



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

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

In Re: 27943218

Date: SEPT. 12, 2023

Appeal of Houston, Texas Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant's U.S. citizen adoptive father seeks a Certificate of Citizenship on the Applicant's behalf. A person born outside the United States who acquired U.S. citizenship at birth, or who derived U.S. citizenship after birth, may apply for a Certificate of Citizenship and the Secretary of Homeland Security will issue such a certificate, in part, upon proof that the person is a citizen and that their alleged citizenship was derived or acquired, as claimed. Section 341(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1452.

The Director of the Houston, Texas Field Office denied the Form N-600, concluding that the Applicant's father did not establish, as required, that the Applicant was a U.S. citizen. The matter is now before us on appeal.

On appeal, the Applicant's adoptive father resubmits a copy of the adoption decree,<sup>1</sup> and states that he would like to ensure that the Applicant derives U.S. citizenship from him.

The Applicant's father bears the burden of proof to demonstrate eligibility for the requested benefit 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 record reflects that the Applicant was born abroad in 2009 to unmarried noncitizen parents. In 2021, when the Applicant was 12 years old, his maternal grandfather who naturalized as a U.S. citizen in 2013, legally adopted him in Mexico. The Applicant is currently residing in Mexico, and there is no evidence that he has been ever admitted to the United States as a lawful permanent resident or in any other status.

The Director considered the Applicant's eligibility for a Certificate of citizenship under section 301(g) of the Act, 8 U.S.C. § 1401(g), which provides for acquisition of U.S. citizenship by persons born

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<sup>1</sup> We note that the adoption decree is not accompanied by a certified English translation. See 8 C.F.R. § 103.2(b)(3) (providing that any document containing foreign language submitted to U.S. Citizenship and Immigration Services shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that they are competent to translate from the foreign language into English).

abroad “of parents one of whom is [a noncitizen], and the other a citizen of the United States” if the U.S. citizen parent meets certain conditions concerning prior physical presence in the United States. The Director determined that the Applicant did not acquire U.S. citizenship at birth under that section of the Act because the record did not establish that either of his parents was a U.S. citizen at the time he was born.

The Director further determined that the Applicant was also ineligible to derive U.S. citizenship from his adoptive father under section 320 of the Act, 8 U.S.C. § 1431, because he was not residing in the United States as a lawful permanent resident, as required under that section.<sup>2</sup>

The Applicant’s adoptive father does not dispute the Director’s determinations concerning the Applicant’s ineligibility to acquire U.S. citizenship at birth or after birth. He explains the circumstances which led him to adopt the Applicant, and states that his spouse (the Applicant’s maternal grandmother), who took care of the Applicant in Mexico is now deceased. He further states that he has a grave medical condition and that he wants the Applicant to become a U.S. citizen and live in the United States.

We acknowledge these explanations, as well as the family’s unfortunate circumstances. Nevertheless, we do not have authority to issue a Certificate of Citizenship to a person who does not meet the statutory requirements imposed by Congress.

Because the Applicant’s adoptive father has not shown that the Applicant satisfied the relevant conditions to either acquire U.S. citizenship at birth, or to derive U.S. citizenship from him after birth, the Applicant is not eligible for a Certificate of Citizenship and the Form N-600 remains denied.

**ORDER:** The appeal is dismissed.

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<sup>2</sup> Generally, to derive U.S. citizenship under section 320 of the Act (as in effect since 2001) a child must (1) be under the age of 18 years, (2) have one U.S. citizen parent, and (3) be residing in that parent’s legal and physical custody in the United States pursuant to a lawful admission for permanent residence. A person is admitted to the United States for permanent residence when the person adjusts status in the United States to that of a lawful permanent resident, or when the person is inspected and admitted to the United States with an immigrant visa at a port of entry. *See generally* 7 USCIS Policy Manual A.1(A), <https://www.uscis.gov/policy-manual>.