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U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536

**PUBLIC COPY**



FILE

Office: Portland (POO)

Date:

JUN 05 2003

IN RE: Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

**Identifying data deleted to prevent clearly unwarranted invasion of personal privacy.**

This is the decision in your case. All documents have been returned to the office that 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 that 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 Bureau of Citizenship and Immigration Services (Bureau) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Portland, Oregon, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native of Yemen who was admitted to the United States on February 1, 1979, as a lawful permanent resident. The applicant seeks a replacement Certificate of Citizenship under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454, because he alleges that his original certificate was lost, stolen or destroyed.

The district director reviewed the applicant's record and determined that applicant's request was not justifiable because Bureau records failed to show that he had ever been issued a Certificate of Naturalization/Citizenship. The district director denied the application accordingly.

On appeal, the applicant submits evidence that he was issued a U.S. passport in his original name, valid for 10 years, in March 1986, that he had his name changed in May 1996, and that he was issued a U.S. passport containing his new name, valid for 10 years, in May 1996.

Section 343 of the Act, 8 U.S.C. § 1454, provides the statutory authority regarding the replacement of naturalization and citizenship papers 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(a), regarding the procedure and grounds for obtaining a replacement of naturalization and citizenship papers, are quite clear and are not discretionary.

Bureau records fail to show that the applicant has ever been issued a Certificate of Naturalization/Citizenship. The record contains evidence that the applicant filed an Application to file Petition for Naturalization on February 22, 1984, but the application appears never to have been finalized.

Although the applicant has provided documentation to support his claim to U.S. citizenship, a request for a replacement Certificate of Naturalization/Citizenship on Form N-656 cannot be granted when there is no evidence that an initial Certificate of Naturalization/Citizenship has been issued. To obtain an initial Certificate of Citizenship, the applicant must file a Form N-600 application. Therefore, the appeal will be dismissed.

This decision is without prejudice to the applicant filing a Form N-600 Application for Certificate of Citizenship in accordance with regulations at 8 C.F.R. § 341.1.

**ORDER:** The appeal is dismissed.