



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

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

In Re: 30296761

Date: OCT. 4, 2023

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 he acquired U.S. citizenship from his mother under former section 301(a)(7) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(a)(7).<sup>1</sup>

The Director of the Harlingen, Texas Field Office denied the application in September 2016, concluding that the Applicant did not establish his U.S. citizen mother was physically present in the United States for 10 years prior to his birth, at least 5 of which were after his mother turned 14 years old, as required by former section 301(a)(7) of the Act. We dismissed the Petitioner's appeal in July 2017 on the same basis. The matter is now before us on a late-filed combined motion to reopen and reconsider. 8 C.F.R. § 103.3. On motion, the Applicant submits new court documents relating to his claim to be a U.S. citizen. We will grant the motion to reopen for the reasons set forth in this decision and consequently, will dismiss the motion to reconsider as moot.

A motion to reopen must state new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration; be supported by any pertinent precedent decision to establish that the decision was based on an incorrect application of law or policy; and establish that the decision was incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3).

We acknowledge that the combined motion was filed outside of the 30-day period filing period for motions. 8 C.F.R. § 103.5(a). However, we excuse the untimely filing of the motion to reopen in our discretion because the delay was reasonable and beyond the control of the Applicant due to the issuance of a judicial order in February 2023. *Id.* In this case, the Applicant provides on motion to reopen court documents, including a final declaratory judgment issued by the United States District Court, Southern District of Texas on February 27, 2023, based on an executed settlement and joint stipulation requesting a judicial order of citizenship, dated February 23, 2023. Because the Director did not have an opportunity to consider this new evidence, we will withdraw our previous decision

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<sup>1</sup> Re-designated as section 301(g) of the Act by Act of October 10, 1978, Pub. L. No. 95-432, 92 Stat. 1046. The requirements of former section 301(a)(7) and former section 301(g) of the Act remained the same after the re-designation and until 1986.

and remand the matter to the Director to consider the evidence in the first instance and issue a new decision.

**ORDER:** The motion to reopen is granted, and the matter is remanded for the entry of a new decision.