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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 [Redacted] Office: Houston

Date: **AUG 20 2002**

IN RE: Applicant: [Redacted]

APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 343 of the Immigration and Nationality Act, 8 U.S.C. 1454

IN BEHALF OF APPLICANT: [Redacted]

**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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert D. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Houston, Texas, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be summarily dismissed.

The applicant is a native of Vietnam who seeks to have a Certificate of Naturalization replaced under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1454, alleging that his original one was stolen. The applicant alleges that he filed a Form N-400 and passed the test and was sworn in as a U.S. citizen in Houston, Texas.

The district director reviewed the applicant's record and determined there is no evidence that the applicant had ever become a naturalized U.S. citizen. The district director denied the application accordingly.

On the appeal submitted by the applicant, he merely states "Application for Copy Certificate of Citizenship (Form N-600)," and provides no additional evidence or information. It is noted that the applicant did submit a copy of his U.S. passport issued in November 1992 and valid for 10 years.

Section 343 of the Act, 8 U.S.C. 1454, provides the statutory authority regarding the replacement of a Certificate of Naturalization only if the original was lost, mutilated, or destroyed, or if the applicant's name is changed after naturalization by order of the court or by marriage. The regulations at 8 C.F.R. 343a.1, regarding the procedure and grounds for obtaining a replacement Certificate of Naturalization, are quite clear and are not discretionary.

8 C.F.R. 103.3(a)(1)(v) provides that an officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant has failed to satisfy the requirements of 8 C.F.R. 103.3(a)(1)(v); therefore, the appeal will be summarily dismissed.

This decision is without prejudice to the applicant obtaining more precise information regarding his alleged naturalization and the specific documentation he used to obtain his U.S. passport through a Freedom of Information Request filed with the Department of State and then submitting that coordinated information to the Service again for review.

**ORDER:** The appeal is summarily dismissed.