of Citizenship (Form N-600), and the decision was affirmed by the Administrative Appeals Office (AAO) on appeal. The AAO now moves to reopen the matter *sua sponte* based on new evidence. The prior director and AAO decisions will be withdrawn, and the appeal will be sustained. The matter is returned to the Harlingen, Texas Field Office for issuance of a certificate of citizenship to the applicant.

The applicant was born on March 16, 1964 to unmarried parents in [REDACTED] Mexico. The applicant's father was born in Texas on March 22, 1936, and he is a U.S. citizen. The applicant's mother is not a U.S. citizen. The applicant seeks a certificate of citizenship pursuant to former sections 309 and 301 of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1409 and 1401, based on the claim that he acquired U.S. citizenship at birth through his U.S. citizen father. In their adverse decisions, both the director and the AAO determined that the applicant failed to establish that he was legitimated by his father, as required by former section 309(a) of the Act.

The record now contains new evidence that warrants us reopening the matter on a Service motion pursuant to 8 C.F.R. § 103.5(a)(5)(i). Specifically, the record contains a U.S. Fifth Circuit Court of Appeals (Fifth Circuit) decision, dated September 11, 2013, finding that the applicant established that he acquired U.S. citizenship through his father under former sections 309 and 301(a)(7) of the Act. *See Iracheta v. Holder*, 30 F.3d 419 (5th Cir. 2013).

ORDER: The prior director and AAO decisions will be withdrawn, and the appeal will be sustained. The matter is returned to the Harlingen, Texas Field Office for issuance of a certificate of citizenship.