



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

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

In Re: 29666139

Date: JAN. 5, 2024

Appeal of Newark, New Jersey Field Office Decision

Form N-600, Application for Certificate of Citizenship

The Applicant, who was born abroad in 2020, seeks a Certificate of Citizenship to reflect that she acquired U.S. citizenship at birth from her father pursuant to section 301(g) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1401(g). To establish acquisition of citizenship under section 301(g) of the Act, a person born abroad to parents one of whom is a noncitizen and the other a U.S. citizen must show, in part, that the U.S. citizen parent was physically present in the United States or its outlying possessions for 5 years (with at least 2 years after the age of 14 years) before the person's birth.

The Director of the Newark, New Jersey Field Office denied the Form N-600, concluding that the Applicant did not establish eligibility for the benefit sought, because she did not respond to the notice of continuance (NOC) asking her to submit proof of her father's prior physical presence in the United States and two passport-style photos of herself.

On appeal, the Applicant's father¹ asserts that he timely responded to the NOC, and provides a copy of mail receipt to show that the response was received at the Newark, New Jersey Field Office before the date it was due. The father also resubmits a copy of the response, which includes his state driver's license, his 2015-2019 federal income tax returns, and a residential ledger indicating that he has been living at his current address in the United States since January 2018. He also resubmits the Applicant's passport-style photographs.

Because the record of proceedings before us does not indicate that the Director considered this evidence before denying the Applicant's Form N-600, we will return the matter for the Director to review it and to determine in the first instance whether it is sufficient to show that the Applicant's father has satisfied the prior U.S. physical presence conditions to transmit his citizenship to the Applicant at birth under section 301(g) of the Act.

ORDER: The Director's decision is withdrawn.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 Applicant is a minor.