MATTER OF GREER

In Visa Petition Proceedings

A-19470009

Decided by Board January 24, 1972

Acknowledgment alone by the natural father of a child born out of wedlock in Montserrat, West Indies, does not constitute legitimation since, under the law of Montserrat, legitimation is accomplished by the marriage of the parents.

ON BEHALF OF PETITIONER: Pro se

This is an appeal from a decision of the District Director which denied a petition to grant immediate relative status to the beneficiary, the petitioner's illegitimate daughter, a native and resident of Montserrat, West Indies. The denial was based on the provisions of section 101(b)(1) of the Immigration and Nationality Act which requires, *inter alia,* that a "child" must be an unmarried person under twenty-one years of age who is legitimate or legitimated.

The petitioner has acknowledged that he never married the beneficiary's natural mother. He contends, however, that he has acknowledged paternity since the beneficiary's birth and his name appears as her father on the birth certificate. In the beneficiary's birth certificate presented in conjunction with the visa petition, the petitioner is shown as the "father" and the child's status is shown as "illegitimate."

The Laws of Montserrat (Revised Edition 1962), Title XXXIII, Chapter 298 (July 4, 1929), section 3(1) of the Legitimacy Act provides that:

> Subject to the provisions of this section, where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, the marriage shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in the Colony, render that person, if living, legitimate from the commencement of this Act, or from the date of the marriage, whichever last happens.

Since there has been no valid marriage under the law of Montserrat, the beneficiary in this case does not qualify as a child within the meaning of section 101(b)(1) of the Immigration and Nationality Act.

The Board can find no error in the District Director's decision and the appeal will be dismissed.

ORDER: The appeal is dismissed.