



U.S. Citizenship
and Immigration
Services

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FILE:

Office: NEBRASKA SERVICE CENTER

Date: OCT 09 2009

IN RE:

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.

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 The decision of the Director will be withdrawn and the case will be remanded to the Director for issuance of a new decision.

The applicant is a native of Somalia and a naturalized citizen of the United States. She states she lost her Certificate of Citizenship and seeks to have it replaced.

The Director reviewed the applicant's record and determined that a replacement of her Certificate of Citizenship was not justified. In his decision, the Director noted that a thorough search of United States Citizenship and Immigration Services (USCIS) and former Immigration and Naturalization Service (INS) records had failed to show a record of the applicant's naturalization, derivation or acquisition of United States citizenship. The application was denied accordingly.

On appeal, the applicant asserts that she lost her Certificate of Citizenship and is seeking a replacement.

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.

Prior to addressing whether the applicant qualifies for a replacement of her Certificate of Citizenship, the AAO finds it necessary to address an error made by the Director. Following a review of the record, the AAO finds that the alien file considered by the Director in reaching his decision was not the applicant's. As the Director reviewed the wrong file in this matter, the AAO will withdraw the Director's decision and remand the case for the issuance of a new decision. If the new decision is adverse to the applicant, the matter shall be certified to the AAO for review.

ORDER: The AAO withdraws the Director's decision and remands the case for the issuance of a new decision. If the new decision is adverse to the applicant, the matter shall be certified to the AAO for review.