



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FILE: 

Office: Boston

Date:

MAR - 7 2001

IN RE: Applicant:



APPLICATION:

Application for Replacement Naturalization/Citizenship Document under Section 338 of the Immigration and Nationality Act, 8 U.S.C. 1449

IN BEHALF OF APPLICANT: Self-represented

**PUBLIC COPY**

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

Identification data deleted to prevent clearly unwarranted invasion of personal privacy

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Acting Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Boston, Massachusetts, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained.

The applicant is a native of Cambodia and naturalized citizen of the United States. She seeks to obtain a new Certificate of Naturalization to replace the original one issued to her on October 25, 1990 for the reason that she has had her name changed in civil court.

The district director denied the application for failure of the applicant to provide within a reasonable period of time all documents deemed necessary to establish her eligibility for the certificate.

On appeal, the applicant submits a court order dated September 21, 1999 which reflects that her name has been changed from Tina Chay Ung to Puthina Chay Ung.

Section 343(c) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1454, provides, in part, that if the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General finds the name of the applicant to have been changed as claimed, the Attorney General shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

The statute relating to changing one's name and applying for a Certificate of Naturalization is quite clear and is not discretionary. The applicant had her name changed by a court of competent jurisdiction, and she applied for a new naturalization certificate which would reflect her new name. The statute clearly states that, following such a procedure, the Attorney General shall issue a new naturalization certificate.

The applicant has followed procedures set forth in the regulations, and no grounds for denial are present in the record. The appeal will be sustained. The district director's decision will be withdrawn and the application will be approved.

**ORDER:** The appeal is sustained and the application is approved.