



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

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

In Re: 28234890

Date: OCT. 4, 2023

Appeal of Queens, New York Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant, who was born abroad in 1974, seeks a Certificate of Citizenship to reflect that she acquired U.S. citizenship at birth from her father pursuant to the provisions of former section 301(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1401(a)(7).

The Director of the Queens, New York Field Office denied the Form N-600, concluding that the Applicant did not establish she acquired U.S. citizenship at birth, because she did not respond to a notice of continuance (NOC) asking her to submit proof that her father satisfied the prior 10-year physical presence in the United States requirement for transmission of citizenship. On appeal, the Applicant explains that she timely responded to the NOC,¹ but may have mistakenly sent the response to an incorrect address. In support, she submits a mail receipt dated March 7, 2022.

Our review on appeal indicates that the Applicant's response to the NOC was properly mailed to and received at the Queens, New York Field Office on March 14, 2022, and included in the record of proceedings. The response contains the Applicant's birth certificate, and the father's affidavit of residence and paternity executed in April 1965 as part of his naturalization proceedings. In addition, the evidence initially submitted with the Form N-600 included copies of the father's 1965 Certificate of Naturalization and his U.S. passport, as well as a copy of the Applicant's U.S. passport, which the U.S. Department of State issued to her in 2018, and which remains valid. Because the record does not indicate that the Director considered the Applicant's NOC response before denying her Form N-600, and because the Applicant has a valid U.S. passport,² we will return the matter for the Director to evaluate this evidence and to enter a new decision concerning the Applicant's U.S. citizenship claim.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.

¹ The NOC response was due by April 4, 2022.

² A valid U.S. passport issued to an individual as a citizen of the United States constitutes conclusive proof of that person's citizenship unless the passport is void on its face. *Matter of Villanueva*, 19 I&N Dec. 101, 103 (BIA 1984).