U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: LOS ANGELES, CA Date: SEP 15 2004

IN RE: Applicant: [redacted]

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, Director
Administrative Appeals Office

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The Application was denied by the District Director, Los Angeles, California. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed and the previous decisions of the District Director and the AAO will be affirmed.

The applicant is a native of Vietnam and naturalized citizen of the United States. She seeks to have her original Certificate of Naturalization, which was issued to her on December 10, 1986, corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in her date of birth from June 29, 1956, to December 24, 1965.

The district director reviewed the applicant's record and determined that the applicant's request was not justifiable pursuant to regulations set forth in 8 C.F.R. § 338.5. The application was denied accordingly. The AAO affirmed the district director's decision on appeal based on a finding that the information contained on the applicant's Certificate of Naturalization conformed to the facts as set forth on her application for that document, and a finding that the applicant had failed to demonstrate that she had obtained a court order specifically ordering the amendment of her Certificate of Naturalization, as required by 8 C.F.R. § 334.16.

In the present motion to reconsider, the applicant reasserts that she obtained a court order recognizing her date of birth as December 24, 1965, and that she believes that the district director erred in not granting her request to change her date of birth on her Certificate of Naturalization. The motion contains no pertinent precedent legal decisions to establish that her decision was based on an incorrect application of law or Service policy.

8 C.F.R. § 103.5(a) states in pertinent part:

> (3) Requirements for motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.
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> (4) Processing motions in proceedings before the Service. A motion that does not meet applicable requirements shall be dismissed

Because the applicant failed to establish any erroneous conclusion of law, her motion to reconsider will be dismissed.

ORDER: The motion is dismissed.