



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

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

In Re: 25751579

Date: APR. 11, 2023

Appeal of Nebraska Service Center Decision

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

The Applicant seeks a replacement Certificate of Naturalization as he claims his original was lost. *See* section 343(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1454(a); 8 C.F.R. § 343a.1. An individual may apply for a replacement document if they can show that a Certificate of Naturalization was issued to them previously, and that it was lost, mutilated, or destroyed. *Id.*

The Director of the Nebraska Service Center (Director) denied the Form N-565, Application for Replacement Naturalization/Citizenship Document (Form N-565), concluding that a thorough search of U.S. Citizenship and Immigration Services (USCIS) and former Immigration and Naturalization Services (INS) records did not show a record of the Applicant's naturalization, derivation, or acquisition of U.S. citizenship or that he was ever issued an initial Certificate of Naturalization or Certificate of Citizenship. The matter is now before us on appeal. 8 C.F.R. § 103.3.

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). We review 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.

The Applicant, a native of Mexico, is seeking a replacement Certificate of Naturalization because he contends his original certificate was lost. Any citizen who was issued a Certificate of Naturalization and whose certificate is lost, mutilated, or destroyed, may file an application to request a replacement Certificate of Naturalization with USCIS and if found that the certificate was lost, mutilated, or destroyed, USCIS shall issue to the applicant a new certificate. Section 343(a) of the Act; 8 C.F.R. § 343a.1(a).

On the Form N-565, the Applicant stated that he became a naturalized U.S. citizen when he was four years old, in 1991, but does not have the document evidencing his naturalization in his possession. The Applicant provided a copy of his expired U.S. passport issued in 1992, his social security card, and his California driver's license in support of the application. Because the evidence the Applicant provided did not establish that he was previously issued a Certificate of Naturalization or Citizenship, the Director issued a request for evidence (RFE) asking him to submit documentary evidence that he was previously issued either a Certificate of Naturalization or Certificate of Citizenship, such as a copy of the certificate itself, or

if that was not possible, other evidence to show that he was previously issued such a certificate including: the date, location, and circumstances under which he became a U.S. citizen; a certified copy of his naturalization record from the National Archives; 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 mother's Certificate of Naturalization, his expired U.S. passport issued in 1997, his California driver's license, his current U.S. passport card issued in 2015, and his Mexican birth certificate with an English translation. The Director denied the Form N-565, concluding that the Applicant did not submit any evidence to establish that he had ever been issued an initial Certificate of Naturalization or Citizenship by former INS or USCIS and a search of former INS and USCIS records did not reveal that he was a naturalized U.S. citizen, or that he derived or acquired U.S. citizenship.

On appeal, the Applicant asserts that his mother became a U.S. citizen in 1983 and waited about 10 years to "derive her [U.S.] citizenship" to him, and upon approval by the U.S. consulate, his mother filed for his U.S. passport, of which he provided a copy. The Applicant contends that the only evidence he has of his U.S. citizenship is his U.S. passport.

We acknowledge the Applicant's claims that he is a U.S. citizen and that he misplaced his Certificate of Naturalization. We further acknowledge his submission of his expired U.S. passports and current U.S. passport card. However, to be eligible for a replacement Certificate of Naturalization in these proceedings, the Applicant must establish that he is a naturalized U.S. citizen and either former INS or USCIS had previously issued him a Certificate of Naturalization that has since been lost, mutilated, or destroyed.

However, as the Director explained in the denial of the Form N-565, a search of former INS and USCIS records, based on the limited information the Applicant provided, does not show that the Applicant naturalized as a U.S. citizen. They also do not show that former INS or USCIS previously issued him a Certificate of Citizenship after determining that he derived or acquired U.S. citizenship through his U.S. citizen mother, as he now claims on appeal. On appeal, the Applicant does not submit any new evidence establishing that he is a naturalized U.S. citizen or that former INS or USCIS had previously issued him a Certificate of Citizenship. Consequently, the Applicant has not established eligibility for a replacement certificate, and his Form N-565 remains denied.

ORDER: The appeal is dismissed.