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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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En

AUG 12 2009

FILE:

Office: NEBRASKA SERVICE CENTER

Date:

IN RE:

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.

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).

John F. Grissom

Acting 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 the Netherlands and a naturalized citizen of the United States. She seeks a Certificate of Naturalization under her married name. *Applicant's Form N-565, Application for Replacement Naturalization/Citizenship Document*, at 1, received January 12, 2009.

The Director reviewed the applicant's record and determined that the applicant had failed to establish that any Certificate of Citizenship or Certificate of Naturalization was ever previously issued to her and the application was denied accordingly. *Decision of the Director*, at 2, dated April 13, 2009.

On appeal, the applicant states that she is not applying for replacement citizenship papers, she was naturalized through her parents in 1963 and has never had her own papers, she needs her own papers in her married name so that she can get a new passport, her spouse is losing his eyesight, and she needs her passport in order to travel with her spouse. *Form I-290B*, at 2, received May 13, 2009.

Section 343 of the Act provides the statutory authority relating to Documents and Copies Issued by the Attorney General. It states in pertinent part that:

- (a) If any certificate of naturalization or citizenship issued to any citizen or any declaration of intention furnished to any declarant is lost, mutilated, or destroyed, the citizen or declarant may make application to the Attorney General for a new certificate or declaration...

The regulation at 8 C.F.R. § 343a.1 states in pertinent part that:

- (a) 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, as amended, or under section 317(b) of the Nationality Act of 1940, or under 324(c) of the Immigration and Nationality Act, or under the provisions of any private law, has been lost, mutilated, or destroyed, shall apply on the Form N-565 for a new paper in lieu thereof.

The record fails to establish that the applicant was previously issued a certificate of naturalization or citizenship and the applicant indicates that she has not previously been issued any documentation of her U.S. citizenship. As she is not applying for the replacement of a previously-issued certificate of naturalization or citizenship, the applicant has incorrectly filed the Form N-565 and the appeal will be dismissed. To obtain a certificate of citizenship based on her parents' naturalization, the applicant may file the Form N-600, Application for Certificate of Citizenship, with the appropriate supporting documentary evidence.

The regulation at 8 C.F.R. § 341.2(c) states that the burden of proof shall be on the applicant to establish the claimed citizenship by a preponderance of the evidence. As the applicant has filed the incorrect form, she has not met her burden in this proceeding.

ORDER: The appeal is dismissed.