U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF F-J-G-M-

DATE: SEPT. 26, 2017

APPEAL OF SAN DIEGO, CALIFORNIA FIELD OFFICE DECISION

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

The Applicant, a native and citizen of Mexico, seeks a Certificate of Citizenship. *See* Immigration and Nationality Act (the Act) section 301(g), 8 U.S.C. § 1401(g), *amended by* Act of Nov. 14, 1986, Pub. L. No. 99-653, 100 Stat. 3655, and Immigration Technical Corrections Act of 1988, Pub. L. No. 100-525, 102 Stat. 2609 (Oct. 24, 1988). 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. For an individual claiming to be a U.S. citizen at birth, and who was born to married parents between December 24, 1952, and November 14, 1986, one parent must have been a U.S. citizen, and that parent must have been physically present in the United States for 10 years (with at least 5 years occurring after the age of 14) before the individual's birth.

The Director of the San Diego, California, Field Office denied the application. The Applicant claimed that he acquired U.S. citizenship at birth by being born abroad to a U.S. citizen father and a foreign national mother. However, the Applicant's father naturalized in 2012, when the Applicant was 39 years of age. The Director concluded that the Applicant did not establish that he acquired citizenship at birth because he did not establish that his father was born out of wedlock, under the alternative theory that his father had acquired citizenship at birth and did not need to naturalize. The Director also concluded that the Applicant did not establish that his father was physically present in the United States for the required period prior to the Applicant's birth.

The matter is now before us on appeal. Upon review, we will summarily dismiss the appeal.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically an erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

The Applicant did not provide a statement in support of the appeal that specifically identifies an erroneous conclusion of law or statement of fact in the decision being appealed. On the Form I-290B, Notice of Appeal or Motion, the Applicant stated that a brief or additional evidence would be submitted within 30 days of the May 25, 2016, filing date. On April 28, 2017, more than 30 days after the May 25, 2016, filing date, the Applicant submitted a hand-written list of individuals and addresses, a State of California Certificate of Live Birth for an individual other than the Applicant's Father, and a Social Security Statement for a recipient whose name is similar to the name of the

Applicant's father. The Social Security Statement indicates that, prior to the Applicant's birth in 1973, the individual purported to be the Applicant's father received income that was taxed for social security earnings during 1969 but not during 1970-1973.

The Applicant did not provide a statement, explicit or tacit, that specifically identifies an erroneous conclusion of law or statement of fact in the decision being appealed. Instead, the evidence that the Applicant submitted more than 30 days after filing the appeal tends to demonstrate that, absent contrary evidence, the Director's conclusion regarding the Applicant's father's insufficient physical presence prior to the Applicant's birth in 1973 was correct.

Because the Applicant has not identified a specific, erroneous conclusion of law or statement of fact in the Director's decision below, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of F-J-G-M-*, ID# 792601 (AAO Sept. 26, 2017)