

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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

PUBLIC COPY

E 3

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER

Date: SEP 10 2010

IN RE: [REDACTED]

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

ON BEHALF OF APPLICANT:

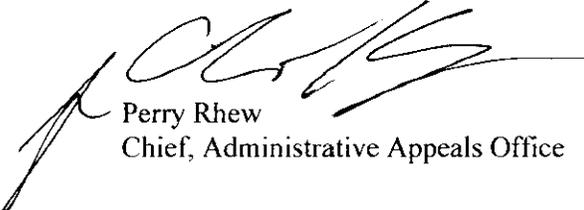
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of Poland who asserts that she is a naturalized citizen of the United States. She seeks to have a lost Certificate of Naturalization replaced under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454.

The director determined that the applicant failed to establish that she is a citizen of the United States or that any Certificate of Naturalization or Citizenship had been issued to her. The Form N-565 application was denied accordingly.

On appeal, the applicant contends through counsel that she was sworn in as a U.S. citizen with her father and sister on November 6, 1958. *See Affidavit of* [REDACTED], dated Jan. 5, 2010. In support of this assertion, she submits, among other things, a Brief on Appeal; an affidavit; copies of the Certificates of Naturalization for her parents, her younger sister's Certificate of Citizenship, educational records, a Chicago Voter Registration Form, and family photographs.

Section 343 of the Act, 8 U.S.C. § 1454, provides the statutory authority relating to the replacement of a lost certificate of naturalization. The regulations regarding the replacement of lost certificates of naturalization are contained in 8 C.F.R. § 343a.1(a) and provide in pertinent part that, "[a] person whose . . . certificate of naturalization . . . has been lost, mutilated, or destroyed, shall apply on Form N-565 for a new paper in lieu thereof."

The record reflects that the applicant and her family members were admitted to the United States on September 13, 1949, as Displaced Persons. *See Immigration Visa and Alien Registration Form*. The record also reflects that the applicant filed an Alien Registration Form with the former Immigration and Naturalization Service on April 2, 1953. *See Alien Registration Form*. The applicant's younger sister derived citizenship under former section 321(a)(1) of the Act, but the applicant had already turned 18 at the time of her parents' naturalization, and there is no record that she filed an N-400 on her own behalf. Because the record contains no evidence that the applicant ever applied for naturalization or obtained a Certificate of Naturalization or Citizenship, the applicant is not eligible for a replacement certificate under section 343 of the Act, and the appeal will be dismissed.

This decision is rendered without prejudice to the filing of a Form N-400, Application for Naturalization.

ORDER: The appeal is dismissed.