



U.S. Citizenship  
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JUN 10 2005

FILE:



Office: HELENA, MONTANA (BOISE, ID)

Date:

IN RE:

Applicant:



APPLICATION:

Application for Certificate of Citizenship under Section 201(g) of the Nationality Act of 1940.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Helena, Montana (Boise, Idaho), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born on March 28, 1945, in Mexico. The applicant claims that his father [REDACTED] was born in the United States on January 8, 1923, and that he was a U.S. citizen. The applicant's mother was born in Mexico and is not a U.S. citizen. The applicant's parents were married in Mexico in 1943. The applicant seeks a certificate of citizenship pursuant to section 201(g) of the Nationality Act of 1940 (Nationality Act) (now known as section 301(g) of the Immigration and Nationality Act (the Act), based on the claim that he acquired U.S. citizenship at birth through his father.

The district director found that the applicant was not eligible to derive citizenship pursuant to section 201(g) of the Nationality Act because he had not entered the U.S. prior to his twenty-eighth birthday, and thus failed to meet citizenship retention requirements set forth in the former Act. The application was denied accordingly.<sup>1</sup>

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<sup>1</sup> Section 201(g) of the Nationality Act states that:

A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien: *Provided*, That, in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling five years between the ages of thirteen and twenty-one years: *Provided further*, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reached the age of sixteen years, or if he resides abroad for such a time that it becomes impossible for him to complete the five years' residence in the United States or its outlying possessions before reaching the age of twenty-one years, his American citizenship shall thereupon cease.

Amendments made to the former Immigration and Nationality Act in 1978 and in Title I of the Immigration and Nationality Technical Corrections Act of 1994, allowed, with limited exceptions, for oath of allegiance restoration of U.S. citizenship to former citizens who had lost their nationality by failing to comply with retention requirements set forth in the Immigration and Nationality Act of 1952 and the Nationality Act of 1940.

Section 324(d)(1) of the Act provides that:

(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have status of citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

On appeal, the applicant states that he has been in the U.S. since 1991, and he requests advise on how he can obtain citizenship or U.S. lawful permanent residence.

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

(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 failed to identify any erroneous conclusion of law or statement of fact in his appeal. The appeal will therefore be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.