



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

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

In Re: 27518399

Date: JULY 13, 2023

Appeal of Tampa, Florida Field Office Decision

Form N-600K, Application for Citizenship and Issuance of Certificate Under Section 322

The Applicant's U.S. citizen grandfather seeks a Certificate of Citizenship on the Applicant's behalf pursuant to section 322 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1433. Section 322 of the Act allows a U.S. citizen parent¹ to apply for a Certificate of Citizenship on behalf of a child residing outside of the United States if the child is residing in that parent's custody, and the parent, or the parent's U.S. citizen parent (the child's grandparent), had been physically present in the United States for 5 years, 2 of which were after the parent turned 14 years old. U.S. Citizenship and Immigration Services (USCIS) will issue a Certificate of Citizenship to a child who meets the above eligibility criteria and is temporarily present in the United States pursuant to a lawful admission and maintaining such lawful status, provided that the child is under the age of 18 years.

The Director of the Tampa, Florida Field Office denied the Form N-600K, concluding that the record did not establish, as required that the Applicant has a U.S. citizen parent because his mother's Form N-600, Application for Certificate of Citizenship, was denied in a separate proceeding. The matter is now before us on appeal.

On appeal, the Applicant submits additional evidence concerning his mother's U.S. citizenship claim 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 dismiss the appeal.

The Applicant's foreign identity document reflects that he was born abroad in 2005. He claims that although his mother was also born abroad in 1985, she acquired U.S. citizenship from her

¹ Although the Applicant's grandfather signed the Form N-600K, the record reflects the Applicant's mother, who he claims is a U.S. citizen resides in the United States. The filing was therefore improper, as Form N-600K may not be filed by any person other than a U.S. citizen parent of the child, unless that parent has died. See 8 C.F.R. § 322.3(a) (providing that a U.S. citizen grandparent citizen may submit the application only if the child's U.S. citizen parent is deceased); see also Instructions for Form N-600K, <https://www.uscis.gov/n-600k>. Nevertheless, because U.S. Citizenship and Immigration Services accepted the instant Form N-600K for processing, we will consider the application on appeal.

U.S.-born citizen father. As stated, the Director determined that the Applicant was not eligible for a Certificate of Citizenship under section 322 of the Act, as the record did not establish that his mother is a U.S. citizen. The Applicant has not overcome this determination on appeal.

As an initial matter, the record before us does not include a copy of the Applicant's foreign birth certificate listing his parents' names.² Consequently, the record does not currently establish the requisite parent-child relationship between the Applicant and the individual he claims is his mother. Furthermore, as the mother's foreign birth certificate does not identify her father it is not sufficient to establish that she was born to the U.S. citizen who filed the instant Form N-600K on the Applicant's behalf as his maternal grandfather. Even if the Applicant had provided sufficient documentation to show that his mother was in fact born to a U.S. citizen father (which he did not), he still does not submit evidence to show that his mother is a U.S. citizen³—a threshold requirement mandated by section 322 of the Act.

We acknowledge the Applicant's assertion that his U.S. citizen grandfather satisfied the requirements to transmit citizenship to his mother at birth, as well as the submission of additional evidence pertaining to his mother's U.S. citizenship claim. However, as the mother's citizenship claim was denied in a separate proceeding and is not before us on appeal, we lack jurisdiction to consider it at this time.

Lastly, we note that the Applicant filed the instant appeal in 2023, over a month after his 18th birthday. Because he is now over the age of 18 years, he is statutorily ineligible for issuance of a Certificate of Citizenship under section 322 of the Act. *See* section 322(a)(3) of the Act (providing that a child who satisfies the relevant conditions must be under 18 years old to receive a Certificate of Citizenship).

In conclusion, the record as supplemented on appeal remains insufficient to establish the Applicant's eligibility for issuance of a Certificate of Citizenship under section 322 of the Act. The Form N-600K remains denied.

ORDER: The appeal is dismissed.

² *See* Instructions for Form N-600K, page 9, <https://www.uscis.gov/n-600k> (stating that a child's birth certificate or record issued and certified by a civil authority in the country of birth must be submitted with Form N-600K).

³ *See id.*, page 10 (listing a U.S. birth certificate; Form N-550, Certificate of Naturalization; Form N-560 Certificate of Citizenship; Form FS-240, Report of Birth Abroad of United States Citizen; or a valid unexpired U.S. passport as examples of documents that may establish U.S. citizenship of a parent or grandparent).