



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

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

MATTER OF P-D-L-C-P-

DATE: JAN. 29, 2016

MOTION ON ADMINISTRATIVE APPEALS 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) § 309(c), 8 U.S.C. § 1409(c). The Director, Phoenix Field Office, denied the application, and we dismissed the subsequent appeal. The matter is now before us on a motion to reopen. The motion will be denied.

The record reflects the Applicant was born in Mexico on [REDACTED]. The Applicant was born out of wedlock to her mother, listed as [REDACTED] on the Applicant's birth certificate, issued on January 18, 2001. The Applicant's father's name is not listed. The record contains a delayed birth certificate for the Applicant's mother, indicating that she was born in Texas on [REDACTED]. The Applicant seeks a certificate of citizenship indicating that she acquired U.S. citizenship at birth through her mother.

On November 15, 2013, the Director determined that the Applicant did not acquire U.S. citizenship at birth under section 309(c) of the Act because she could not establish that her mother was physically present in the United States for a continuous period of one year prior to the Applicant's birth. In our April 15, 2015, decision on appeal, we determined that the Applicant did not sufficiently demonstrate that her mother is the person referred to by different names in the evidence of record nor establish her mother's requisite physical presence in the United States.

On motion, the Applicant maintains that her mother is the same person who is represented by different names in the submitted documents and she was present in the United States continuously for at least one year prior to the Applicant's birth. She submits affidavits, an identification card, and certificates of birth, baptism, and death.

We review these proceedings *de novo*. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Because the Applicant was born abroad, she is presumed to be an alien and bears the burden of establishing her 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 an 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)).

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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] Section 309(c) of the Act is applicable to her case.

Section 309(c) of the Act states, in pertinent part:

[A] person born, after December 23, 1952, outside the United States and out of wedlock shall be held to have acquired at birth the nationality status of his mother, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.

The Applicant asserts that her mother's documents contain the names [REDACTED] and [REDACTED] both the same person, but that the latter is her correct name. The Applicant contends that the name [REDACTED] a documented first name for her mother, arose out of a misunderstanding when her mother's name was registered in Mexico. The Applicant further notes that her own birth certificate correctly indicates that her mother's name is [REDACTED]

The Board of Immigration Appeals (the Board) held in *Matter of Tijerina-Villarreal*, 13 I&N Dec. 327, 331 (BIA 1969), that:

[W]here a claim of derivative citizenship has reasonable support, it cannot be rejected arbitrarily. However, when good reasons appear for rejecting such a claim such as the interest of witnesses and important discrepancies, then the special inquiry officer need not accept the evidence proffered by the claimant. (Citations omitted.)

The record contains a delayed Texas birth certificate issued on December 14, 2000, for [REDACTED] born on [REDACTED] certificates of baptism for [REDACTED] born on [REDACTED] dated September 28, 2012, and May 18, 2015; a birth certificate for the Applicant containing the name of her mother, [REDACTED] issued January 18, 2001; a birth certificate for the Applicant containing the name of her mother, [REDACTED] issued June 8, 2015; a marriage certificate for [REDACTED] and the Applicant's father, [REDACTED] registered [REDACTED] 1974; a death certificate for [REDACTED] 73 years of age, registered March 4, 2002; a voter card in the name [REDACTED]; and a social security and United Farm Workers card in the name [REDACTED]

We previously noted that the Applicant did not explain why her mother would choose to use two different names, as she also used both names during the same time period. The Applicant asserts that her mother's name, [REDACTED] was based on a misunderstanding upon registration of her name in Mexico. However, this explanation does not address why the Applicant's mother continued to use an incorrect name, [REDACTED] for subsequent official documents.

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The Applicant also asserts that her birth certificate includes the correct name for her mother, [REDACTED]. However, the record contains two different versions of the Applicant's birth certificate, one naming her mother as [REDACTED] and the other naming her as [REDACTED]. The most recently issued birth certificate states that the Applicant is recognized as a legitimate daughter of her parents, [REDACTED] and [REDACTED] based on minutes from September 3, 1975, and that the Applicant's mother's correct name is [REDACTED], a U.S. citizen, based on documents from January 17, 2001. However, there is no explanation as to why the Applicant's previously issued birth certificate, issued on January 18, 2001, would not also contain this information, as both assertions predate the issuance of that certificate.

The record also contains the original death certificate for [REDACTED] which indicates that she passed away on [REDACTED] 2002, and her death was registered on [REDACTED] 4, 2002. The death certificate identifies [REDACTED] as 73 years of age at her death. However, the birth certificate for [REDACTED] and baptismal certificates identify her date of birth as [REDACTED]. Based on that recorded date of birth, [REDACTED] Renteria would be 72 years of age at her death; there is no explanation for the discrepancy between these two documents. Further, the original death certificate contains a whited out portion and an area of typewritten text over faded typewritten text. None of these changes to the document are initialed by the civil official who issued it or contains any indication that the civil official made these modifications.

The Applicant also asserts that her mother resided in the United States for the requisite amount of time prior to her birth and submits affidavits from individuals in support of this assertion. On appeal, the Applicant submitted a letter stating that her mother could not sign the statement submitted attesting to her physical presence in the United States, as she was deceased. The Applicant also submitted affidavits from her brother and aunt stating that the Applicant's mother resided in the United States for over five years before the Applicant's birth and over five years after the Applicant turned 14 years of age.

On motion, the Applicant, her brother, her sister, and her uncle submitted affidavits asserting that the Applicant's mother resided in the United States from the date of her birth, departing for Mexico at the age of five. The Applicant's ex-husband also submitted an affidavit stating that he recalls that his mother went to Arizona to work for two years and lived in a residence with the Applicant's mother. However, the Applicant's ex-husband also asserts that the Applicant's mother would depart for the United States to work temporarily and return to her family. It is not clear whether the Applicant's mother visited her family in Mexico during that time period and, therefore, whether she was continuously physically present in the United States for the requisite year. The record does not contain any other corroborating information concerning the Applicant's mother's employment in the United States during this time.

Further, the Applicant, her brother, her uncle, and her sister, due to their birth dates, would have no personal knowledge concerning their mother's whereabouts from birth to the age of five. The record

contains an affidavit reflecting that the Applicant's uncle was also born in Mexico, over six years after the Applicant's mother.

Depending on the specificity, detail, and credibility of a letter or statement, U.S. Citizenship and Immigration Services may give the document more or less persuasive weight in a proceeding. The Board has held that testimony should not be disregarded simply because it is "self-serving." *See, e.g., Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000) (citing cases). The Board also held, however: "We not only encourage, but require the introduction of corroborative testimonial and documentary evidence, where available." *Id.* If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the affected party to submit corroborative evidence. *Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998). As discussed above, the statements submitted by the Applicant lack specificity, detail and credibility.

The Applicant asserts that she is unable to obtain corroborating documentation for her mother's requisite continuous physical presence in the United States, apart from a delayed birth certificate and baptismal certificate, as her mother did not attend school, and some employers in the United States paid cash and did not request social security numbers. However, the record does contain a social security card and United Farm Workers membership card, issued in 1992, for the Applicant's mother, and it is not clear that further corroborative evidence of the Applicant's mother's employment and presence in the United States could not be procured. The Applicant also does not address the availability of medical records for her mother in the United States from birth to the age of five.

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 motion to reopen is denied.

Cite as *Matter of P-D-L-C-P-*, ID# 14504 (AAO Jan. 29, 2016)