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

(b)(6)

[redacted]

Date: MAR 2 4 2014 Office: NEBRASKA SERVICE CENTER [redacted]

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:

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.

Pertinent Facts and Procedural History

The applicant is a native of Aruba. He claims to have lost his certificate of citizenship and seeks a replacement pursuant to 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454.

The director reviewed the applicant's record and determined that he failed to submit proof that he had been issued a citizenship certificate. Accordingly, the director denied the application. On appeal, the applicant states that he has obtained documentation to establish that he is a U.S. citizen. *See* Applicant's Letter in Support of Appeal.

Applicable Law

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 . . . citizenship has been lost, mutilated, or destroyed, must apply on the form designated by [U.S. Citizenship and Immigration Services (USCIS)] with the fee . . . and in accordance with the form instructions."

Analysis

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The applicant states that he was issued a certificate of citizenship by the USCIS office in Toronto on February 24, 1994. *See* Part 3 of Applicant's Form N-565, Application for Replacement Naturalization/Citizenship Certificate. A review of the applicant's record, however, does not demonstrate that the applicant was issued a certificate. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

Because the record contains no evidence that the applicant was issued a certificate of citizenship, the applicant is not eligible for a replacement certificate under section 343 of the Act, and the appeal will be dismissed.

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. The application remains denied.