



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

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 20915727

Date: MAR. 28, 2022

Appeal of Nebraska Service Center Decision

Form N-565, Application to Replace a Certificate of Citizenship or Naturalization

The Applicant, who was born in Mexico, seeks a new Certificate of Naturalization under section 343(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454(a), indicating that his original certificate was lost, stolen, or destroyed.

The Director of the Nebraska Service Center denied the Form I-565, Application for Replacement Naturalization/Citizenship Document (Form N-565), concluding that the Applicant was ineligible for a new Certificate of Naturalization because a search of U.S. Citizenship and Immigration Services (USCIS) and former U.S. Immigration and Naturalization Services (INS) records did not reveal that he was a naturalized U.S. citizen, or that he acquired or derived U.S. citizenship.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 103.2(b)(1); *Matter of Chawathe*, 29 I&N Dec. 369, 375 (AAO 2010). The Administrative Appeals Office reviews the questions in this matter *de novo*. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal because the Applicant has not met this burden.

Applicants may submit a Form N-565 to USCIS to request, in pertinent part, a replacement of their original Certificate of Naturalization. Section 343(a) of the Act, 8 U.S.C. § 1454(a) ("If any certificate of naturalization . . . issued to any citizen . . . is lost, mutilated, or destroyed, the citizen or declarant may make application . . . for a new certificate"); 8 C.F.R. § 343a.1(a) ("A person whose . . . certificate of naturalization . . . has been lost, mutilated, or destroyed, must apply on the form designated by USCIS . . . and in accordance with the form instructions").

In a statement submitted with the instant Form N-565, the Applicant indicated that he was issued a Certificate of Naturalization by INS "more or less like in the 80's," in [redacted] Texas, or [redacted] Texas, but that he misplaced the certificate when he moved in with his daughter two years ago. Because the Applicant did not provide any documents in support of these statements, the Director issued a request for evidence (RFE) him to submit a copy of the original certificate or, if that was not possible, other evidence to show that he was previously issued such a certificate including: a statement about the date, location, and circumstances he became a U.S. citizen; his alien registration number; a clear photocopy of his U.S. passport; his birth certificate; and all names and aliases he had

used from the time he immigrated to the United States. In his response to the RFE, the Applicant submitted a copy of his Mexican birth certificate with an English translation, a copy of his Texas driver's license, and a copy of his U.S. passport card. The Applicant did not, however, submit any evidence that he was issued an initial Certificate of Naturalization. The Director denied the application, concluding that this evidence was insufficient to meet his burden and highlighting that a search of USCIS and INS records did not reveal that he was a naturalized U.S. citizen, or that he acquired or derived U.S. citizenship.

On appeal, the Applicant now asserts that became a citizen in 1997 in [redacted] Texas, and that "[he] does not know where to get evidence so [he] wish[es] to get or schedule an appointment for [his] biometrics." We acknowledge the Applicant's claims that he is a U.S. citizen and that he misplaced his Certificate of Naturalization two years ago. We further acknowledge his submission of his U.S. passport card. However, to be eligible for a new Certificate of Naturalization in these proceedings, the Applicant must establish that either INS or USCIS issued him such a certificate in the past. The Applicant does not submit such evidence and, as the Director explained in the denial of the instant Form N-565, a search of INS and USCIS records based on the information the Applicant provided does not show a record indicating that the Applicant naturalized as a U.S. citizen, or that he was previously issued a Certificate of Citizenship as evidence that he acquired or derived U.S. citizenship. Consequently, the Applicant has not established eligibility for a new certificate, and his Form N-565 remains denied.

ORDER: The appeal is dismissed.