



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF H-L-S-

DATE: AUG. 24, 2016

APPEAL OF PHILADELPHIA, PENNSYLVANIA FIELD OFFICE DECISION

APPLICATION: FORM N-600, APPLICATION FOR CERTIFICATE OF CITIZENSHIP

The Applicant, a native and citizen of Jamaica, seeks a Certificate of Citizenship. *See* Immigration and Nationality Act (the Act) section 321, 8 U.S.C. § 1432, *repealed by* Sec. 103(a), title I, Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (2000). An individual born outside the United States who acquired U.S. citizenship at birth, or who automatically derived U.S. citizenship after birth but before the age of 18, may apply to receive a Certificate of Citizenship. Upon proof to the satisfaction of the Secretary of Homeland Security that the individual is a citizen, the Secretary will furnish a Certificate of Citizenship, but only if the individual is at the time within the United States. *See* section 341(a) of the Act, 8 U.S.C. § 1452(a).

The Field Office Director, Philadelphia, Pennsylvania, denied the application. The Director concluded that the Applicant is residing in Jamaica, and therefore U.S. Citizenship and Immigration Services (USCIS) does not have jurisdiction over his claim for U.S. citizenship.

The matter is now before us on appeal. On appeal, the Applicant contends that he meets the requirements for a Certificate of Citizenship under former section 321 of the Act.

Upon *de novo* review, we will dismiss the appeal. The record reflects the Applicant resides in Jamaica, we therefore do not have jurisdiction over his claim to U.S. citizenship.

## I. LAW

The Applicant seeks a certificate of citizenship indicating that he derived U.S. citizenship from his parents.

The Secretary of Homeland Security has jurisdiction over the administration and enforcement of the Act within the United States. *See* section 103(a)(1) of the Act, 8 U.S.C. § 1103(a)(1). A citizenship claim made by an individual physically present outside of the United States may only be properly made before the U.S. Department of State (DOS) through a consular officer. *See* Section 104(a) of the Act, 8 U.S.C. § 1104(a) (providing, in pertinent part, that the "Secretary of State shall be charged with the administration and the enforcement of the provisions of this Act and all other immigration and nationality laws relating to . . . (3) the determination of nationality of a person not in the United States"); *see also* 22 C.F.R. § 50.2 (providing that DOS "[s]hall determine claims to United States

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nationality, when made by persons abroad on the basis of an application for registration, for a passport, or for a Consular Report of Birth Abroad of a Citizen of the United States of America. . . .”)

## II. ANALYSIS

The record reflects that the Applicant was born on [REDACTED] in Jamaica to unmarried foreign national parents. The Applicant’s mother became a U.S. citizen through naturalization on May 5, 1976, when the Applicant over the age of [REDACTED]. The Applicant was admitted to the United States as a lawful permanent resident on March 21, 1971, but was deported from the United States on [REDACTED] 1993, and, after reentering the United States without permission, was removed on [REDACTED] 2010. The Applicant represented on his Form N-600, Application for Certificate of Citizenship, which he signed on July 30, 2014, that he resides in Jamaica. In addition, the Applicant further represented on his Form I-290B, Notice of Appeal or Motion, that he continues to reside in Jamaica.

As the record reflects that the Applicant was outside of the United States when he filed his Form N-600 and that he continues to reside outside of the United States at this time, as indicated on his Form I-290B, jurisdiction to adjudicate his claim to U.S. citizenship lies within the U.S. Department of State, not U.S. Citizenship and Immigration Services (USCIS). Because we have no jurisdiction to adjudicate the Applicant’s Form N-600, we find that discussion of the merits of his derivative citizenship claim would serve no purpose.

In addition, the appeal was untimely filed.

The regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that an affected party must file a complete appeal within 30 days after service of an unfavorable decision. If the decision is mailed, the 30-day period for submitting an appeal begins three days after it is mailed. 8 C.F.R. § 103.8(b). The date of filing is the date of actual receipt of the appeal, not the date of mailing. *See* 8 C.F.R. § 103.2(a)(7)(i).

The record shows that decision of the Director to deny the application is dated December 29, 2014, and was sent to the Applicant at the Applicant’s address of record. The Director stated that the Applicant had 33 days to file an appeal. The Applicant contacted USCIS in April 2015, claiming that he did not receive a decision on his case. The Director resent the decision to the Applicant at the Applicant’s address of record on May 7, 2015, and therefore he had 33 days to file an appeal from this date. The appeal was not received until September 15, 2015, 132 days after the decision was sent to the Applicant. Neither the Act nor the pertinent regulations grant us authority to extend the time limit for filing an appeal.

### III. CONCLUSION

A citizenship claim made by an individual physically present outside of the United States may only properly be made before the U.S. Department of State. Because the Applicant resides in Jamaica, we do not have jurisdiction over his claim to U.S. citizenship. Accordingly, we must dismiss the Applicant's appeal.

**ORDER:** The appeal is dismissed.

Cite as *Matter of H-L-S-*, ID# 10159 (AAO Aug. 24, 2016)