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

U.S. Citizenship and Immigration Services

Date: MAR 0 5 2014 Office: NEBRASKA SERVICE CENTER FILE:

IN RE:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director of the Nebraska Service Center (the director) denied the Application for Replacement Naturalization/Citizenship Document (Form N-565), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the Form N-565 will remain denied.

Pertinent Facts and Procedural History

The applicant states that he is a native of Guatemala who was adopted by a U.S. citizen and thereafter acquired U.S. citizenship. The applicant further states that his certificate of citizenship was destroyed in a fire, and seeks a replacement under section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454.

The director, upon finding no evidence that the applicant is a U.S. citizen, denied the Form N-565. On appeal, the applicant, through his father, states that he was born in 2001 and adopted in Guatemala in 2002. The applicant states that when he arrived in the United States on August 16th, "we surrendered the entire sealed packet of adoption information to [U.S. Citizenship and Immigration Services (USCIS)] at that time." (Emphasis in original). The applicant includes with his appellate filing a copy of his adoption order from Guatemala with an English translation.

Applicable Law

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 a certificate of citizenship when the original document has been lost, mutilated or destroyed.

Analysis

Both the director and the AAO have conducted thorough searches of USCIS records, and both parties are unable to locate the applicant's administrative record regarding his adoption or any other immigration matter, including the issuance of a certificate of citizenship in the past. The applicant's submission of an adoption order from Guatemala is insufficient for USCIS to produce a replacement certificate of citizenship based upon his filing of a Form N-565, as the applicant has presented no evidence and USCIS records fail to verify that he is a U.S. citizen.

Conclusion

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. *See* Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.