



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

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

In Re: 27273975

Date: JUNE 15, 2023

Appeal of Tucson, Arizona Field Office Decision

Form N-600, Application for Certificate of Citizenship

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

The Director of the Tucson, Arizona Field Office denied the Form N-600 because the Applicant did not appear for his scheduled Oath of Allegiance ceremony twice. The matter is now before us on appeal.

On appeal, the Applicant asserts in part that he is under 14 years of age and the Director erred in requiring him to take the Oath of Allegiance to the United States.

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 sustain the appeal.

The record reflects that the Applicant was born abroad in  2010; he was subsequently adopted by U.S. citizen parents and admitted to the United States as a lawful permanent resident. The Director approved the Applicant's Form N-600 in July 2021, and issued a notice instructing him to appear at a local U.S. Citizenship and Immigration Services (USCIS) office to receive his Certificate of Citizenship. The notice advised the Applicant that if he was 14 years or older he would be required to take an Oath of Allegiance to the United States prior to the issuance of the Certificate of Citizenship. The Applicant did not appear as instructed, and was scheduled for another oath ceremony, which he also did not attend. The Director therefore reopened the proceedings and denied the Form N-600, concluding that the Applicant was not eligible for a Certificate of Citizenship because he did not take the requisite Oath of Allegiance following approval of his citizenship claim.

Generally, to obtain a Certificate of Citizenship an applicant must not only demonstrate statutory eligibility to derive citizenship through a U.S. citizen parent, but must also take an Oath of Allegiance to the United States. Section 337(a) of the Act, 8 U.S.C. § 1448(a); 8 C.F.R. § 320.5(a); 8 C.F.R. § 341.5(b). However, the Act and the regulations permit USCIS to waive the taking of the Oath of Allegiance if USCIS determines that the person is unable to understand its meaning. *See* section

337(a) of the Act; 8 C.F.R. § 341.5(b) (providing that claimants must take and subscribe to the oath of renunciation and allegiance before USCIS, unless they are unable by reason of mental incapacity or young age to understand its meaning). USCIS has determined that children under the age of 14 are unable to understand the meaning of the oath. *See generally* 12 USCIS Policy Manual H.3(F)(1) <https://www.uscis.gov/policy-manual>. Accordingly, USCIS waives the oath requirement for a child younger than 14 years of age and issues a Certificate of Citizenship after the officer approves the application. *Id.*

Here, the record reflects that the Director previously approved the Form N-600, concluding that the Applicant derived U.S. citizenship from his adoptive father and was therefore eligible for a Certificate of Citizenship. Furthermore, as the Applicant is currently under the age of 14 years, he is not required to take the Oath of Allegiance in order to receive such a certificate. We will therefore return the matter to the Director to issue a Certificate of Citizenship to the Applicant in accordance with the regulations at 8 C.F.R. § 341.5(b).

**ORDER:** The appeal is sustained.