



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

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

In Re: 24571083

Date: FEB. 14, 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 Citizenship as she claims her 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. § 340a.1. An individual may apply for a replacement document if they can show that a Certificate of Citizenship was issued to them previously, and that it was lost, mutilated, or destroyed. *Id.*

The Director of the Nebraska Service Center 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 that the Applicant was ever issued an initial Certificate of Citizenship.

The matter is now before us on appeal. On appeal, the Applicant submits a statement and additional evidence of her family's immigration history. 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 remand the matter to the Director for the issuance of a new decision.

The Applicant, a native of Mexico, is seeking a replacement Certificate of Citizenship because she contends her original Certificate was lost. Any citizen who was issued a Certificate of Citizenship and whose Certificate is lost, mutilated, or destroyed, may file an application to request a replacement Certificate of Citizenship 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).

In denying the Form N-565, the Director concluded that while USCIS and former INS records show that the Applicant was granted lawful permanent resident (LPR) status in July 1978, they contained no evidence of an application for or the issuance of a Certificate of Citizenship for the Applicant. However, the Applicant asserts that she derived U.S. citizenship from her mother in May 1983, when she was a minor, and was issued a Certificate of Citizenship at that time, which has now been lost. On appeal, the Applicant provides her Certificate number, application number, alien registration number,

and the May 1983 date she claims her Certificate was issued. She also submits the same information for her three brothers' Certificates of Citizenship (also issued in May 1983) and her mother's Certificate of Naturalization, along with photocopies of one brother's Certificate of Citizenship, her mother's Certificate of Naturalization, and the Form N-414a Index Card issued in connection with her mother's filing of the Applicant's Certificate of Citizenship.

Upon review, the physical administrative record includes a duplicate of the Certificate of Citizenship, issued in May 1983, for the Applicant, containing her biographic information and photograph, and matching all of the information she provides on appeal. It also includes her Form N-607, Application for a Certificate of Citizenship, filed on her behalf by her mother in March 1983.

Based on the above, the Applicant has overcome the Director's sole ground for denial of her application for a replacement Certificate. Accordingly, we will remand the matter to the Director for adjudication of her application.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.