



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

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

In Re: 22475829

Date: SEP. 15, 2022

Appeal of Miami, Florida Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that he derived U.S. citizenship from his U.S. citizen father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431.

The Director of the Miami, Florida Field Office denied the Form N-600, Application for Certificate of Citizenship (Form N-600), concluding that the Applicant is not eligible to receive a Certificate of Citizenship because of his repeated failure to appear for an oath of allegiance ceremony, as required.

The matter is now before us on appeal. We review the questions in this matter *de novo*. See *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

In order to obtain a Certificate of Citizenship, an applicant must not only demonstrate statutory eligibility to derive citizenship through a U.S. citizen parent, but must generally also take an oath of allegiance to the United States. 8 C.F.R. § 320.5(a). If the Form N-600 is granted, USCIS will prepare a Certificate of Citizenship and the claimant, with certain exceptions described below, must take and subscribe to the oath of renunciation and allegiance before USCIS within the United States. 8 C.F.R. § 341.5(b); *see also* 8 C.F.R. § 320.5(a) (stating that, if the Form N-600 is approved, after the applicant takes the oath of allegiance, USCIS will issue a Certificate of Citizenship).

In this case, the record reflects that the Applicant's Form N-600 was initially approved, but he thereafter did not appear for his scheduled oath of allegiance ceremonies in May and June 2021. In September 2021, the Director reopened the decision approving the Form N-600 and requested that the Applicant advise of his intent to pursue a Certificate of Citizenship. The Applicant responded, through counsel, explaining that he intends to pursue the Certificate of Citizenship but that he had been incarcerated since April 2021 and was unable to attend the scheduled oath of allegiance ceremonies. The Applicant further requested that the Form N-600 be reopened and remain pending until his release from jail at an unknown date. However, the Director denied the Applicant's request to hold the Form N-600 pending indefinitely and further denied the Form N-600 because the Applicant did not take the oath of allegiance, as required.

On appeal, the Applicant does not dispute that he did not appear for his scheduled oath of allegiance ceremonies. He claims instead that the Director did not explain why the Form N-600 could not remain pending indefinitely. He states that he intends to pursue the Certificate of Citizenship and it is unreasonable to deny his Form N-600 solely because the circumstances beyond his control do not allow him to attend an oath of allegiance ceremony at this time.

As stated, an applicant for a Certificate of Citizenship must take and subscribe to the oath of renunciation and allegiance before USCIS within the United States unless they are unable to understand the meaning of the oath by (1) reason of mental incapacity or (2) young age. 8 C.F.R. § 341.5(b). Here, the Applicant does not claim that either exception applies in his case and merely requests that his Form N-600 be reopened and remain pending indefinitely until his release from incarceration. However, neither the Act nor the pertinent regulations grant USCIS authority to hold an unadjudicated Form N-600 pending indefinitely and the Applicant has not provided information indicating an expected date of release from incarceration and when he may be available for the required oath of allegiance ceremony. The Applicant therefore has not overcome the sole ground for the denial of his Form N-600.

The Applicant has not overcome the basis of the Director's denial, as it is undisputed that he was not present to take the oath of allegiance at his scheduled oath ceremonies in 2021. As such, the Applicant is ineligible for the issuance of a Certificate of Citizenship and his Form N-600 remains denied.¹

ORDER: The appeal is dismissed.

¹ This dismissal is without prejudice to filing a motion to reopen this Form N-600 should the Applicant be released from incarceration and become available to attend an oath of allegiance ceremony. See 8 C.F.R. § 341.5(e) (providing that after an application for a Certificate of Citizenship has been denied and the time for appeal has expired, USCIS will reject a subsequent application submitted by the same individual and the applicant will be instructed to submit a motion to reopen or reconsider in accordance with the regulations at 8 C.F.R. § 103.5).