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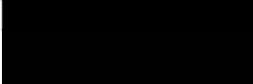
U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: DEC 27 2006

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of Jamaica, British West Indies. He seeks to have a Certificate of Naturalization issued as an acquired citizen pursuant to section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. The applicant filed a Form N-565, requesting a new Certificate of Naturalization.

The Director reviewed the applicant's record and determined that his request was not justifiable, as the applicant needed to file a Form N-600, Application for Citizenship. The application was denied accordingly.

On appeal, the applicant submits a letter from a legal assistant indicating that he qualifies for citizenship under section 320 of the Act, as both of his parents are U.S. citizens through naturalization, he was under 18 at the time they naturalized, and he was in their legal and physical custody. The AAO will not discuss his eligibility for a certificate of citizenship as that is not the issue before the AAO. The AAO finds that the applicant was in error when he submitted a Form N-565, Application for Replacement Naturalization/Citizenship Document.

Section 338 of the Act provides the statutory authority relating to the contents of a Certificate of Naturalization. In addition, the specific 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 own name or date of birth at the time of naturalization.

Based on the evidence contained in the record, the applicant has not established that he ever received a Certificate of Naturalization. The AAO concurs with the Director in that the applicant needs to file a Form N-600, Application for Certification of Citizenship.

Based on the reasoning set forth above, the appeal will be dismissed without prejudice.

**ORDER:** The appeal is dismissed.