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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date:

DEC 11 2007

IN RE:

APPLICANT:



AKA:

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the application denied.

The applicant is a native of Germany. He seeks the replacement of a lost certificate of citizenship which he claims the Immigration and Naturalization Service (Service, now U.S. Citizenship and Immigration Services, CIS) issued to him on June 6, 1961.

The director determined that the applicant had failed to establish that he was at any time issued a certificate of citizenship. The applicant's Form N-565, Application for Replacement Naturalization/Citizenship Document under Section 338 of the Immigration and Nationality Act (N-565 Application) was denied accordingly.

The applicant indicates on appeal that he immigrated to the United States around 1949 with his parents and his twin brother. The applicant indicates that he and his twin brother, [REDACTED] became naturalized U.S. citizens on June 6, 1961. The applicant submits a copy of a replacement certificate of citizenship that his brother received on January 12, 1972. The applicant indicates that his brother was issued a replacement certificate of citizenship despite the fact that he was unable to present proof of his 1961 naturalization as a U.S. citizen. The applicant asserts that, like his brother, he is also entitled to a replacement certificate of citizenship in spite of the fact that he has no evidence of his 1961 naturalization as a U.S. citizen.

Section 343 of the Act, 8 U.S.C. § 1454 provides the statutory authority relating to the replacement of a lost certificate of naturalization. The specific regulations regarding the replacement of lost certificates of naturalization are contained in 8 C.F.R. § 343a.1(a) and provide in pertinent part that, "[a] person whose . . . certificate of naturalization . . . has been lost, mutilated, or destroyed, shall apply on Form N-565 for a new paper in lieu thereof."

The AAO has reviewed the record of proceedings. In the present matter, the record contains no evidence to indicate or establish that the applicant became a naturalized U.S. citizen in 1961, or that he was at any time issued a certificate of naturalization by the Service (CIS). The record also contains no evidence to demonstrate or establish that the applicant's parents became naturalized U.S. citizens, or that the applicant derived U.S. citizenship through his parents in 1961. The AAO notes that a CIS computer database search of all of the names used by the applicant, as set forth on page one, revealed no evidence or indication that the Service (CIS) at any time issued a certificate of citizenship or naturalization to the applicant. Moreover, the record contains a copy of a Certificate of Citizenship application filed by the applicant in 1982, indicating that it was considered abandoned due to the applicant's failure to appear for a related interview.

Upon review of the evidence, the AAO finds that the applicant failed to establish that he was previously issued a certificate of citizenship or naturalization, or that he had a certificate of citizenship or naturalization that was lost, mutilated or destroyed. The applicant is therefore not eligible for a replacement certificate under section 343 of the Act. Accordingly, the applicant's appeal will be dismissed and the application will be denied.

**ORDER:** The appeal is dismissed. The application is denied. <sup>1</sup>

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<sup>1</sup> It is noted that the present decision is without prejudice, and that if eligible, the applicant may file a Form N-400, Application for Naturalization to become a naturalized U.S. citizen.