

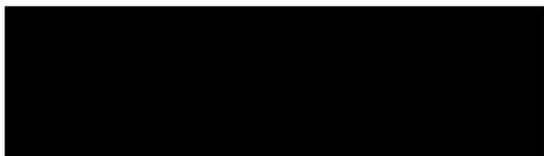
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: LIN 10 063 50562 Office: NEBRASKA SERVICE CENTER

Date: SEP 23 2010

IN RE: Applicant:



APPLICATION: Application for a Replacement Citizenship Document (Form N-565)

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

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 dismissed.

The applicant is a native of Canada who claims to have acquired U.S. citizenship through his parent at birth. The applicant seeks to obtain a new certificate of citizenship. He indicates in his Form N-565, Application for Replacement Naturalization or Citizenship Certificate, that his certificate was "lost over time."

The service center director denied the application finding that the applicant was never issued a certificate of citizenship. The director noted that if the applicant derived U.S. citizenship through a parent at birth, he must file a Form N-600, Application for Certificate of Citizenship, in order to obtain a certificate.

On appeal, the applicant submits evidence in support of his claim to U.S. citizenship. In relevant part, the applicant submits his birth certificate, an identity card issued by the American Foreign Service and a letter from a consular officer stating that he is an American citizen, evidence of his father's U.S. military service, social security records, and a letter from Ohio State University. The applicant does not, however, submit any evidence that he ever obtained a certificate of citizenship from U.S. Citizenship and Immigration Services (USCIS) or its predecessor the Immigration and Naturalization Service (INS).

A certificate of citizenship is issued pursuant to section 341 of the Act, 8 U.S.C. § 1452, and through the filing of a Form N-600, Application for Certificate of Citizenship. A Form N-565, Application for Replacement Naturalization or Citizenship Certificate, can be submitted pursuant to section 343 of the Act, 8 U.S.C. § 1454. The statute permits issuance of a replacement certificate of citizenship where the original certificate has been lost, mutilated or destroyed.

In this case, there is no indication that the applicant was ever issued a certificate of citizenship. The evidence of citizenship provided by the applicant may be properly submitted, along with any other supporting documentation, with a Form N-600, Application for Certificate of Citizenship. The identification card issued to the applicant in 1970 was issued by the American Foreign Service, not USCIS or legacy INS. Therefore, USCIS cannot issue a replacement of such identification card. The applicant's appeal of the denial of his application for a replacement certificate of citizenship must therefore be dismissed.

ORDER: The appeal is dismissed.