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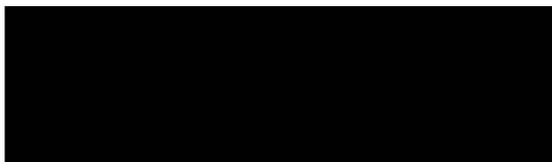
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: JAN 05 2010

IN RE: [REDACTED]

APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 338 of the Immigration and Nationality Act, 8 U.S.C. § 1449.

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. 103.5(a)(1)(i).

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 Germany and a naturalized citizen of the United States. He seeks a new Certificate of Naturalization under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454, due to losing his certificate while moving in 1990.

The director determined that the applicant had failed to submit the required passport-style photos upon request and therefore, had failed to establish eligibility for the requested benefit. *Decision of the Director*, at 2, dated July 24, 2009.

On appeal, the applicant states that he cannot submit the photographs and he is being prevented by the Colorado Department of Correction Administration from submitting them. *Form I-290B*, at 2, received August 24, 2009.

Title 8, Code of Federal Regulations, 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.

On appeal, the petitioner submits information to support the Form N-565, Application for Replacement Naturalization/Citizenship Document. While the AAO notes the applicant's submission of additional information, this evidence does not satisfy the documentary requirements set forth in the filing instructions for the Form N-565, which require applicants to provide passport-style photographs of themselves. *Instructions for the Form N-565, Application for Replacement Naturalization/Citizenship Document*, at 1.

The AAO notes that the regulation at 8 C.F.R. § 103.2(a) states in pertinent part:

Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.

The regulation at 8 C.F.R. § 103.2(b)(8)(ii) further states:

If all required initial evidence is not submitted with the application or petition or does not demonstrate eligibility, USCIS in its discretion may deny the application or petition for lack of initial evidence or for ineligibility

As the applicant has failed to provide all of the documentation required to support the filing of the Form N-565, the appeal will be dismissed as improperly filed. The denial of the application is without prejudice, however. The applicant may file a new Form N-565 in compliance with statutory and regulatory requirements.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.