



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

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

MATTER OF D-T-

DATE: JAN. 12, 2018

APPEAL OF NORFOLK, VIRGINIA FIELD OFFICE DECISION

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

The Applicant, who was born in Germany in [REDACTED] seeks a Certificate of Citizenship reflecting that he acquired U.S. citizenship at birth from his mother. *See* Immigration and Nationality Act (the Act) section 301(g), 8 U.S.C. § 1401(g), *amended by* Act of November 14, 1986, Pub. L. 99-653, 100 Stat. 3655. 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 on or after November 14, 1986, the individual must have been born to a U.S. citizen parent, and that parent must have been physically present in the United States for five years (with at least two years occurring after the age of 14) before the individual's birth.

The Director of the Norfolk, Virginia, Field Office denied the application, concluding the Applicant provided insufficient evidence to establish that prior to his birth, his U.S. citizen mother was physically present in the United States for five years, two of which occurred after she turned 14 years of age, as required under section 301(g) of the Act.¹

On appeal, the Applicant does not claim that his mother was present in the United States prior to his birth. He indicates instead that his mother satisfies section 301(g) of the Act U.S. physical presence requirements because she was under her U.S. citizen father's legal authority while he was stationed in Germany with the [REDACTED]

Upon *de novo* review, we will dismiss the appeal.

¹ The Director indicated that the Applicant, who appears to be living in the United States, also provided no evidence to demonstrate that he resides in this country pursuant to a lawful admission for permanent residence, which is one of the requirements to derive U.S. citizenship under section 320 of the Act, 8 U.S.C. § 1431. The Applicant does not dispute this finding, and the record contains no evidence demonstrating that he is a U.S. lawful permanent resident. Because it is uncontested that the Applicant does not meet section 320 of the Act lawful permanent resident requirements, we find it unnecessary to address whether he satisfies the other requirements of section 320 of the Act.

I. LAW

The record reflects that the Applicant was born in Germany in wedlock on [REDACTED] 2010, to a U.S. citizen mother and a foreign national father. 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, 1029 n.3 (9th Cir. 2001) (internal quotation marks and citation omitted). Based on the Applicant's year of birth, his citizenship claim falls within the provisions of section 301(g) of the Act, which states, in pertinent part, that the following shall be nationals and citizens of the United States at birth:

(g) 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 five years, at least two 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, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States . . . may be included in order to satisfy the physical-presence requirement of this paragraph. . . .

Because the Applicant was born abroad, he is presumed to be a foreign national 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 his 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)).

II. ANALYSIS

The Applicant does not claim that his mother was present in the United States prior to his birth. He asserts instead that his mother satisfied section 301(g) of the Act U.S. physical presence requirements because she was legally under her father's (the Applicant's grandfather's) authority while he was stationed in Germany with the [REDACTED]. The issues in this case are therefore whether the Applicant provided sufficient evidence to demonstrate first, that his grandfather was stationed abroad and served honorably with the [REDACTED] for the requisite five years prior to the Applicant's birth in [REDACTED] at least two of which occurred after the Applicant's mother turned 14 years of age in [REDACTED] 1991; and if so, that the Applicant's mother was an unmarried dependent member of her father's household during that time period.

Matter of D-T-

To establish his claims, the record contains an affidavit and letter from the Applicant's grandfather, and a [REDACTED] document.² We find that this evidence is insufficient to establish the Applicant's assertions.

In ascertaining the evidentiary weight of affidavits and letters, we must determine the basis for the affiant's knowledge of the information to which she or he is attesting, and whether the statements are plausible, credible, and consistent both internally and with the other evidence of record. *See Matter of E-M-*, 20 I&N Dec. 77 (Comm'r. 1989). If testimonial evidence lacks specificity, detail, or credibility, there is a greater need for the affected party to submit corroborative evidence. *See Matter of Y-B-*, 21 I&N Dec. 1136 (BIA 1998).

Here, the Applicant's grandfather's claims are vague and uncorroborated, and have limited evidentiary value. The grandfather states in his letter (which is on [REDACTED] letterhead) that he has served in the [REDACTED] for 38 years, the majority of time in Europe; he was stationed with the [REDACTED] in Germany in 1978, when the Applicant's mother's birth was registered and she received her U.S. passport; and the Applicant's mother was legally under his authority until her 23rd birthday and beyond, while he was stationed in Europe as a [REDACTED]. He asserts in a separate affidavit (which is notarized by an individual at the [REDACTED]), that the Applicant's mother resided with him when he served in the [REDACTED] in Germany from 2002 until 2013. The grandfather does not, however, specify the exact dates that he was stationed in Germany, and his claims lack details as to where and when the Applicant's mother lived with him in Germany.

To corroborate the assertions, the Applicant submits a [REDACTED] form entitled, "Upon Application for Marriage by a Marriage Registrar in Germany." The form was signed by the Applicant's maternal grandmother in August 1978, and indicates her *intent* to marry the Applicant's grandfather. While this document sufficiently reflects that the Applicant's grandfather was stationed in Germany with the [REDACTED] in August 1978, it does not demonstrate how long he was stationed there before or after that date. The record also contains no marriage certificate or other evidence showing the Applicant's grandparents actually married or lived together in Germany, and it does not demonstrate that the Applicant's mother was a dependent member of her father's household in August 1978, or at any other time when he was stationed in Germany.

Before issuing a denial, the Director issued a request for evidence and a notice of intent to deny to provide, among other things, evidence corroborating the grandfather's claims, such as military, school, and medical records, as well as housing information. Despite these two opportunities, the Applicant has submitted no other evidence to clarify or support his grandfather's claims. Without additional corroborative evidence (such as [REDACTED] orders reflecting that the grandfather was stationed and served honorably with the [REDACTED] in Germany during the required time period; and residence, school, medical, or other evidence demonstrating that the Applicant's mother lived in the grandfather's household in Germany during that time), we find that the record is insufficient to

² The record also contains evidence reflecting that the Applicant's father consented to the Applicant being issued a U.S. passport; however, there is no evidence that a U.S. passport was actually issued.

Matter of D-T-

establish that the Applicant's grandfather was stationed abroad and served honorably with the [REDACTED] [REDACTED] for the requisite five years prior to the Applicant's birth, at least two of which occurred after the Applicant's mother turned 14 years of age; and that the Applicant's mother was an unmarried dependent member of her father's household during the claimed time period, as required under section 301(g) of the Act.

III. CONCLUSION

The Applicant has provided insufficient evidence to establish that his mother satisfied the U.S. physical presence requirements set forth at section 301(g) of the Act in order for him to acquire U.S. citizenship at birth through his mother.

ORDER: The appeal is dismissed.

Cite as *Matter of D-T-*, ID# 798943 (AAO Jan. 12, 2018)