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

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ES

[Redacted]

FILE: [Redacted] Office: NEW YORK, NEW YORK Date: APR 26 2005

IN RE: Applicant: [Redacted]

APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 338 of the Immigration and Nationality Act, 8 U.S.C. § 1149.

ON BEHALF OF APPLICANT:
[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, New York, New York. The matter is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action consistent with this decision.

The applicant is a native of Mexico and a naturalized citizen of the United States. He seeks to have his Certificate of Naturalization corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in his name from [REDACTED]

Counsel asserts on appeal that the applicant is entitled to the amendment of his naturalization certificate pursuant to provisions contained in 8 C.F.R. § 334.16. The record does not contain a copy of the district director's decision.

8 C.F.R. § 103.3 states in pertinent part:

(2)(iv) *Forwarding of appeal to AAU.* [I]f the reviewing official will not be taking favorable action or decides favorable action is not warranted, that official shall promptly forward the appeal and the related record of proceeding to the AAU [AAO] in Washington, DC.

The present record of proceeding does not contain a copy of the district director's decision. The AAO is thus unable to determine the basis for the district director's denial of the application. The AAO therefore will remand the present matter to the district director for preparation of a complete record of proceeding containing all materials related to this appeal. That record will be returned to the AAO so that a proper decision can be written.

ORDER: The matter is remanded for further action consistent with this decision.