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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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**JAN 12 2010**

FILE:



Office: NEBRASKA SERVICE CENTER

Date:

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 appeal will be dismissed.

The applicant is a native of Switzerland and a naturalized citizen of the United States. She states that her Certificate of Naturalization was stolen and seeks to have it replaced.

The Director reviewed the applicant's record and determined that a replacement of her Certificate of Naturalization 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 her Certificate of Naturalization was stolen during a burglary of her home.

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.

Title 8, Code of Federal Regulations, Part 103.2(b)(1) states:

*Demonstrating eligibility at time of filing.* An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the application or petition. All required application or petition forms must be properly completed and filed with any initial evidence required by applicable regulations and/or the form's instructions. Any evidence submitted in connection with the application or petition is incorporated into and considered part of the relating application or petition.

The AAO notes that the record does not include a Form N-400, Application for Naturalization; a Form N-600, Application for a Certificate of Citizenship; or any other documentation showing that the applicant has previously been issued a Certificate of Naturalization/Citizenship. A search of USCIS records also fails to establish a record of naturalization/citizenship under the applicant's name.

As the applicant has not established that she was previously issued a Certificate of Naturalization/Citizenship, she cannot demonstrate eligibility for a replacement of that document. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.