



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

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

In Re: 28722602

Date: OCT. 26, 2023

Appeal of Houston, Texas Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant seeks a Certificate of Citizenship to reflect that she derived citizenship from her naturalized U.S. citizen father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. Section 320 of the Act provides for derivative citizenship of foreign-born children who have at least one U.S. citizen parent, are under the age of 18 years, and are residing in their U.S. citizen parent's legal and physical custody in the United States as lawful permanent residents.

The Director of the Houston, Texas Field Office denied the Form N-600, stating generally that the Applicant did not respond to a request for evidence (RFE) "asking [her] to submit documentation in support of [her] N-600 application" and did not request additional time to do so. The matter is now before us on appeal.

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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

The record reflects that in February 2023, the Director issued an RFE asking the Applicant to submit evidence that she was residing in the United States in her U.S. citizen father's legal and physical custody, including her parents' divorce decree with a custody order, as well as residential, school and other records to show that she and her father lived at the same address.

On appeal, the Applicant's father<sup>1</sup> submits a sworn statement explaining that he never received a letter asking him to provide additional information in support of the Form N-600 and that he still does not know what documents he needed to submit. As the father attests under oath that he did not receive the RFE, and the Director did not specify in the denial what evidence was requested, the Applicant has not had an opportunity to supplement the record and cure the evidentiary deficiencies on appeal.

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<sup>1</sup> The Applicant is a minor.

In view of the above, we will return the matter to the Director to give the Applicant another chance to supply the evidence previously requested, and to enter a new decision on her derivative citizenship claim, accordingly.

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