



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

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

In Re: 29628030

Date: DEC. 19, 2023

Appeal of Las Vegas, Nevada Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant, who was born abroad in 1976, seeks a Certificate of Citizenship to reflect that he acquired U.S. citizenship at birth from his father under former section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7). To establish acquisition of citizenship under that section of the Act, a person born abroad to one U.S. citizen and one noncitizen parent must demonstrate that the U.S. citizen parent “prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years.” If a person was born out of wedlock to a U.S. citizen father, they must also satisfy certain paternity and legitimation requirements in section 309(a) of the Act, 8 U.S.C. § 1409(a).

The Director of the Las Vegas, Nevada Field Office denied the Form N-600, concluding that the Applicant did not establish that he met the above requirements because he did not submit evidence of the claimed in-wedlock birth and biological parent-child relationship with his father. The Director further found that the Applicant also did not show that his father satisfied the prior U.S. physical presence requirements for transmission of citizenship under former section 301(a)(7) of the Act.

On appeal, the Applicant submits additional evidence and reasserts eligibility.

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 withdraw the Director’s decision and remand the matter for entry of a new decision consistent with the following analysis.

The supplemental evidence on appeal includes a copy of the certified extract of the Applicant’s birth registration in Canada, which identifies his mother and his father. The Applicant also submits a copy of his parents’ marriage certificate, which reflects that they were married in Canada in [] 1971, as well as evidence that his father requested a copy of the parents’ divorce certificate indicating that their marriage ended in 1982. In addition, the Applicant provides documentation concerning his father’s prior physical presence in the United States, including the father’s birth, residential, and school records; 1962-1969 college transcripts, diplomas, and a 1973 vocational credential; and a 1959-1976

social security earnings record pointing to his father's employment in the United States during the relevant period.

This additional documentation appears to overcome the evidentiary deficiencies that were the basis for the Director's adverse decision. As the record does not indicate that the Director had an opportunity to review this evidence before forwarding the appeal to our office, we will remand the matter to the Director to consider it in the first instance, to determine whether it is sufficient to establish that the Applicant has satisfied all relevant requirements for acquisition of U.S. citizenship at birth from his father, and to enter a new decision, accordingly.

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