



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

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

In Re: 29123973

Date: JUL. 19, 2023

Service Motion on Administrative Appeals Office Decision

Form N-600, Application for a Certificate of Citizenship

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

The Director of the Chicago, Illinois Field Office denied the Form N-600, Application for Certificate of Citizenship (Form N-600), and we dismissed the Applicant's subsequent appeal, concluding that the record did not establish that the Applicant was residing in the United States in the legal and physical custody of a U.S. citizen parent pursuant to a lawful admission for permanent residence at some point on or after the parent's naturalization in 2006 and prior the Applicant turning 18 years old in 2013.

Upon review, we withdraw our prior decision, reopen the matter *sua sponte* pursuant to 8 C.F.R. § 103.5(a)(5), and remand the matter to the Director for the issuance of a new decision.¹

In our previous decision dismissing the Applicant's appeal, we noted the lack of evidence in the record and specifically indicated that the record before us did not reflect the Applicant's response to the Director's request for evidence (RFE). However, the record now reflects that U.S. Citizenship and Immigration Services (USCIS) received a response to the RFE on May 20, 2022, two days after the Director issued the denial decision and prior to our dismissal of the Applicant's appeal. The Applicant's response to the Director's RFE is material to the Director's grounds for denial of the Form N-600. Consequently, we will remand this matter to the Director to consider this evidence in the first instance and assess the Applicant's citizenship claim anew.

ORDER: The decision of the Administrative Appeals Office is withdrawn. The matter is remanded to the Director of the Chicago, Illinois Field Office for the entry of a new decision.

¹ Because the decision to remand the matter to the Director is favorable to the Applicant, we are combining the motion to reopen and the favorable decision in one action, pursuant to 8 C.F.R. § 103.5(a)(5)(i).