



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

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

In Re: 25725596

Date: APR. 14, 2023

Appeal of Baltimore, Maryland Field Office Decision

Form N-600, Application for a Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that she derived citizenship from her naturalized U.S. citizen father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. Section 320 of the Act provides for derivative citizenship of children who have at least one U.S. citizen parent, are under the age of 18 years, and are residing in their U.S. citizen parent's legal and physical custody in the United States as lawful permanent residents. *See* sections 320(a)(1)-(3) of the Act.

The Director of the Baltimore, Maryland Field Office denied the Applicant's Form N-600, concluding that she did not establish she was residing in the United States as a lawful permanent resident. The matter is now before us on appeal.

On appeal, the Applicant does not contest the Director's determination of ineligibility on that basis, but requests us to hold her Form N-600 in abeyance until she can obtain lawful permanent resident status.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

The record reflects that the Applicant, who was born abroad in 2002, was admitted to the United States in 2012 under section 208(b) of the Act, 8 U.S.C. § 1158(b), for an indefinite period as a nonimmigrant child of an asylee. Her father naturalized as a U.S. citizen in 2018 when the Applicant was 16 years old. There is no evidence that the Applicant's status was adjusted to that of a lawful permanent resident before she turned 18 years of age in 2020, and the Applicant confirms she never held such status.

We acknowledge the Applicant's abeyance request; however, because she is over 18 years old she can no longer satisfy the condition of residing in the United States pursuant to a lawful admission for permanent residence *while under the age of 18 years* mandated by sections 320(a)(2)-(3) of the Act even if she were able to obtain lawful permanent resident status in the future.

Consequently, the Applicant has not established she met all the relevant statutory criteria to derive U.S. citizenship from her father. As such, she is ineligible for a Certificate of Citizenship and her Form N-600 will remain denied.

**ORDER:** The appeal is dismissed.