

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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

E3



FILE: WAC06 065 51691 Office: CALIFORNIA SERVICE CENTER Date: **MAR 29 2007**

IN RE: Applicant:



APPLICATION: Application for Replacement Naturalization/Citizenship Document under Section 343 of the Immigration and Nationality Act, 8 U.S.C. § 1454.

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The Director's decision will be withdrawn and the matter remanded to the California Service Center for further consideration.

The applicant is a native of Germany who states that he is a naturalized citizen of the United States. He seeks to have his Certificate of Naturalization replaced under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454.

The Director denied the application based on his determination that the evidence of record clearly showed ineligibility under the applicable section of law associated with Form N-565, as Citizenship and Immigration Services (CIS) could not locate any evidence that the applicant was ever issued a certificate of naturalization or citizenship. *Decision of the Director*, dated September 19, 2006. The Director stated that the applicant might be eligible to file a Form N-600, Application for Certificate of Citizenship. *Id.* The application was denied accordingly.

On appeal, the applicant asserts that he is a derivative citizen based on the naturalization of both of his parents, and that he and his sister were included on their mother's petition. *Form I-290B*. He submits copies of his mother's naturalization certificate and her Form N-405, Petition for Naturalization listing the applicant as her son. The record also includes copies of the naturalization certificates for the applicant's father and sister, and several statements from the applicant showing his inquiries to various U.S. government agencies in an attempt to locate his naturalization/citizenship certificate. In a letter written to the Nebraska State Historical Society Archives, the applicant states that he became a U.S. citizen on May 27, 1958 and his naturalization certificate number was 768 1204 while his petition number was 357. *See Letter to NSHS Archives*, dated June 29, 2005. On July 19, 2005 the Nebraska State Historical Society responded to the applicant's inquiry, referring the applicant to a 1-800 telephone number for the CIS office in Lincoln, Nebraska and providing him with contact information for the courthouse in North Platte, Nebraska. *See Letter written by NSHS*, dated July 19, 2005. The applicant also visited his local CIS office in Cherry Hill, New Jersey which he stated was unsuccessful. *Letter written by the applicant*, dated August 1, 2006. On September 19, 2005 the applicant filed a Form N-565, Application for Replacement Naturalization/Citizenship Document. The AAO observes that on July 16, 1991 the applicant's sister wrote a letter to the Freedom of Information Act Officer of the Immigration and Naturalization Service (INS) in Omaha, Nebraska in an attempt to locate her naturalization certificate. *Letter from the applicant's sister*, dated July 16, 1991. She stated that the INS office in Omaha, Nebraska informed her that her family's records had been located. *Id.*

Based on the evidence of record, the AAO finds that the Director erred in concluding that the Form N-565 was incorrectly filed. The Director stated that the evidence of record clearly showed ineligibility under the applicable section of law associated with Form N-565, as CIS could not locate any evidence that the applicant was ever issued a certificate of naturalization or citizenship. *Decision of the Director*, dated September 19, 2006. The AAO does not find the record to support a finding of ineligibility under the section of law associated with the Form N-565. While the AAO notes that CIS completed a Manual Search/Historical File Request Sheet on behalf of the applicant, the record fails to indicate whether this Request Sheet was filed, and if so, the results of this search. The AAO also notes that the Request Sheet fails to include the applicant's naturalization date, certificate number, and file number.

Accordingly, the AAO withdraws the Director's decision and remands this case to the California Service Center for further processing to attempt to locate the naturalization certificate of the applicant. The Service Center should pay special attention to the information provided by the applicant, specifically that he became a U.S. citizen on May 27, 1958, his naturalization certificate number was 768 1204, and his petition number was 357.

ORDER: The Director's decision is withdrawn and the matter is remanded to the California Service Center for further processing.