



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 22963583

Date: NOV. 7, 2022

Appeal of Queens Field Office Decision

Form N-600, Application for a Certificate of Citizenship

The Applicant who was born abroad in 2006 seeks a Certificate of Citizenship to reflect that she derived U.S. citizenship from her father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. Generally, to establish derivative citizenship under that section of the Act an individual who was born abroad must show that they had at least one U.S. citizen parent and were residing in that parent's legal and physical custody in the United States as a lawful permanent resident before turning 18 years of age. The individual must also meet the definition of a "child" in section 101(c) of the Act, 8 U.S.C. § 1101(c), which includes biological children of married parents, as well as children who were born out of wedlock and later legitimated under the law of their residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, if such legitimation takes place before the child reaches the age of 16 years and the child is in the legal custody of the legitimating parent.

The Director of the Queens Field Office in New York, New York denied the Form N-600, concluding that the Applicant was ineligible for a Certificate of Citizenship because she did not respond to a request for evidence asking her to submit proof that following her admission to the United States as a lawful permanent resident in 2018 she resided with her U.S. citizen father.

On appeal, the Applicant submits the requested evidence, which includes her U.S. school, medical, and residential records, a copy of her parents' 2019 joint income tax return, and two affidavits attesting to her residence with both parents in New York since 2018.

Because the record now includes evidence concerning the Applicant's legal and physical custody which the Director has not yet reviewed, we will return the matter for the Director to consider the Applicant's derivative citizenship claim anew, including whether she qualifies as the "child" of her U.S. citizen parent for the purposes of derivative citizenship under section 320 of the Act.<sup>1</sup>

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<sup>1</sup> We note that although the Applicant represented on her Form N-600 that she was born to married parents, the marriage certificate she submitted reflects that her parents did not marry until 2009, three years after her birth. As such, the Applicant is considered to have been born out of wedlock and must establish that she was legitimated by her father in either Bangladesh or New York to derive U.S. citizenship as his "child."

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.