U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-J-M-A-

DATE: MAY 25, 2017

APPEAL OF CHICAGO, ILLINOIS FIELD OFFICE DECISION

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

The Applicant, a native of Jordan, seeks a Certificate of Citizenship indicating he derived U.S. citizenship from his father after birth. *See* Immigration and Nationality Act (the Act) section 321, 8 U.S.C. § 1432, *repealed by* Sec. 103(a), title I, Child Citizenship Act of 2000, Pub.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. Generally, an individual claiming automatic U.S. citizenship after birth and who was born between December 24, 1952, and February 27, 1983, must meet the last of certain conditions by February 26, 2001. An individual born to foreign national parents must show that he or she is residing in the United States as a lawful permanent resident, and that both parents became naturalized U.S. citizens before the individual turned 18 years of age. For individuals born to foreign national parents, only one of whom naturalized before the individual turned 18 years of age, the individual may become a U.S. citizen if one of three conditions are met: that individual's non-naturalized parent is deceased; the U.S. citizen parent has custody over the individual after a legal separation or divorce; or, if the individual was born to unmarried parents and is claiming to be a U.S. citizen through a naturalized mother, the father must not have made the individual his legitimate child.

The Director of the Chicago, Illinois, Field Office denied the application, concluding the record did not establish, as required, that the Applicant's U.S. citizen parent had custody over the Applicant after a legal separation or divorce, or that both parents became naturalized U.S. citizens before the Applicant turned 18 years of age.

On appeal, the Applicant submits a brief, asserting therein that he meets the requirements for a Certificate of Citizenship under section 320 of the Act.[1]

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

[1] The Child Citizenship Act of 2000 (the CCA) repealed section 321 of the Act and amended sections 320 and 322. The provisions of the CCA are not retroactive. Sections 320 and 322 of the Act apply only to individuals who were not yet 18 years old when the CCA took effect on February 27, 2001. The Applicant had already turned 18 by the CCA's effective date, so former section 321 of the Act applies to his citizenship claim. *Matter of Rodriguez-Tejedor*, 23 I&N Dec. 153 (BIA 2001).

I. LAW

The Secretary of the Department of Homeland Security has jurisdiction over the administration and enforcement of the Act within the United States. Section 103(a)(l) 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 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 admitted to the United States as a lawful permanent resident in 1980, but was later ordered removed, and he departed to Jordan in 2002 based on that order. On his Form N-600, Application for Certificate of Citizenship, the Applicant indicated on page 2 at question #10 that his home address is in Jordan. Although the Applicant reported an "in care of" mailing address in the United States on his Form I-290B, Notice of Appeal or Motion, the record does not show that the Applicant was physically present in the United States when he filed the Form N-600 or that he is here now.

III. CONCLUSION

As the record reflects that the Applicant was outside of the United States when he filed his citizenship application, jurisdiction to adjudicate his claim to U.S. citizenship lies with DOS, not with U.S. Citizenship and Immigration Services. Accordingly, we will not review or discuss the merits of the Applicant's claim to U.S. citizenship because we have no jurisdiction to do so.

ORDER: The appeal is dismissed.

Cite as *Matter of A-J-M-A-*, ID# 341814 (AAO May 25, 2017)