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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

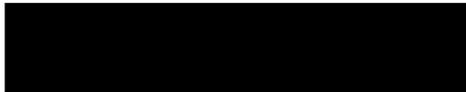
[Redacted]
SRC0905251056

Office:



Date: JUL 07 2010

IN RE:



APPLICATION:

Application for Replacement Naturalization Document under Section 338 of the
Immigration and Nationality Act, 8 U.S.C. § 1449.

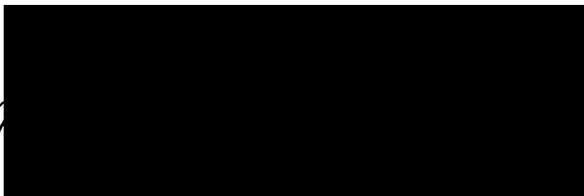
ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,



DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The applicant is a native of the Dominican Republic and a naturalized citizen of the United States. She seeks to have her Certificate of Naturalization corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to change her name from Michelle Houellmont to Houellemont.

The director reviewed the applicant's record and determined that a correction to her Certificate of Naturalization was not justified. The application was denied accordingly. On appeal, the applicant states that her name has been recorded in error. In support of this contention, she submits a letter, a copy of her birth certificate, and copies of her Social Security card and Florida Driver License.

Section 338 of the Act provides the statutory authority relating to the contents of a Certificate of Naturalization. In addition, the regulations regarding the execution and issuance of Certificates of Naturalization are contained in 8 C.F.R. § 338.5, and provide, in part, that:

- (a) Whenever a Certificate of Naturalization has been delivered which does not conform to the facts shown on the application for naturalization, or a clerical error was made in preparing the certificate, an application for issuance of a corrected certificate, Form N-565, without fee, may be filed by the naturalized person.

....

- (e) The correction will not be deemed to be justified where the naturalized person later alleges that the name or date of birth which the applicant stated to be his or her correct name or date of birth at the time of naturalization was not in fact his or her name or date of birth at the time of the naturalization.

Here, the applicant has established that the name on her Certificate of Naturalization does not conform to the name stated on her Application for Naturalization (Form N-400). Specifically, the applicant stated on her Form N-400 that her name is [REDACTED]. Additionally, the AAO observes that the record contains other documents with the correct spelling of her name, including: a birth certificate; a Social Security card; a Florida Driver License; the applicant's Alien Registration Receipt Card (Form I-551); a Memorandum of Creation of Record of Lawful Permanent Residence (Form I-181); an Application to Register Permanent Resident or Adjust Status (Form I-485); a Receipt Notice (Form I-797C); an Arrival - Departure Record (Form I-94); a Petition for Alien Relative (Form I-130); a Medical Examination (Form I-693); and a Biographic Information Form (Form G-325A).

The AAO acknowledges that the record includes a copy of the applicant's birth certificate, issued on August 19, 1992, which spells her name [REDACTED]. However, the record contains no other documentation with the incorrect spelling of her name.

Because the evidence in the record indicates that the name on the applicant's Certificate of Naturalization does not conform to the name stated on her Application for Naturalization, the AAO finds that a correction is justified. *See* 8 C.F.R. § 338.5. Accordingly, the appeal will be sustained and this matter will be returned to the director for the issuance of a corrected Certificate of Naturalization.

ORDER: The appeal is sustained. The matter is returned to the Texas Service Center for issuance of a corrected Certificate of Naturalization.