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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090

U.S. Citizenship  
and Immigration  
Services

E5

Date: JUN 18 2012

Office: SAN DIEGO, CA

FILE: [REDACTED]

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:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The respondent's certificate of citizenship was canceled by the District Director, San Diego, California, and the director's decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On January 9, 2012, the district director issued a decision canceling the respondent's certificate of citizenship. The district director's decision was based on a finding that the respondent's mother's naturalization was unlawfully obtained from [REDACTED] a former U.S. Citizenship and Immigration Services (USCIS) employee. In 2006 [REDACTED] pled guilty to, and in 2007 was convicted of, among other crimes, unlawfully procuring naturalization by providing certificates of naturalization to individuals who were not entitled to U.S. citizenship.<sup>1</sup> In his plea, Mr. [REDACTED] identified the respondent's mother as one of nearly 200 individuals to whom he illegally issued certificates of naturalization. The director found that because the respondent's mother's naturalization was illegally procured, the respondent did not derive U.S. citizenship upon his mother's naturalization and was not eligible for a certificate of citizenship.

On appeal, the respondent, through counsel, maintains that he was a minor at the time his citizenship certificate was issued and that he lacked any fraudulent intent or knowledge. *See* Statement of the Respondent on Form I-290B, Notice of Appeal to the AAO; *see also* Applicant's Appeal Brief.

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 [her] satisfaction that such document or record was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, [her] 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 therefor 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.

The regulations at 8 C.F.R. § 342 outline the process for cancellation of a certificate under the Act. The district director properly notified the respondent of his intent to cancel the certificate of citizenship and afforded him an opportunity to respond as required by the Act and the regulations.

The respondent's citizenship certificate, number [REDACTED] was issued in 2006 on the basis of his mother's naturalization. As noted above, the respondent's mother's certificate of naturalization was illegally obtained from Mr. [REDACTED], and has since been canceled. The respondent did not derive U.S. citizenship from his mother, and his certificate of citizenship, which is the subject of these cancellation proceedings, was illegally and fraudulently obtained and improvidently issued.

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<sup>1</sup> *United States v. Schofield*, No. 06 CR 00427 (E.D. Va. Apr. 20, 2007).

The respondent, through counsel, maintains that he was a minor when his certificate of citizenship was issued and, as such, lacked any fraudulent intent or knowledge. Regardless of the respondent's culpability or lack thereof, the evidence of record clearly establishes that his certificate was obtained on the basis of his mother's fraudulently procured naturalization certificate.

The burden of proof in cancellation proceedings is on the government, and cancellation of a certificate of citizenship is authorized "if it shall appear to [the] satisfaction" of the Secretary of the Department Homeland Security" that the certificate was illegally or fraudulently obtained. Here, the district director has met his burden of proof and shown that the respondent's certificate of citizenship was illegally obtained and properly canceled. The respondent's appeal will therefore be dismissed.

**ORDER:** The appeal is dismissed.