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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: SAN ANTONIO, TX

Date: **MAY 13 2008**

IN RE:

Respondent:

[Redacted]

APPLICATION:

Cancellation of Certificate of Citizenship under Section 342 of the Immigration and Nationality Act; 8 U.S.C. § 1453.

ON BEHALF OF RESPONDENT:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The respondent's certificate of citizenship was canceled by the District Director, San Antonio, Texas, and came before the Administrative Appeals Office (AAO) on appeal. The appeal was rejected as untimely filed on March 24, 2008. The matter will be reopened *sua sponte* because a review of the record revealed that the appeal had been timely filed. The appeal will be dismissed.

The applicant was born on September 4, 1980 in Tehran, Iran. His birth certificate lists his parents as Mr. [REDACTED] and [REDACTED]. The applicant's parents' marriage was registered in Bexar County, Texas on December 26, 1979. The applicant entered the United States, with a U.S. passport, in February 1985 and applied for a certificate of citizenship in March 1985. In support of his application, the applicant submitted, in relevant part, a delayed birth certificate corresponding to [REDACTED] born in Laredo, Texas on March 31, 1960. A certificate of citizenship was issued to the applicant in September 1985. On December 6, 2002, the U.S. State Department requested that the applicant's certificate of citizenship be revoked based on information indicating that the certificate had been fraudulently obtained.

The regulations at 8 C.F.R. § 342 outline the process for cancellation of a certificate of citizenship under the Immigration and Nationality Act (the Act).¹ The AAO notes that the district director properly notified the respondent of her intent to cancel the certificate of citizenship and afforded the respondent an opportunity to respond as required by the Act and the regulations. The district director canceled the applicant's certificate of citizenship upon finding that his mother was born in Mexico, and not the United States as claimed. The record includes a copy of the applicant's mother's Mexican birth certificate, issued in 1960 shortly after her birth. The record also contains a baptismal certificate evidencing that the applicant's mother was born in Mexico. The U.S. Department of State has determined that the applicant's mother was born in Mexico, and not the United States. The applicant did not provide any evidence to overcome the district director's concern. The applicant also did not articulate any argument in his Form I-290B, Notice of Appeal, and did not provide any additional evidence.²

¹ Section 342 of the Act, 8 U.S.C. § 1453, provides, in relevant part, that:

The [Secretary of the Department of Homeland Security] is authorized to cancel any certificate of citizenship . . . if it shall appear to [his] satisfaction that such document or record was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, him or the Commissioner or a Deputy Commissioner; but the person for or to whom such document or record has been issued or made shall be given at such person's last-known place of address written notice of the intention to cancel such document or record with the reasons therefore and shall be given at least sixty days in which to show cause why such document or record should not be canceled. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

² The AAO notes that the applicant was provided an additional opportunity to submit a brief or additional evidence on January 30, 2008. In response to the AAO's fax request, applicant's counsel requested a copy of the applicant's file. The applicant has been advised of the process for requesting information under the Freedom of Information Act (FOIA). The AAO's jurisdiction is limited, and does not include matters arising under FOIA.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.