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**U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. A3042  
Washington, DC 20529**



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

**PUBLIC COPY**

*[Handwritten signature]*

FILE:

Office: JACKSONVILLE, FLORIDA

Date: **FEB 17 2005**

IN RE:

Applicant:



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.

*[Signature of Robert P. Wiemann]*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Officer in Charge, Jacksonville, Florida. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of China (Taiwan). Pursuant to section 343 of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1454, the applicant seeks the replacement of a lost certificate of naturalization which she claims the Immigration and Naturalization Service (Service, now U.S. Citizenship and Immigration Services, CIS) issued to her in 1982, under the name [REDACTED]

The officer in charge reviewed the applicant's written and CIS computer database records, but found no evidence of the applicant's U.S. citizenship or lawful permanent residence in the United States. The application was denied accordingly.

The applicant asserts that U.S. passport information submitted on appeal establishes that the Service (CIS) issued her a Certificate of Naturalization on May 19, 1982.

Section 343 of the Act provides the statutory authority relating to the replacement of a lost Certificate of Naturalization. The specific regulations regarding the replacement of lost Certificates of Naturalization are contained in 8 C.F.R. § 343a.1, and provide, in part, that:

- (a) Lost, mutilated, or destroyed naturalization papers. A person whose . . . certificate of naturalization, citizenship . . . has been lost, mutilated, or destroyed, shall apply on Form N - 565 for a new paper in lieu thereof.

The applicant submitted two April 2004, letters from the United States Department of State (DOS) stating that she obtained a U.S. passport under the name [REDACTED] on September 10, 1990, and that DOS records verify that the applicant presented a Certificate of Naturalization [REDACTED] issued on May 19, 1982 in Tallahassee, Florida, as evidence of her U.S. citizenship.

The AAO finds that the DOS letters, in and of themselves, do not establish that the applicant was issued a certificate of naturalization by the Service (CIS) or that she became a naturalized citizen. The AAO notes that it conducted a thorough review of the present record, as well as a CIS computer database search of all of the names used by the applicant (as set forth on page one). The AAO did find a CIS computer database record reflecting that [REDACTED], born July 23, 1961, in China (Taiwan) entered the U.S. on August 9, 1969, as a lawful permanent resident under alien file number [REDACTED]. However, neither the present record, nor the CIS computer database search results contained any indication that the applicant was naturalized as [REDACTED] or that she was accorded U.S. citizenship by the Service (CIS). The AAO notes that it also attempted to locate naturalization information for the applicant under her mother's name ([REDACTED] and [REDACTED]) but that an AAO computer search found no records under any of the names provided.

Based on the above lack of evidence regarding the applicant's naturalization, the AAO finds that the applicant has failed to establish that she became a naturalized U.S. citizen, or that she was issued a Certificate of Naturalization by the Service. Her appeal will therefore be dismissed without prejudice.<sup>1</sup>

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<sup>1</sup> The AAO notes the Board of Immigration Appeals (Board) decision, *Matter of Villanueva*, 19 I&N Dec. 101 (BIA 1984), held that a U.S. passport is conclusive proof of U.S. citizenship, and that "unless void on its face,

**ORDER:** The appeal is dismissed.

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a valid United States passport issued to an individual as a citizen of the United States is not subject to collateral attack in administrative immigration proceedings.” Based on the U.S. passport information submitted by the applicant, it appears she possesses a valid U.S. passport, and that she would be entitled to the issuance of a new certificate of naturalization upon filing a new naturalization application.