



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

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

In Re: 30394350

Date: MAR. 8, 2024

Appeal of Dallas Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that she was born in the United States. Section 341(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1452(a), provides in relevant part that a person who claims to have derived U.S. citizenship through the naturalization of a parent, or who is a citizen by virtue of certain specific provisions of section 301 of the Act, 8 U.S.C. § 1401,<sup>1</sup> may apply for a Certificate of Citizenship. U.S. Citizenship and Immigration Services will issue such a certificate upon proof, to the satisfaction of the Secretary of Homeland Security that the person's alleged citizenship was derived or acquired as claimed. *Id.*

The Director of the Dallas Field Office in Irving, Texas denied the Form N-600, concluding that the Applicant was ineligible for a Certificate of Citizenship, because she did not establish that she was born abroad or that at least one of her parents was a U.S. citizen from whom she could acquire or derive U.S. citizenship. On appeal, the Applicant submits the results of a polygraph examination of her mother, who was asked about the Applicant's birth in Texas. She asserts that she has met her burden of proof to establish that she is a U.S. citizen through birth on U.S. soil and renews her request for a Certificate of Citizenship.

The Applicant bears the burden of proof to demonstrate eligibility for the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

As an initial matter, in finding the Applicant ineligible for a Certificate of Citizenship the Director did not question her claim of birth in the United States. Rather, the Applicant indicated on the instant Form N-600 that the U.S. Department of State denied her request for a U.S. passport based on a determination that the evidence was not sufficient to establish that she was born in the United States. We have no authority to review the U.S. Department of State's determination and will consider only whether the Applicant meets the eligibility criteria in section 341(a) of the Act for issuance of a Certificate of Citizenship by USCIS. For the following reasons, we conclude that she does not.

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<sup>1</sup> Specifically, sections 301(c), (d), (e), or (g) of the Act, all of which pertain to persons born *outside the United States* to a U.S. citizen parent or parents.

As stated, section 341(a) of the Act authorizes USCIS to issue Certificates of Citizenship to individuals who can satisfactorily demonstrate that they either *acquired* or *derived* U.S. citizenship under the specific citizenship provisions listed therein. Those provisions, however, do not include section 301(a) of the Act, which pertains to individuals who are U.S. citizens by virtue of birth in the United States.<sup>2</sup> In addition, Form N-600 filing instruction provide in relevant part<sup>3</sup> that applicants should file the form to request a Certificate of Citizenship if: (1) they were born outside the United States to a U.S. citizen parent; or (2) they automatically became citizens of the United States after birth, but before they turned 18 years of age.

As the Applicant asserts that she was born in the United States, her citizenship claim does not fall within either of these two categories. Consequently, we lack authority to issue a Certificate of Citizenship to the Applicant.

In conclusion, the Applicant has not demonstrated that she either acquired or derived U.S. citizenship under the relevant statutory provisions set forth in section 341(a) of the Act. As such, she is ineligible for a Certificate of Citizenship, and her Form N-600 remains denied.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> Section 301(a) of the Act provides that a person born in the United States, and subject to the jurisdiction thereof is a national and citizen of the United States at birth. Thus, if a person was born in the United States, their U.S. State-issued birth certificate is considered evidence of U.S. citizenship. *See e.g.*, U.S. Citizenship and Immigration Services, *Guide A4 – I am a U.S. citizen...How do I get proof of my U.S. citizenship? M-560B (October 2013) N*, <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf> (explaining procedures for obtaining evidence of U.S. citizenship depending on circumstances).

<sup>3</sup> *See* Instructions for Form N-600 at 1, <https://www.uscis.gov/n-600>. Form instructions carry the weight of regulations. *See* 8 C.F.R. § 103.2(a)(1).