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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

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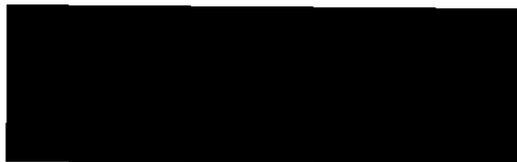
Date: **SEP 07 2012** Office: WASHINGTON, DC

FILE:

IN RE: Respondent:

APPLICATION: Cancellation of Certificate of Naturalization 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 in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. 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

application for naturalization or any record of naturalization proceedings corresponding to the respondent's alien registration number (A-number). Moreover, certificate number [REDACTED] is not found and does not correspond to any A-number in USCIS records. The evidence establishes that the respondent's certificate of naturalization number [REDACTED] was obtained through the unlawful acts of [REDACTED]

On appeal, the respondent states that her certificate was not illegally or fraudulently procured, because, in part, the processes and records of the legacy Immigration and Naturalization Service were notoriously mismanaged and she did not encourage or conspire with [REDACTED]. See Appeal Brief. Regardless of the respondent's culpability or lack thereof, the evidence of record clearly establishes that the respondent's certificate of naturalization was obtained from [REDACTED] through fraud, regardless of the respondent's eligibility for naturalization. The certificate of naturalization was unlawfully procured by [REDACTED] and not provided to the respondent after the completion of a lawful naturalization process.

Counsel also claims that USCIS should be estopped by laches for bringing a cancellation action nine years after the respondent's certificate of naturalization was issued. Section 342 of the Act, however, does not contain a statute of limitations nor does counsel cite any authority for estoppel through laches in the cancellation of naturalization certificate process. It is well-established that U.S. citizenship cannot be obtained through estoppel. A person may only obtain citizenship in strict compliance with the statutory requirements imposed by Congress. *INS v. Pangilinan*, 486 U.S. 875, 885 (1988). Where, as here, a certificate of naturalization was issued without regard to the respondent's eligibility for U.S. citizenship, cancellation of the certificate is warranted and cannot be estopped.

The burden of proof in cancellation proceedings is on the government, and cancellation of a certificate of naturalization 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 naturalization was illegally obtained and properly cancelled. The respondent's appeal will therefore be dismissed.

ORDER: The appeal is dismissed.