



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

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

In Re: 35975862

Date: JAN. 31, 2025

Appeal of Minneapolis, Minnesota Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that he derived citizenship from his naturalized U.S. citizen father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. The Director of the Minneapolis, Minnesota Field Office denied the Applicant's Form N-600, Application for Certificate of Citizenship, concluding that he was ineligible to receive a Certificate of Citizenship because he did not appear in person for scheduled appointments to take the oath of allegiance. *See* 8 C.F.R. §§ 320.5(a), 341.5(b). The Applicant bears the burden of proof to demonstrate eligibility 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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

In adjudicating the Applicant's derivative citizenship claim, we apply "the law in effect at the time the critical events giving rise to eligibility occurred." *Minasyan v. Gonzales*, 401 F.3d 1069, 1075 (9th Cir. 2005). The record reflects that the Applicant was born abroad in Somalia in [redacted] 2004 to married noncitizen parents. He was admitted to the United States as a lawful permanent resident in June 2014. His father naturalized as a U.S. citizen in March 2020 when the Applicant was 16 years old, and his mother naturalized later that same year. Here, the last critical event was the Applicant's father's naturalization in 2020. We consider the Applicant's derivative citizenship under section 320 of the Act, as amended by the Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631 (CCA), which applies to individuals like the Applicant who were under the age of 18 when the law went into effect on February 27, 2001.¹

The Director initially approved the Applicant's Form N-600, and the record reflects that he satisfied the statutory requirements to derive U.S. citizenship under section 320 of the Act. The record reflects, however, that the Applicant did not appear for scheduled oath of allegiance ceremonies in November and December 2023. The Director thereafter reopened and denied the Form N-600 solely because the Applicant failed to appear at his ceremonies and did not provide notice of the reason for his nonappearance.

¹ *See Matter of Rodriguez-Tejedor*, 23 I&N Dec. 153, 165 (BIA 2001) (holding that current section 320 of the Act applies only to individuals who were not yet 18 years old as of February 27, 2001).

Generally, to obtain a Certificate of Citizenship an applicant must not only demonstrate statutory eligibility to derive citizenship through a U.S. citizen parent, but must generally also take an Oath of Allegiance to the United States. Section 341 of the Act, 8 U.S.C. § 1452; 8 C.F.R. § 320.5(a), 341.5(b). An applicant for a Certificate of Citizenship must take and subscribe to the oath of renunciation and allegiance before U.S. Citizenship and Immigration Services (USCIS) in the United States unless they are unable to understand the meaning of the oath by reason of mental incapacity or young age. 8 C.F.R. § 341.5(b). The Applicant, who is about 21 years of age, does not claim, nor does the record show, that either of these exceptions to taking the oath apply to him.

On appeal, the Applicant does not dispute that he did not appear for his scheduled ceremonies. Instead, he contends that he did not receive notification to appear for them. We note that the address listed on the notices for the oath administration ceremonies appears incomplete as it does not include the apartment number included in the address he provided on his Form I-290B, Notice of Appeal or Motion. Based on the record as a whole, the Applicant has explained why he did not attend the two scheduled appointments for his oath ceremony and has established that he did not intend to abandon his application for a Certificate of Citizenship. Accordingly, we will remand the matter to the Director to notify the Applicant at his current address and schedule him for another oath ceremony so he can receive his Certificate of Citizenship.²

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

² The Applicant is required to notify USCIS in writing of each change of address within 10 days from the date of such change. See section 265 of the Act. Detailed information about how to change an address can be found at <https://www.uscis.gov/addresschange>.