MATTER OF WONG

In Amendment of Record Proceedings

A-14234992

Decided by Acting Regional Commissioner July 2, 1965

Application for amendment of record of admission is granted an alien erroneously admitted as a United States citizen in 1948, when about 12 years of age, who was brought to the United States by his alien mother through arrangements made by her and his father who was then posing as a native-born citizen, since his application for admission on March 24, 1948, which was still pending on December 20, 1948, when his father became a naturalized citizen, was made within the statutory period prescribed by the Act of December 28, 1945, and he was eligible for admission for permanent residence under the provisions of that Act upon his father's naturalization.

This record relates to a 28-year-old married male, native and citizen of China. Applicant's alien wife and two minor United States citizen children are residing in the United States with him.

On March 24, 1948, at the age of 12 years, applicant applied for admission as the United States citizen son of his father who was then posing as a native-born citizen. At that time applicant was accompanied by his mother who applied for admission as the alien spouse of a citizen member of the United States Armed Forces (Act of December 28, 1945). Both applicant and his mother were excluded and on December 30, 1948, the Board of Immigration Appeals ordered their admission as a citizen and resident alien respectively.

It has now been determined that at the time application for admission was made, applicant's father was not a citizen of the United States. However, on December 20, 1948, the father achieved citizenship through naturalization based on his military service.

The Act of December 28, 1945, entitled "Admission of Alien Spouses and Alien Minor Children of Citizen Members of the United States Armed Forces," provided for the admission, without visas, of certain aliens if the application for admission was made within 3 years of the effective date of the Act.

Applicant's father was honorably discharged from the United States Armed Forces on July 31, 1945, and as heretofore stated became a citizen of the United States on December 20, 1948. The applicant first applied for admission prior to the date on which his father became a citizen of the United States. His application for admission, however, was still pending and continuing at that time. Therefore, his application for admission is considered to have been made within the 3-year period of time prescribed by the Act of December 28, 1945. It is concluded that applicant was eligible for admission as an alien for permanent residence upon his father's naturalization.

Applicant was brought to the United States by his mother through arrangements made by her and his father. It is assumed that at the age of 12 years, applicant was not an effective party to these arrangements. Applicant is steadily employed, is caring for his wife and two children, has served honorably in the Armed Forces of the United States, and has no record of arrests or problems with law enforcement officers.

This record has been carefully reviewed. The facts and circumstances warrant favorable action on the application.

ORDER: It is ordered that the record be amended to show that WONG, Kwong Chou was admitted at San Francisco, California, on December 30, 1948, for permanent residence ex *SS. General Gordon.*