



U.S. Citizenship  
and Immigration  
Services

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 29060610

Date: NOV. 22, 2023

Appeal of Yakima, Washington Field Office Decision

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

The Applicant's naturalized U.S. citizen mother seeks a Certificate of Citizenship on the Applicant's behalf under section 322 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1433. Section 322(a) of the Act provides, in relevant part, that a parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States, and the Secretary of Homeland Security shall issue a certificate of citizenship to such applicant if all of the conditions in that section have been met, and the child is under the age of 18 years, as mandated by section 322(a)(3) of the Act.

The Director of the Yakima, Washington Field Office denied the application, concluding that because the Applicant turned 18 years old on [ ] 2023, he was no longer eligible for the benefit his mother requested.

On appeal, the Applicant's mother asserts that the denial was improper, because the Form N-600K was filed when the Applicant was not yet 18 years old.

The Applicant's mother bears the burden of proof to demonstrate eligibility for the benefit sought 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's mother naturalized as a U.S. citizen in 2002, and the Applicant was born abroad on [ ] 2005. The record further shows that the Applicant's parents married shortly after his birth. Or [ ] 2023, two days before the Applicant's 18th birthday, his mother filed the instant Form N-600K.

Every form, benefit request, or other document must be submitted to U.S. Citizenship and Immigration Services (USCIS) and executed in accordance with the form instructions, which carry the weight of regulations. See 8 C.F.R. § 103.2(a)(1). Form N-600K instructions explain in relevant part that in order for a child to obtain U.S. citizenship through Form N-600K filing: (1) all the required evidence must be received and verified; and (2) USCIS must administer the oath of allegiance to the child **before** he or she reaches **18 years of age**. See Form N-600K Instructions 09/17/19 E, at 13,

<https://www.uscis.gov/n-600k>. The instructions further provide that Form N-600K should be filed **at least 90 days prior to the requested interview date**, allowing USCIS time to review the Form N-600K, as well as schedule the interview and send a timely appointment notice to the foreign address. *Id.* (Emphases in original).

Because the instant Form N-600K was filed just two days prior to the Applicant's 18th birthday, USCIS was not able to complete its adjudication while the Applicant was still under 18 years of age.

As the Applicant is over the age limit set forth in section 322(a)(3) of the Act, he is statutorily ineligible for issuance of a Certificate of Citizenship under section 322 of the Act, and we must dismiss the appeal. The dismissal does not preclude the Applicant from making a U.S. citizenship claim before USCIS or the U.S. Department of State pursuant to other citizenship provisions of the Act, if he believes he meets the applicable eligibility criteria.<sup>1</sup>

**ORDER:** The appeal is dismissed.

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<sup>1</sup> Because the Applicant was born to a U.S. citizen mother, he may have a claim to U.S. citizenship at birth. To make such a claim before USCIS, the Applicant may file Form N-600, Application for a Certificate of Citizenship. *See* Instructions for Form N-600, at 1, <https://www.uscis.gov/n-600> (providing that individuals who were born outside the United States to a U.S. citizen parent and are requesting a Certificate of Citizenship on that basis may file the form).