



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

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

In Re: 29665912

Date: DEC. 19, 2023

Appeal of New York City, New York Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant, who was born abroad in 2007 to unmarried parents, seeks a Certificate of Citizenship to reflect that he acquired U.S. citizenship at birth from his father under section 301(g) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(g), or, in the alternative, that he derived citizenship after birth pursuant to section 320 of the Act, 8 U.S.C. § 1431.

The Director of the New York City, New York Field Office issued a decision advising the Applicant of his appeal rights, and the matter is now before us on appeal. The Applicant points out that the Director did not clearly indicate whether his Form N-600 had been in fact denied and, if so, failed to explain the reason or reasons for the denial.<sup>1</sup>

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.

In support of his Form N-600 the Applicant submitted his timely registered Honduran birth certificate identifying his parents, a copy of his lawful permanent resident card, his father's 2006 Certificate of Naturalization, and the father's declaration under penalty of perjury that the Applicant was his son and that he would financially support him until his 18th birthday. The Applicant also provided his mother's notarized statement that she "yiel[ed] the rights of guardianship and custody" of the Applicant to his father.

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<sup>1</sup> He also submits DNA test results indicating that the probability of his father's paternity is 99.99%. He explains that he previously did not know that DNA testing was "the only way" to prove the requisite blood relationship with his father. The Applicant is mistaken. Although in certain cases where primary and secondary evidence is not sufficient, U.S. Citizenship and Immigration Services (USCIS) may suggest DNA testing to support a claim of a biological family relationship, DNA collection is voluntary and a decision to omit DNA evidence is not factored into an adjudicative decision. See 1 *USCIS Policy Manual*, E.6(B) n. 20, <https://www.uscis.gov/policy-manual>. Here, the record includes the Applicant's timely-registered birth certificate, which identifies his father, and which constitutes primary evidence of their biological or blood relationship.

The Director issued a notice of continuance (NOC) informing the Applicant that “the application was incomplete because it lacked supporting evidence to establish [his] eligibility.” The Director requested the Applicant to submit additional evidence of eligibility for a Certificate of Citizenship under section 301(g) of the Act, including evidence concerning his paternity and legitimation, blood relationship with his father, proof of his father’s prior five-year U.S. physical presence, and the father’s written promise of financial support. Regarding the Applicant’s derivative citizenship claim under section 320 of the Act, the Director asked for additional evidence to show that the Applicant was residing in the United States as a lawful permanent resident in his father’s legal and physical custody.

Following the receipt of the Applicant’s response to the NOC, the Director issued a decision on the Form N-600. As the Applicant points out, the decision notice includes information about the appeal and motion rights, which suggests that the Form N-600 was denied; however, the notice does not explain the reasons for the denial. *See* 8 C.F.R. § 103.3(a)(1)(i) (providing, in relevant part, that when a USCIS officer denies an application or petition, the officer must explain in writing the specific reasons for denial).

In view of this deficiency, we will return the matter to the Director to again evaluate the evidence, to determine whether it is sufficient to establish the Applicant’s claimed U.S. citizenship, and to enter a new decision, accordingly. Should the Director determine that the Applicant is not eligible for a Certificate of Citizenship, the Director shall explain the specific reasons for such determination in the new decision.

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