

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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

E3



Date: **AUG 22 2011**

Office: [Redacted]

FILE: [Redacted]

IN RE: Applicant: [Redacted]

APPLICATION: Application for Replacement Naturalization/Citizenship Certificate Document

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 \$630. 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, [REDACTED]. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of [REDACTED] who acquired U.S. citizenship at birth through her mother. The applicant's citizenship claim is supported by a Report of Birth Abroad issued by the U.S. Consulate in [REDACTED]. The applicant filed a Form N-565, Application for Replacement Naturalization/Citizenship Document, seeking replacement of her Report of Birth Abroad.

The director concluded that U.S. Citizenship and Immigration Services (USCIS) had no authority to issue a replacement document because USCIS records indicated that the applicant was never issued a Certificate of Citizenship. The application was denied accordingly.

On appeal, the applicant submits a copy of her Report of Birth Abroad and requests a replacement stating that her original document is worn and brittle. See Statement of the Applicant on Form I-290B, Notice of Appeal to the AAO.

Section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454, and the corresponding regulations at 8 C.F.R. § 343a provide, in relevant part, for the replacement of certificates of naturalization and citizenship when the original document has been lost, mutilated or destroyed; or when the citizen's name has been changed pursuant to a court order. A Report of Birth Abroad is issued by a U.S. consular officer abroad and falls within the jurisdiction of the U.S. Department of State, not USCIS. Neither section 343 of the Act nor the corresponding regulations provide any authority to replace a Report of Birth Abroad.

In this case, USCIS records indicate that the applicant was never issued a Certificate of Citizenship nor has the applicant submitted proof that such a certificate was issued to her. As discussed above, neither the Act nor the regulations provide authority for USCIS to replace a Report of Birth Abroad. The applicant's appeal must therefore be dismissed.

ORDER: The appeal is dismissed.