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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER
(LIN 09 124 50719 RELATES)

Date:

AUG 02 2010

IN RE: [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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank You,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

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

The applicant is a native of Latvia and a naturalized citizen of the United States. He seeks to have his Certificate of Naturalization replaced pursuant to Title 8, C.F.R., Part 343a.

The Director reviewed the applicant's record and determined that a replacement of his Certificate of Naturalization was not justified as a search of United States Citizenship and Immigration Services' (USCIS) records did not find evidence of his naturalization. *Decision of the Director*, at 2, dated September 2, 2009.

On appeal, the applicant asserts that he is a naturalized citizen and requests a new Certificate of Naturalization. *Applicant's Statement*, at 1-2, dated October 20, 2009. In support of this assertion, the applicant submits a statement dated October 14, 2009 from [REDACTED] Clerk of Court (signed by [REDACTED], United States District Court, Eastern District of Pennsylvania, that states the applicant was naturalized as a citizen of the United States on August 29, 1962 at the U.S. District Court, Philadelphia, Pennsylvania, via petition number 220699 and his certificate number is 8457083.

Title 8, C.F.R., Part 343a.1(a) states in pertinent part:

Lost, mutilated, or destroyed naturalization papers. A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936. . . has been lost, mutilated, or destroyed, shall apply on Form N-565 for a new paper in lieu thereof.

Title 8, C.F.R., Part 103.2(b)(1) states:

Demonstrating eligibility at time of filing. An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the application or petition. All required application or petition forms must be properly completed and filed with any initial evidence required by applicable regulations and/or the form's instructions. Any evidence submitted in connection with the application or petition is incorporated into and considered part of the relating application or petition.

The AAO notes that a search of USCIS records reflects that the applicant was naturalized as a citizen of the United States on August 29, 1962 at the U.S. District Court, Philadelphia, Pennsylvania, via petition number 220699 and his certificate number is 8457083. Accordingly, the appeal is remanded to the Director, Nebraska Service Center for further action in response to the applicant's request for a replacement of his Certificate of Naturalization.

ORDER: The appeal is remanded to the Director, Nebraska Service Center for further action consistent with this decision.