



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

(b)(6)

Date: **FEB 09 2015**

Office: EL PASO, TX

FILE: [REDACTED]

IN RE:

Respondent: [REDACTED]

APPLICATION:

Cancellation of Certificate Pursuant to Section 342 of the Immigration and Nationality Act, 8 U.S.C. § 1453

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, El Paso, Texas (the director) cancelled the respondent's certificate of citizenship after proper notice and the matter is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the matter returned to the El Paso, Texas Field Office for entry of a new decision.

Pertinent Facts and Procedural History

On January 28, 2013, the director issued a Notice of Intent to Cancel (NOIC) the respondent's certificate of citizenship. The director's decision was based on a finding that the respondent's mother was not born in the United States, as claimed because U.S. Citizenship and Immigration Services had located two Mexican birth certificates relating to the applicant's mother, establishing that the applicant's mother was born in Mexico, not the United States. The applicant was afforded an opportunity to respond to the NOIC but failed to do so. On December 18, 2013, the director canceled the respondent's certificate of citizenship and the respondent has appealed that decision. With her appeal, the respondent submits a copy of a court order from the State of [REDACTED] Mexico declaring the two Mexican birth certificates relating to the respondent's mother null and void. See Attachment to Appeal Statement, dated February 20, 2014.

Applicable Law

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, [the Secretary of Homeland Security] . . . ; 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.

Analysis and Conclusion

We review these proceedings *de novo*. As previously noted, the respondent submits a State of [REDACTED] Mexico court order, declaring the two birth certificates for the applicant's mother null and void. Despite the court's declaration, however, it instructed that certain actions must take place to effect the ruling of the nullification of the two certificates. The court order provides that:

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NON-PRECEDENT DECISION

Fourth – This judgment must be forwarded to the Civil Registrar 01 of [REDACTED] together with the necessary attachment so that the civil registrar can proceed to annul certificates of birth referred to herein and issue duplicate certified copy of the certificates of annulment to the interested party.

The respondent has not submitted the certificates of annulment to demonstrate that the court's order was followed and properly executed such that we can conclude that the Mexican certificates of birth for the respondent's mother have been registered as null and void under the laws of [REDACTED] Mexico. Accordingly, we return this matter to the director to provide the respondent with an opportunity to provide the certificates of annulment for the record before entering a new decision in this matter.

ORDER: The director's decision is withdrawn and the matter returned to the director for entry of a new decision.