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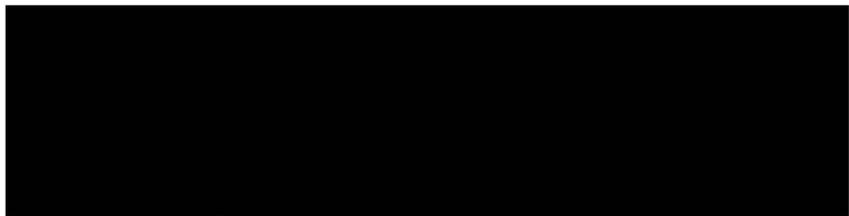
U.S. Department of Homeland Security
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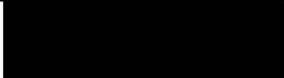
U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK, NY

Date: MAY 21 2008

IN RE:

Applicant:



APPLICATION: Application for Replacement Naturalization/Citizenship Document

ON BEHALF OF APPLICANT:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
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 appeal will be dismissed.

The applicant is a native of Greece, who obtained naturalization in the United States on February 13, 1987. The applicant renounced his U.S. citizenship at the U.S. Consulate in Athens, Greece, on July 28, 1993. He presently seeks a replacement Certificate of Naturalization.

The district director determined that a replacement Certificate of Naturalization could not be issued because the applicant had formally renounced his U.S. citizenship pursuant to section 349 of the Act, 8 U.S.C. § 1481. The application was denied accordingly.

On appeal, the applicant asserts that he was suffering from a psychiatric disorder and therefore did not have the required mental state to renounce his citizenship in 1993. *See* Statement by the Applicant on Form I-290B, Notice of Appeal to the AAO. In support of the appeal, the applicant submits a brief and evidence of his mental health condition.

Section 338 of the Act provides the statutory authority relating to the contents of a Certificate of Naturalization. The regulations regarding the execution and issuance of Certificates of Naturalization are contained in 8 C.F.R. § 338.5. Neither the statute nor the regulations provide USCIS with authority to issue a replacement Certificate of Naturalization when there has been a formal renunciation of citizenship under section 349 of the Act.¹ The U.S. State Department has exclusive jurisdiction over renunciation of U.S. citizenship under section 349(a)(5) of the Act, 8 U.S.C. § 1481(a)(5). Neither the statute nor the regulations provide USCIS with jurisdiction to review and/or reverse a finding of loss of nationality.²

A replacement Certificate of Naturalization cannot be issued in this case. The appeal must therefore be dismissed.

ORDER: The appeal is dismissed.

¹ The record in this case contains a duly executed and approved Certificate of Loss of Nationality, the applicant's executed Oath of Renunciation and Statement of Understanding, as well as the Consular Attestation.

² A determination of loss of nationality may be appealed to the Board of Appellate Review, Department of State, Washington, D.C. 20520, pursuant to regulations found at Part 7, Title 22 of the Code of Federal Regulations.