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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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JAN 26 2010

FILE: LIN 08 127 50907 Office: NEBRASKA SERVICE CENTER Date:

IN RE:



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:

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.

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 Germany 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. *Decision of the Director*, dated June 1, 2009.

On appeal, the applicant asserts that he is a naturalized citizen and his Certificate of Naturalization should be replaced. In support of this assertion, he submits a statement from [REDACTED] United States District Court, Macon, Georgia that states the applicant was naturalized as a citizen of the United States via petition number 1922 and certificate number [REDACTED]. *Statement from [REDACTED]* dated December 12, 2008.¹ The applicant also submits a copy of his confirmation of naturalization certificate provided by the United States District Court, Macon, Georgia.

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 the records for individuals who were naturalized between April 1, 1944 and April 1, 1956 are found in U.S. Citizenship and Immigration Services (USCIS) Master Index. A check of that database finds that the applicant was previously assigned [REDACTED] as his alien registration number, was naturalized on March 7, 1956, and that his consolidated C-File, [REDACTED] is archived at the Federal Records Center in Suitland, Maryland. The applicant's last name in the Master Index shows a typographic error, appearing as [REDACTED], rather than [REDACTED]. Accordingly,

¹ The AAO notes that the statement submitted on appeal is unsigned. However, the record includes a signed copy of the same statement with the court's seal that was previously submitted to the Director, Nebraska Service Center.

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.