



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

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

MATTER OF G-B-L-

DATE: JAN. 6, 2016

APPEAL OF EL PASO FIELD OFFICE DECISION

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

The Applicant, a native and citizen of Mexico, seeks a certificate of citizenship. *See* Immigration and Nationality Act (the Act) § 301, 8 U.S.C. § 1401 (1961) (amended by Pub. L. No. 95-432, 92 Stat. 1046 (1978)). The Field Office Director, El Paso, Texas, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

The Applicant was born in wedlock in Mexico on [REDACTED]. The Applicant's mother was born on [REDACTED] in Mexico. The Applicant's mother received a certificate of citizenship on August 28, 2013, but the record indicates that she acquired citizenship at birth through her own U.S. citizen mother. The Applicant seeks a certificate of citizenship indicating that he acquired U.S. citizenship at birth through his mother.

In a March 13, 2015, decision, the Director determined that the Applicant did not acquire U.S. citizenship at birth under section 301(g) of the Act because he did not establish that his mother was physically present in the United States for the requisite period before his birth.

On appeal, the Applicant submits further evidence indicating that his mother often visited Texas with her own parents prior to the date of his birth.

We review these proceedings *de novo*. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Because the Applicant was born abroad, he is presumed to be an alien and bears the burden of establishing his claim to U.S. citizenship by a preponderance of credible evidence. *See Matter of Baires-Larios*, 24 I&N Dec. 467, 468 (BIA 2008). The "preponderance of the evidence" standard requires that the record demonstrate that the Applicant's claim is "probably true," based on the specific facts of each case. *See Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010) (citing *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm'r. 1989)).

The applicable law for transmitting citizenship to a child born abroad when one parent is a U.S. citizen is the statute that was in effect at the time of the child's birth. *See Chau v. Immigration and Naturalization Service*, 247 F.3d 1026, 1028 n.3 (9th Cir. 2001) (internal citation omitted). The Applicant in the present matter was born in [REDACTED].

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Former section 301(a)(7) of the Act, 8 U.S.C. § 1401(a)(7), is therefore applicable to his case and stated, in pertinent part, that the following shall be nationals and citizens of the United States at birth:

[A] person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: *Provided*, That any periods of honorable service in the Armed Forces of the United States by such citizen parent may be included in computing the physical presence requirements of this paragraph.

The record reflects that the Applicant's mother was a U.S. citizen at the time of her birth, so consequently, the Applicant was born to a U.S. citizen mother. At issue in this matter is whether the Applicant has established that his mother was physically present in the United States for the requisite period of time, specifically, ten years prior to [REDACTED], at least five of which were attained after [REDACTED], when the Applicant's mother turned 14 years old.

The Applicant's mother submitted a letter contending that she remembers that once she was ten years of age, she and her parents would visit Texas every weekend. The Applicant's mother further asserts that upon her marriage to the Applicant's father in 1962, she and her husband would go to Texas to buy groceries every week. The record also contains a letter from an employee at the store where the Applicant's mother purchased items. The employee asserts that the Applicant's mother came to the store in about 1955 and she would extend credit to her family. The employee does not indicate the frequency of the visits during that time period, but also asserts that the Applicant's mother, after her marriage, would come to the store every three days, but did not recall the dates. The employee submitted a ledger for the store with the Applicant's name, dates, purchase amounts, and credit payments, extending from 1988 to 1989. It is noted that the store ledger does not indicate purchases every weekend during that time period. The record also contains untranslated letters written in Spanish, which cannot be considered. The regulations at 8 C.F.R. § 103.2(b)(3) require that any document containing foreign language submitted to USCIS be accompanied by a full English language translation that the translator has certified as complete and accurate, and the translator's certification that he or she is competent to translate from the foreign language into English.

However, even assuming *arguendo* that the Applicant's mother was physically present in the United States every weekend from her tenth birthday, [REDACTED] until the Applicant's birth on [REDACTED] this collective period of time is insufficient to establish that the Applicant's mother was present in the United States for ten years prior to his birth as required by the statute.

We also note that the Applicant's mother, on her own Form N-600, stated that her date of entry to the United States was May 3, 2002, and does not indicate any arrival into United States prior to January 2002. Furthermore, the Applicant's mother's record contains a Form I-130, Petition for

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Alien Relative, filed on behalf of the Applicant's mother on February 8, 2006, indicating that the Applicant's mother had not been in the United States prior to that date.

It is the Applicant's burden to establish the claimed citizenship by a preponderance of the evidence. Section 341(a) of the Act, 8 U.S.C. § 1452(a); 8 C.F.R. § 341.2(c). Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of G-B-L-*, ID# 14307 (AAO Jan. 6, 2016)