



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUN 05 2015**

FILE: [REDACTED]
APPLICATION RECEIPT #: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship under Section 320 of the Immigration and Nationality Act; 8 U.S.C. §1431

ON BEHALF OF APPLICANT:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Miami, Florida denied the application. The matter 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] in Cuba. The applicant's mother became a U.S. citizen upon her naturalization on June 8, 2012. The applicant's father is not a U.S. citizen. The applicant's parents were married on February 20, 1993. The applicant was admitted into the United States as a lawful permanent resident on July 2, 2002. The applicant presently seeks a certificate of citizenship pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431, based on the claim that she derived citizenship through her U.S. citizen mother.

On June 17, 2014, the field office director denied the application finding that the applicant did not submit evidence of her mother's original marriage certificate and of her mother's legal name change.

On appeal, the applicant submits her mother's original marriage certificate and a notarized voter registry form in the English language as evidence of her mother's legal name change.

Section 320 of the Act, as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (CCA), applies to this case because the applicant was not yet 18 years old as of the February 27, 2001 effective date of the CCA. *See Matter of Rodriguez-Tejedor*, 23 I&N Dec. 153, 156 (BIA 2001) (en banc).

Section 320 of the Act provides, in pertinent part, that

- (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:
 - (1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.
 - (2) The child is under the age of eighteen years.
 - (3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

The burden of proof is on the claimant, or her parent if one is acting in her behalf, to establish her claimed citizenship by a preponderance of the evidence. 8 C.F.R. § 341.2(c).

The record contains copies of the applicant's mother's marriage certificate and the applicant's birth certificate listing her mother's name as [REDACTED]. However, the name on the applicant's mother's certificate of naturalization is listed as [REDACTED].

In a Request for Evidence dated February 1, 2014, the applicant was requested to submit evidence of her mother's legal name change from [REDACTED] to [REDACTED]. The applicant submitted a document in the Spanish language and the field office director determined that this document was not sufficient, as it was not accompanied by the required English translation and there was no indication that was an official document.

On appeal, the applicant resubmits the foreign language document along with an accompanying English translation. The document, which is a voter registry form, however, is insufficient to demonstrate the applicant's mother's legal name change, as it is not an official document confirming a formal name change. The state of Florida, where the mother's resides, provides that chancery courts have jurisdiction to change the name of any person on petition of the person filed in the county in which he or she resides.³ Volume 12, Chapter 4 of the USCIS Practice Manual provides that in Form N-600 applications under section 320 of the Act, an applicant is required to submit evidence of all legal name changes for the child and U.S. citizen parent, as applicable. Consequently, the applicant has not demonstrated her eligibility for citizenship under section 320 of the Act.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

² See Florida Statute Chapter 68.07.