



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

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

MATTER OF A-O-A-A-

DATE: MAY 3, 2019

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Applicant, who was born in Yemen in 2001, seeks a Certificate of Citizenship reflecting that he derived U.S. citizenship from his claimed father. Immigration and Nationality Act (the Act) § 320, 8 U.S.C. § 1431. Generally, to establish derivative U.S. citizenship after birth an individual who was born abroad after February 27, 1983, must show that he or she had at least one U.S. citizen parent and was residing in that parent's legal and physical custody in the United States as a lawful permanent resident before turning 18 years of age.

The Director of the Long Island, New York Field Office denied the application in July 2017, concluding the Applicant did not establish that his U.S. citizen stepfather was also his biological or adoptive father. He therefore did not demonstrate that he qualified as the "child" of a U.S. citizen parent, as required for section 320 of the Act purposes. We summarily dismissed the Applicant's subsequent appeal.

The matter is now before us on a motion to reopen and reconsider. The Applicant claims on motion that the record sufficiently demonstrates he is his claimed U.S. citizen father's biological child. In support, he submits DNA genetic testing results; a delay-registered birth certificate with his claimed biological father's name; an explanation about a previously-submitted birth certificate with a different father's name, and evidence that the Department of State issued him a U.S. passport in May 2018.

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). Here, the Applicant has submitted a valid passport, issued by the U.S. Department of State. We shall therefore remand this matter to the Director to address the evidence and consider the Applicant's citizenship claim anew.

ORDER: The motion to reopen and reconsider is granted, and the matter is remanded to the Director.

Cite as *Matter of A-O-A-A-*, ID# 1682054 (AAO May 3, 2019)